

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3871
By: Krause (Lucio)
Transportation
5/17/2019
Committee Report (Substituted)

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. (Original Author's/Sponsor's Statement of Intent)

C.S.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) makes no changes to this subdivision;

(2) 20 miles per hour:

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) on a county road or highway to which this section (Authority of County Commissioners Court to Alter Speed Limits) applies 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) Requires the commissioners court, municipal governing body, or TTC, as applicable, on request of the governing body of a school or institution of higher education following a public hearing held under this section, to conduct an engineering and traffic investigation for the highway or road that is the subject of the request. Provides that, on review of the results of the investigation, the commissioners court, municipal governing body, or TTC has the same authority and discretion to alter prima facie speed limits as provided by Section 545.353, 545.355, or 545.356, as applicable. Authorizes the governing body of a school or institution of higher education, following each public hearing held under this section, to make only one request under this subsection for an engineering and traffic investigation.

(f) 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.