

BILL ANALYSIS

Senate Research Center
85R9138 AAF-D

H.B. 354
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, municipal, county, and state entities are allowed to hold public hearings to consider the creation of lowered prima facie speed limits within 500 feet of schools. Interested parties, however, claim that the process of requesting a hearing and adopting a speed limit under current law is ambiguous, a decision reached under the law cannot be appealed, and certain schools are left out.

H.B. 354 grants clarity to current law relating to the adoption of a school zone speed limit by specifying that the request for such a limit must be made by the governing body of a school. It also lays out an appeals process, by which a school may appeal a denial to a court if the school feels their request was denied in violation of accepted traffic management principles. Finally, the bill specifically includes charter schools among the types of schools that may request a school zone. This bill will improve student safety around schools by making the process of adopting school speed limits more transparent and responsive to the needs of the school.

H.B. 354 amends current law relating to the process for establishing speed limits on roads near certain schools.

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. Amends Section 545.355(b), Transportation Code, to authorize the commissioners court of a county to declare a lower speed limit of not less than certain speeds, including 15 miles per hour on a county road or highway located within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education (IHE), if approved under Section 545.357.

SECTION 2. Amends Section 545.357, Transportation Code, as follows:

Sec. 545.357. New heading: CONSIDERATION OF SPEED LIMITS WHERE CERTAIN SCHOOLS ARE LOCATED. (a) Requires the governing body of a municipality in which a certain school, including an open-enrollment charter school, is or an IHE, rather than an IHE as defined by Section 61.003(8) or (15), Education Code, is located, to, on request of the governing body of a school or IHE, rather than on request, hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including certain highways, near a school or IHE.

(b) and (c) Makes conforming changes to these subsections.

(d) Requires the Texas Transportation Commission (TTC), on request of the governing body of a school or IHE, to hold a certain hearing. Makes a conforming change.

(e) Prohibits the municipal governing body, the commissioners court, or TTC, as applicable, from rejecting a request for a prima facie speed limit by a public or private elementary or secondary school, and open-enrollment charter school, or an IHE without first making a written finding stating a reasonable basis for the rejection.

(f) Authorizes the governing body of a school or IHE to appeal a rejection of a request for a prima facie speed limit under this section to the district court of the county in which the school or IHE is located not later than the 90th day after the date the written finding is made. Authorizes the district court, if the governing body shows by clear and convincing evidence that the rejection of the request was not based on accepted traffic management principles, to grant the requested prima facie speed limit.

(g) Authorizes the governing body of a school or IHE to consult with the Texas Department of Transportation, TTC, and local transportation authorities on the feasibility of a prima facie speed limit during the acquisition and design of property for a public or private elementary or secondary school, an open-enrollment charter school, or an IHE.

(h) Defines "governing body of a school or institution of higher education," "institution of higher education," and "open-enrollment charter school."

SECTION 3. Effective date: September 1, 2017.