

BILL ANALYSIS

Senate Research Center
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H.B. 3871
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, public and private schools and institutions of higher education may request a hearing to consider a creation of a school zone to lower speed limits. However, even though charter schools are a part of the public school system in Texas, they are not specifically included in the list of educational institutions that can request hearings. Furthermore, there is no structure in place to re-examine an unfavorable decision made by the governing body of a municipality. Without any new laws, school districts and charter schools will not be able to effectively ensure the safety of their students near their campuses.

H.B. 3871 proposes several improvements to current law that would help ensure the safety of children near schools. Specifically, the bill would add charter schools to the list of schools that can request a hearing. Additionally, the bill would provide for an appeals process for these denied requests. By putting these reforms into place, school districts and charter schools can create a safer learning environment for students.

H.B. 3871 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, as follows:

(b) Authorizes the commissioners court of a county to declare a lower speed limit of not less than:

(1)–(2) makes nonsubstantive changes to these subdivisions; or

(3) 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, 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 public or private school or institution, including an open-enrollment charter school, is located, on request of the governing body of a school or institution of higher education, to hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including a highway of the state highway system, near the school or institution of higher education. Deletes existing text relating to the definition of institution of higher education under Section 61.003(8) (relating to the definition of institution of higher education) or (15)

(relating to the definition of private or independent institution of higher education), Education Code.

(b) Requires the commissioners court of a county, on request of the governing body of a school or institution of higher education, to hold a public hearing at least once each calendar year if a county road outside the state highway system is located within 500 feet of a public or private elementary or secondary school, open-enrollment charter school, or institution of higher education that is not in a municipality to consider the prima facie speed limit on the road near the school or institution of higher education.

(c) Authorizes a municipal governing body or commissioners court, on request of the governing body of a school or institution of higher education, to hold one public hearing for all public and private elementary and secondary schools, open-enrollment charter schools, and institutions of higher education in its jurisdiction.

(d) Requires the Texas Transportation Commission (TTC), on request of the governing body of a school or institution of higher education, to hold a public hearing at least once each calendar year to consider prima facie speed limits on highways in the state highway system that are near certain public or private schools or institutions, including open-enrollment charter schools.

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

(f) Authorizes the governing body of a school or institution of higher education 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 institution 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 institution of higher education 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 an open-enrollment charter school or public or private school or institution.

(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, 2019.