

**SUBJECT:** Authorizing municipalities to lower the prima facie speed limit

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 11 ayes — Canales, Raney, Davis, Gámez, Caroline Harris, Lozano, Lujan, Ordaz, Patterson, Perez, Romero

0 nays

2 absent — Ashby, Landgraf

**WITNESSES:** For — Anne O’Ryan, AAA Texas; Kathy Sokolic, Central Texas Families for Safe Streets; Jay Crossley, Farm&City (*Registered, but did not testify*: Carissa Cox, American Planning Association - Texas Chapter; Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Guadalupe Cuellar, City of El Paso; TJ Patterson, City of Fort Worth; Nadia Islam, City of San Antonio; David Crossley, Houston Tomorrow; Bill Kelly, Mayor’s Office, City of Houston; Adrian Shelley, Public Citizen; Heyden Walker, Safe Streets Austin; Molly Cook, Stop TxDOT I-45; Monty Wynn, Texas Municipal League; Jason Sabo, Texas Public Interest Research Group; Kenneth Flippin, U.S. Green Building Council Texas Chapter; Lance Hamm, Vision Zero South Texas; Daniel Kavelman, Vision Zero Texas; Jody Blazek; Felicity Maxwell; Jennifer Szimanski)

Against — Terri Hall, Texas TURF, Texans for Toll-free Highways, Grassroots America-We the People; Fran Rhodes, True Texas Project; Rachel Hale, TX Eagle Forum; Don Dixon (*Registered, but did not testify*: Christina Drewry, Texas Freedom Coalition; Chris Drewry; Jack Finger; Tom Glass; Calvin Tillman)

On — (*Registered, but did not testify*: Thomas Parkinson)

**BACKGROUND:** Transportation Code sec. 545.356(b-1) authorizes the governing body of a municipality to lower the speed limit for a road in the municipality that is not an officially designated or marked highway or road of the state highway system to a speed of no less than 25 miles per hour if the body

determines that the prima facie speed limit on the road is unreasonable or unsafe.

**DIGEST:** CSHB 2224 would revise Transportation Code sec. 545.356(b-1) to lower from 25 to 20 miles per hour the minimum speed limit a municipality could establish for roads that were not part of the state highway system.

If the street was located in a residence district, the municipality would not be required to perform an engineering or traffic investigation in order to lower the speed limit.

The bill would take effect September 1, 2023.

**SUPPORTERS SAY:** CSHB 2224 would help to reduce traffic crashes and fatalities and improve safety on neighborhood streets by allowing cities to set a lower speed limit than is currently allowed for roads that are not part of the state highway system. Speed-related crashes in Texas have caused hundreds of deaths and thousands of serious injuries. Lowering speed limits has been shown to significantly improve chances of survival for pedestrians struck by vehicles. CSHB 2224 would align municipal authority involving speed limits with counties' current ability to enforce a speed limit of as low as 20 miles per hour in unincorporated areas.

The Transportation Code provides a clear statutory definition of residence districts, and while statute refers to all roads as 'highways,' CSHB 2224 is aimed at making neighborhood streets more safe for children and other pedestrians who live on them. Cities should be able to accomplish this goal by lowering speed limits without conducting burdensome studies for each separate street in a residential area. The bill is permissive and ensures local control by leaving the choice to lower speed limits up to elected city officials.

**CRITICS SAY:** CSHB 2224 could give cities too much latitude to arbitrarily lower speed limits on certain streets. Because the bill does not clearly define what counts as a 'residence district,' traffic on highways with minimal residential development could be needlessly slowed. Since lowering speed

limits for these roads would not require an engineering study or traffic investigation, a city's determination that a prima facie speed limit was unsafe could be based on opinion rather than substantial evidence.