

SUBJECT: Authorizing 85 mph speed limit and repealing Trans-Texas Corridor

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Phillips, Darby, Bonnen, Y. Davis, Fletcher, Harper-Brown, Lavender, Martinez, McClendon, Pickett, Rodriguez

0 nays

WITNESSES: (*On introduced version:*)

For — Russell Boening, Texas Farm Bureau; Terri Hall, Texas TURF, Texans for Accountable Government, We Texans (*Registered, but did not testify*); Kathy Barber, National Federation of Independent Business; Kirby Brown, Texas Wildlife Association; Melissa Cubria, Texas Public Interest Research Group; Marida Favia del Core Borromeo, Exotic Wildlife Association; Robert Howard, South Texans' Property Rights Association; Ron Hufford, Texas Forestry Association; Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Bob Turner, Texas Sheep and Goat Raisers Association, Texas Poultry Association)

Against — None

On — John Barton, Texas Department of Transportation

BACKGROUND: In 2002, Gov. Rick Perry announced plans for the Trans-Texas Corridor, which called for the Texas Department of Transportation (TxDOT) to build 4,000 miles of multimodal corridors connecting major metropolitan areas over two decades. Over the next several years, the project faced a number of setbacks. In 2009, TxDOT announced plans to suspend work on the Trans-Texas Corridor as a whole, focusing instead on key routes contained in the proposal.

Transportation Code, ch. 227 contains the primary statutory authorization for the Trans-Texas Corridor. It allows the Texas Transportation Commission to authorize oversize/overweight vehicles on a segment of the Trans-Texas Corridor if supported by an engineering and traffic study. Also, Transportation Code, sec. 545.3531 allows the commission to establish a reasonable and safe speed limit of 85 miles per hour or less on a segment of the Trans-Texas Corridor.

DIGEST:

CSHB 1201 would strike from state statutes all references to the Trans-Texas Corridor and would repeal the chapter that provides its statutory authorization.

The bill also would allow the Texas Transportation Commission to establish speed limits up to 85 miles per hour on a part of the state highway system that was designed to accommodate travel at that speed if, after an engineering and traffic investigation, the commission determined that the speed limit was reasonable and safe.

The commission could authorize oversize/overweight vehicles on an exclusive lane on roads, except the interstate highway system, following an engineering and traffic study.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

SUPPORTERS
SAY:

CSHB 1201 would strike from state statutes all references to the Trans-Texas Corridor. While the Corridor has been effectively defunct for a couple years, its formal authorization remains in statute. The bill would deliver an ultimate, decisive acknowledgment that the Trans-Texas Corridor concept is not right for Texas.

Certain provisions in the statute authorizing the Trans-Texas Corridor, however, are of enduring value. CSHB 1201 would salvage two of these provisions by adding them to other sections of the Transportation Code.

One provision would allow the Texas Transportation Commission to authorize a speed limit of up to 85 mph on a state highway after an engineering and traffic study. This authority currently is restricted to the Trans-Texas Corridor. Only in specific circumstances, and after extensive consideration, would the commission opt to authorize an 85 mph speed limit on a highway.

The most dangerous traffic situations are not those involving the highest speeds but those that have larger speed differentials — that is, where some vehicles are traveling much faster than others. A highway that could support an 85 mph speed limit would be specifically designed to minimize other traffic hazards. In a fast-growing state like Texas, it is important to

make available as many tools as possible to maximize mobility with limited resources.

Regarding any question that the 85 mph speed limit option might benefit certain toll roads, it could be amended to apply only prospectively. The Senate companion bill has a provision that would require the necessary engineering and traffic study to take place no earlier than a year after a roadway opened.

The bill also would allow the commission to authorize oversize/overweight vehicles on an exclusive lane, following a study. No lanes on existing highways are specifically engineered to accommodate these vehicles. However, granting this authority now would allow TxDOT to have more control over which lanes oversize/overweight vehicles could use.

OPPONENTS
SAY:

CSHB 1201 would go too far by authorizing the nation's highest posted speed of 85mph. While the rate of collisions may not increase at higher average speeds, the average severity of crashes certainly does. With a posted speed of 85 mph, many motorists would travel 90 mph or even 95 mph. Standard tires are rated for long-term travel only at 80 mph or less. Special tires, such as those on racing cars and law enforcement vehicles, are required for safe travel at those speeds for longer distances. Most people also are not accustomed to driving at such high speeds, which complicates any estimation of the safety risks involved in such a high posted speed limit.

OTHER
OPPONENTS
SAY:

The authority added by the committee substitute to allow an 85 mph speed limit could be a boon for a private toll road in central Texas, SH 130 — the only highway in Texas currently engineered to support a speed of 85 mph. SH 130 segments 5 and 6 near Lockhart are privately operated tollways developed by Cintra. A provision in the concessions agreement between TxDOT and Cintra to develop portions of SH 130 states that if TxDOT authorizes an 85 mph speed limit within a certain timeframe, the agency will be entitled to an additional payment or a greater share of toll revenue. Currently, the maximum speed on SH 130 can be set no higher than 70 mph.

NOTES:

The committee substitute added provisions authorizing the Texas Transportation Commission to raise the speed limit to 85 mph on certain

state highways and to designate exclusive lanes for oversize/overweight vehicles.

The companion bill, SB 565 by Hegar, was reported favorably, as substituted, by the Senate Transportation and Homeland Security Committee on April 5.