

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2859
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a death results from an automobile accident involving alcohol, family members often place homemade memorials at the scene. They understandably have a personal connection with such a memorial. However, concerns have been raised that these memorials may present a safety hazard.

C.S.H.B. 2859 authorizes the Texas Transportation Commission to establish a memorial sign program so that family members can have the Texas Department of Transportation (TxDOT) place such memorials in places where they do not pose a safety hazard to others. The bill provides that TxDOT is not authorized to remove privately funded memorials, provided that such memorials conform to state law and TxDOT rules.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 201.909, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter K, Chapter 201, Transportation Code, by adding Section 201.909, as follows:

Sec. 201.909. MEMORIAL SIGN PROGRAM. (a) Defines "victim."

- (b) Requires the Texas Transportation Commission (commission) by rule to establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accidents.
- (c) Sets forth specific items to be included on a sign designed and posted under this section.
- (d) Sets forth the method by which a person may request a sign to be posted under this section.
- (e) Requires the Texas Department of Transportation (TxDOT) to erect such a sign if a person's application meets TxDOT's requirements and the person pays the memorial sign fee. Authorizes such a sign to remain posted for one year. Authorizes TxDOT to release the sign to the applicant at the end of the one-year period. Provides that TxDOT is not required to release a sign that has been damaged.
- (f) Requires a sign posted under this section that is damaged to be removed by TxDOT. Authorizes TxDOT, except as provided by Subsection (g), to post a new sign if it has been less than one year from the posting of the original sign and a person submits a written request to TxDOT to replace the sign and submits a replacement fee in the amount provided under Subsection (d)(2).
- (g) Requires TxDOT to replace a sign posted under this section that is damaged because of TxDOT's negligence during the one-year posting period.

(h) Requires the commission to adopt rules to implement this section.

(i) Provides that this section does not authorize TxDOT to remove an existing privately funded memorial that conforms to state law and TxDOT rules. Authorizes such a memorial to remain indefinitely as long as it conforms to such laws and rules.

SECTION 2. Effective date: upon passage or September 1, 2007.