

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

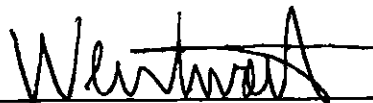
May 30, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2682 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
\_\_\_\_\_  
Sen. Wentworth

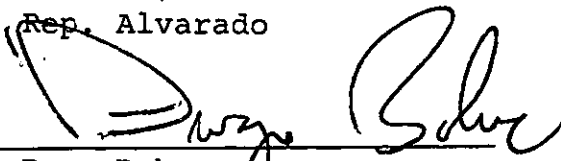
  
\_\_\_\_\_  
Sen. Carona

  
\_\_\_\_\_  
Sen. Watson

  
\_\_\_\_\_  
Sen. Davis

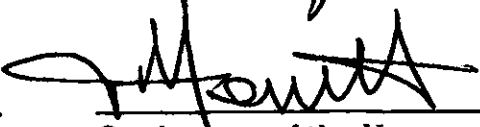
  
\_\_\_\_\_  
On the part of the Senate  
Sen. Ellis

\_\_\_\_\_  
Rep. Alvarado

  
\_\_\_\_\_  
Rep. Bohac

  
\_\_\_\_\_  
Rep. Guillen

  
\_\_\_\_\_  
Rep. McClendon

  
\_\_\_\_\_  
On the part of the House  
Rep. Merritt

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2682

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of municipalities to alter speed limits.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 545.356, Transportation Code, is amended  
5 by amending Subsections (b-1) and (b-2) and adding Subsection (d)  
6 to read as follows:

7 (b-1) The [~~Except as provided by Subsection (b-2), the~~]  
8 governing body of a municipality, for a highway or a part of a  
9 highway in [~~an urban district in~~] the municipality that is not an  
10 officially designated or marked highway or road of the state  
11 highway system, [~~is 35 feet or less in width, and along which~~  
12 ~~vehicular parking is not prohibited on one or both sides of the~~  
13 ~~highway,~~] may declare a lower speed limit of not less than 25 miles  
14 per hour, if the governing body determines that the prima facie  
15 speed limit on the highway is unreasonable or unsafe.

16 (b-2) Subsection (b-1) applies only [~~does not apply~~] to a  
17 two-lane, undivided highway or part of a highway [~~that has four or~~  
18 ~~more lanes used for vehicular travel~~].

19 (d) The governing body of a municipality that declares a  
20 lower speed limit on a highway or part of a highway under Subsection  
21 (b-1), not later than February 1 of each year, shall publish on its  
22 Internet website and submit to the department a report that  
23 compares for each of the two previous calendar years:

24 (1) the number of traffic citations issued by peace

1 officers of the municipality and the alleged speed of the vehicles,  
2 for speed limit violations on the highway or part of the highway;

3           (2) the number of warning citations issued by peace  
4 officers of the municipality on the highway or part of the highway;  
5 and

6           (3) the number of vehicular accidents that resulted in  
7 injury or death and were attributable to speed limit violations on  
8 the highway or part of the highway.

9           SECTION 2. The reporting and publication requirements  
10 prescribed by Section 545.356(d), Transportation Code, as added by  
11 this Act, apply only to a municipality that alters a speed limit  
12 under Section 545.356, Transportation Code, as amended by this Act,  
13 on or after the effective date of this Act.

14           SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.

House Bill 2682  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 545.356(b-1) and (b-2), Transportation Code, are amended to read as follows:

(b-1) ~~The [Except as provided by Subsection (b-2), the] governing body of a municipality, for a highway or a part of a highway in an urban district in the municipality that is not an officially designated or marked highway or road of the state highway system, [is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway,]~~ may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-2) Subsection (b-1) applies only ~~[does not apply]~~ to a two-lane, undivided highway or part of a highway that is abutted solely by residential property ~~[has four or more lanes used for vehicular travel].~~

SENATE VERSION

SECTION 1. Section 545.356, Transportation Code, is amended by amending Subsections (b-1) and (b-2) and adding Subsection (d) to read as follows:

(b-1) ~~The [Except as provided by Subsection (b-2), the] governing body of a municipality, for a highway or a part of a highway in *an urban district* in the municipality that is not an officially designated or marked highway or road of the state highway system, [is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway,]~~ may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-2) Subsection (b-1) applies only ~~[does not apply]~~ to a two-lane, undivided highway or part of a highway that is abutted solely by residential property ~~[has four or more lanes used for vehicular travel].~~

(d) The governing body of a municipality that declares a lower speed limit on a highway or part of a highway under Subsection (b-1), not later than February 1 of each year, shall publish on its Internet website and submit to the department a report that compares for each of the two previous calendar years:

(1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;

(2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and

CONFERENCE

SECTION 1. Section 545.356, Transportation Code, is amended by amending Subsections (b-1) and (b-2) and adding Subsection (d) to read as follows:

(b-1) ~~The [Except as provided by Subsection (b-2), the] governing body of a municipality, for a highway or a part of a highway in [an urban district in] the municipality that is not an officially designated or marked highway or road of the state highway system, [is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway,]~~ may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-2) Subsection (b-1) applies only ~~[does not apply]~~ to a two-lane, undivided highway or part of a highway ~~[that has four or more lanes used for vehicular travel].~~

(d) The governing body of a municipality that declares a lower speed limit on a highway or part of a highway under Subsection (b-1), not later than February 1 of each year, shall publish on its Internet website and submit to the department a report that compares for each of the two previous calendar years:

(1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;

(2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and

**House Bill 2682**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

(3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

*The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.*

No equivalent provision.

No equivalent provision.

SECTION 2. The reporting and publication requirements prescribed by Section 545.356(d), Transportation Code, as added by this Act, apply only to a municipality that alters a speed limit under Section 545.356, Transportation Code, as amended by this Act, on or after the effective date of this Act.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Same as House version.

SECTION 3. Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: HB2682 by Alvarado (Relating to the authority of municipalities to alter speed limits.),  
Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 545.356 of the Transportation Code to remove certain restrictions currently in place as to where a municipality has the authority to declare a lower speed limit of not less than 25 miles per hour on certain types of highways in an urban district if the governing body determines that the prima facie speed limit on the highway in the municipality is unreasonable or unsafe.

The bill would require the governing body of a municipality that declares a lower speed limit on a highway or part of a highway under subsection (b-1), not later than February 1 of each year, to publish on its website and submit to the Texas Department of Transportation a report comparing statistics of each of the two previous calendar years for the number of traffic citations and warning citations issued and the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway. The reporting and publication requirements would apply only to a municipality that alters a speed limit on or after the effective date of the provisions of the bill.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house; otherwise, the bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff: JOB, SZ, KJG, DB**