

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt, on an emergency basis, new §25.28, relating to Traffic Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the new section, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that new §25.28 is adopted on an emergency basis and is authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Carroll K. Houser, P.E.

Director, Traffic Operations

Recommended by:

[Signature]

Executive Director

114091 OCT30 14

Minute  
Number

Date  
Passed

Emergency Adoption

The Texas Department of Transportation (department) adopts, on an emergency basis, new §25.28, concerning Traffic and Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways.

EXPLANATION OF EMERGENCY NEW SECTION

Transportation Code, §201.101 authorizes the Texas Transportation Commission (commission) to establish rules for the conduct of the work of the department. Transportation Code, §545.353, authorizes the commission to establish a reasonable and safe prima facie speed limit for a part of the highway system if the commission determines that the prima facie speed limit set by statute is unreasonable or unsafe.

The safety issues that have developed due to the increased energy sector traffic and limited maintenance funds require the department to review the speed limits for roadways on the state highway system. The crash rate for rural, two lane, two-way roadways on the state highway system that are less than 24 feet in width is higher than the statewide average crash rate for rural, two lane, two-way roadways on the state highway system. For example, in Bee County (Eagle Ford Shale area), the crash rate for rural, two lane, two-way roadways on the state highway system that are less than 24 feet in width is three times higher

1 than the statewide average crash rate for rural, two lane, two-  
2 way roadways on the state highway system.

3  
4 Under the current rules, a speed zone study and strip map  
5 development often take months to complete. However, the speed  
6 limits on certain types of roadways need immediate review due to  
7 the increase in traffic crashes. The commission finds that the  
8 conditions of roadways on the state highway system that are less  
9 than 24 feet in width and have a crash rate that is greater than  
10 the statewide average for similar roadways create an imminent  
11 safety condition that requires the adoption of emergency rules  
12 to allow the department to review and quickly revise speed  
13 limits on those roadways.

14  
15 New §25.28, allows the department to use a streamlined speed  
16 zone study to determine the prima facie speed for certain  
17 roadways. The section authorizes the department to use the  
18 streamlined procedure for changes to a speed limit if the  
19 roadway or section of the roadway is less than 24 feet in width  
20 and has a crash rate greater than the statewide average for  
21 similar roadways. The streamlined speed zone study will include  
22 the review of several roadway factors including the width of the  
23 roadway, horizontal and vertical curves, driveway density, lack  
24 of striped or improved shoulders, and the crash rate within the  
25 speed zone. The study will be based on the most recent 85th

1 percentile speed and will allow the commission to decrease that  
2 speed by up to 12 miles per hour based on the additional roadway  
3 factors. The rule also eliminates the need to prepare a strip  
4 map, which is unnecessary because the parameters of the speed  
5 zone will not be changed.

6  
7 The roadway factors under this emergency rule are also included  
8 under the current full speed study authorized under §25.23 of  
9 the department's rules. However, due to changes in roadway  
10 conditions, the department needs to review these roadways again  
11 to determine if they now warrant a decrease in the 85th  
12 percentile speed, using the additional roadway factors included  
13 in these emergency rules. The 85th percentile speed portion of  
14 the study, under current rules, requires department staff to  
15 measure the speeds of 125 cars or all cars within a 2 hour time-  
16 period at multiple locations within the speed zone. Eliminating  
17 the need to complete the 85th percentile speed portion of the  
18 study will allow an expedited review of the speed limits on  
19 qualifying roadways on the state highway system that is needed  
20 to address the immediate safety concerns.

21  
22 Adoption on an emergency basis is necessary to allow the  
23 commission the flexibility to address immediate traffic safety  
24 concerns while department staff reviews the entire speed zone  
25 study process to remove any unnecessary steps. The department

1 plans to present the commission with new speed zone procedures  
2 for consideration in December.

3

4 STATUTORY AUTHORITY

5 The new section is adopted on an emergency basis under  
6 Transportation Code, §201.101, which provides the Texas  
7 Transportation Commission (commission) with the authority to  
8 establish rules for the conduct of the work of the department,  
9 and more specifically, Transportation Code, §545.353, which  
10 provides the commission the authority to adopt and modify the  
11 procedures for establishing speed zones.

12

13 CROSS REFERENCE TO STATUTE

14 Transportation Code, §545.353.

1 SUBCHAPTER B. PROCEDURES FOR ESTABLISHING SPEED ZONES

2 §25.28. Traffic and Engineering Investigation Requirements for  
3 Reducing Speeds on Certain Types of Roadways.

4 (a) This section applies only to decreasing the speed limit  
5 within an existing speed zone on the state highway system if:

- 6 (1) the roadway is less than 24 feet wide; and  
7 (2) the number of crashes within that speed zone is  
8 greater than the statewide average for crashes on similarly  
9 classified roadways.

10 (b) The speed zone study necessary for decreasing a speed  
11 limit under this section may, at the sole discretion of the  
12 department, be limited to the consideration of the following  
13 factors:

- 14 (1) narrow roadway pavement;  
15 (2) horizontal and vertical curves;  
16 (3) high driveway density;  
17 (4) lack of striped, improved shoulders; or  
18 (5) crash history within the speed zone.

19 (c) The posted speed limit may be reduced by as much as 12  
20 miles per hour below the 85th percentile speed or trial-run  
21 speed that was used to determine the current speed limit for the  
22 speed zone.

23 (d) The final decision on the amount of variation from the

1 posted speed limit should be based on the engineering judgment  
2 of the supervising engineer.

3 (e) Because the boundaries of the existing speed zone have  
4 been established, a strip map is not required under this  
5 section.

New Section