

- SUBJECT:** Creating an offense for driving around a barricade
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hamric, West
0 nays
2 absent — Flores, Hill
- WITNESSES:** For — Bobby Gutierrez, Williamson County Constable; James R. Wilson, Williamson County Sheriff's Office; Chris Connealy
Against — None
- BACKGROUND:** Transportation Code, Sec. 472.022 creates an offense for disobeying the instructions, signals, warnings, or markings of a warning sign. Exceptions to this rule are granted to people following the orders of a police officer and state employees who are performing their job responsibilities. Each violation is considered a separate offense. The offense is punishable by a maximum fine of \$200, unless the offense is committed in a construction zone while workers are present, in which instance a fine would be doubled.
- DIGEST:** HB 1481 would create an offense for driving around a barricade, punishable by a maximum fine of \$200. The bill would expand the definitions of "barricade" and "warning sign" to include markers placed on roads during dangerous conditions in addition to during construction or repair of a road.
- If the offense were committed where a warning sign or barricade had been placed due to water on the road, it would be considered a Class B misdemeanor with a maximum punishment of up to 180 days in county jail and/or a fine of up to \$2,000. Also, a judge would be able to order restitution for the state's costs for rescuing a person who disobeyed a barricade.
- The bill would take effect on September 1, 2005, and would only apply to offenses committed on or after that date.

**SUPPORTERS
SAY:**

According to the National Weather Service, nearly half of all flood-related deaths occur in vehicles. More Texans have died in floods than in any other severe weather event. Most of these deaths could have been prevented if motorists would obey barricades to prevent driving into flooded, low-water crossings. HB 1481 would help save lives by making it illegal to cross over flood barricades.

HB 1481 would promote traffic safety by creating an offense for driving around a barricade. Motorists who try to cross flooded, low-water crossings are putting themselves, occupants of their vehicles and emergency rescue personnel at deadly risk. The bill would deter people from committing the offense and allow a judge to order restitution for the expenditure of taxpayer money in the summoning of rescue personnel to the scene.

Most vehicles will become buoyant in just two feet of water or even far less, depending on the weight of the vehicle. An increase of an inch of rising water can sweep a car downstream. Further, drivers of sport utility vehicles often have a false sense of security in that they erroneously believe that these warnings can be ignored because their vehicles are designed to drive on off-road terrain.

People who require rescue because of their failure to obey these warnings cost taxpayer dollars, which must be expended every time rescue personnel are called to a scene. These emergency calls, albeit totally preventable, stretch thin the already limited 911 resources and thus adversely impact the rescue personnel's ability to respond to other emergencies, such as heart attacks.

**OPPONENTS
SAY:**

No apparent opposition.