

BILL ANALYSIS

Senate Research Center

H.B. 1353
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the National Conference of State Legislatures, Texas is the only state with different day and night speed limits on rural and urban interstates. Currently, lawful speed limits are 60 or 70 miles per hour in daytime or 55 or 65 miles per hour in nighttime. Texas is also one of a few states that has mandated a different, lesser speed limit for trucks along rural and urban interstates. Currently, heavy trucks and trailers are required to reduce speeds to 60 miles per hour in daytime and 55 miles per hour in nighttime outside an urban district.

Speed limits should be set to the safest maximum speed under normal road conditions. Difference in vehicle speeds can contribute to accidents. H.B. 1353 seeks to minimize the number of accidents that can occur when cars and trucks change lanes or pass or tailgate slower-moving vehicles.

H.B. 1353 amends Chapter 545 (Operation and Movement of Vehicles), Transportation Code, by establishing the same speed limit for daytime and nighttime and raising the speed limit to 75 miles per hour on state highways or United States highways outside an urban district. It also removes the different, lesser speed limit for heavy trucks.

H.B. 1353 amends current law relating to speed limits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 545.352(b), Transportation Code, as amended by Chapters 663 (H.B. 385), 739 (H.B. 1075), and 1346 (H.B. 676), Acts of the 76th Legislature, Regular Session, 1999, and amends it as follows:

(b) Provides that unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b) (relating to the lawful speed of a vehicle), the following speeds are lawful:

(1) 30 miles per hour (MPH) in an urban district on a street other than an alley and 15 MPH in an alley;

(2) except as provided by Subdivision (4), 70 MPH, rather than 70 MPH in daytime and 65 MPH in nighttime if the vehicle is a passenger car, motorcycle, passenger car or light truck towing a trailer bearing a vessel, as defined by Section 31.003 (Definitions), Parks and Wildlife Code, that is less than 26 feet in length, passenger car or light truck towing a trailer or semitrailer used primarily to transport a motorcycle, or passenger car or light truck towing a trailer or semitrailer designed and used primarily to transport dogs or livestock, on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(3) except as provided by Subdivision (4), 60 MPH, rather than 60 MPH in daytime and 55 MPH in nighttime if the vehicle is a passenger car or motorcycle, on a highway that is outside an urban district and not a highway numbered by this state or the United States;

(4) outside an urban district, 60 MPH if the vehicle is a school bus that has passed a commercial motor vehicle inspection under Section 548.201 and is on a highway numbered by the United States or this state, including a farm-to-market road; or 50 MPH if the vehicle is a school bus that has not passed a commercial motor vehicle inspection under Section 548.201 (Commercial Motor Vehicle Inspection Program), or is traveling on a highway not numbered by the United States or this state;

(5) on a beach, 15 MPH; or

(6) on a county road adjacent to a public beach, 15 MPH, if declared by the commissioners court of the county.

Redesignates existing Subdivision (5) as Subdivision (4). Deletes existing Subdivision (4) relating to a speed of 60 MPH outside an urban district if a speed limit for the vehicle is not otherwise specified by this section. Deletes existing text of Subdivision (5) relating to a speed outside an urban district of 60 MPH in daytime and 55 MPH in nighttime if the vehicle is a truck, other than light truck, or if the vehicle is a truck tractor, trailer, or semitrailer, or a vehicle towing a trailer other than a trailer described by Subdivision (2), semitrailer, another motor vehicle or towable recreational vehicle.

SECTION 2. Amends Section 545.352, Transportation Code, by adding Subsection (e) to require an entity that establishes or alters a speed limit under this subchapter to establish the same speed limit for daytime and nighttime.

SECTION 3. Amends Sections 545.353(d), (h), and (h-1), Transportation Code, as follows:

(d) Prohibits the Texas Transportation Commission (TTC), except as provided by Subsection (h-1), rather than by Subsection (h), from:

(1) modifying the rules established by Section 545.351(b);

(2) establishing a speed limit of more than 75 MPH, rather than 70 MPH; or

(3) increasing the speed limit for a vehicle described by Section 545.352(b)(4), rather than by Section 545.352(b)(5).

(h) Authorizes TTC, notwithstanding Section 545.352(b), to establish a speed limit of 75 MPH, rather than 75 MPH in daytime, on a part of the highway system if TTC determines that 75 MPH is reasonable and safe speed for that part of the highway system, rather than if TTC determines that 75 MPH in daytime is a reasonable and safe speed for that part of the highway system, and that part of the highway is located in a county with a population density of less than 15 persons per square mile.

(h-1) Authorizes TTC, notwithstanding Section 545.352(b), to establish a speed limit of 80 MPH, rather than 80 MPH in daytime, on a part of Interstate Highway 10 or Interstate Highway 20 in Crockett, Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or Ward County if TTC determines that 80 MPH, rather than 80 MPH in daytime, is a reasonable and safe speed for that part of the highway.

SECTION 4. Amends Section 545.354(e), Transportation Code, to prohibit the regional tollway authority from altering the general rule established by Section 545.351(a) (relating to driving at a speed that is reasonable and prudent), or establishing a speed limit of more than 75, rather than 70, miles per hour.

SECTION 5. Amends Section 545.355(e), Transportation Code, to authorize the commissioners court of a county with a population of more than 2.8 million to establish from the results of an engineering and traffic investigation a speed limit of not more than 75 MPH, rather than 70 MPH on any part of a highway of that county that is a limited-access or controlled-access highway, regardless of the location of the part of the highway.

SECTION 6. Amends Sections 545.356(a) and (b), Transportation Code, as follows:

(a) Prohibits the governing body of a municipality from modifying the rule established by Section 545.351(a) or establishing a speed limit of more than 75 MPH, rather than 60 MPH.

(b) Prohibits a municipality from modifying the rule established by Section 545.351(a) or establish a speed limit of more than 75 MPH, rather than 60 MPH.

SECTION 7. Amends Section 545.358, Transportation Code, to prohibit a commanding officer from modifying the rule established by Section 545.351(a) or establishing a speed limit of more than 75 MPH, rather than 60 MPH.

SECTION 8. Amends Section 545.362(a), Transportation Code, to authorize TTC, subject to Subsection (c), to enter an order establishing prima facie speed limits of not more than 75 MPH, rather than 70 MPH applicable to all highways, including a turnpike under the authority of the Texas Turnpike Authority or a highway under the control of a municipality or county.

SECTION 9. Repealer: Section 545.353(i) (relating to speed limits for certain types of motor vehicles), Transportation Code.

SECTION 10. Requires the Texas Department of Transportation, as soon as practicable after the effective date of this Act, to conceal or remove speed limit signs that do not comply with Section 545.352 (Prima Facie Speed Limits), Transportation Code, as amended by this Act, and erect appropriate signs.

SECTION 11. Effective date: September 1, 2011.