

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts new
3 §25.26, Provisional Traffic and Engineering Investigation
4 Requirements, concerning Procedures for Establishing Speed
5 Zones. New §25.26 is adopted without changes to the proposed
6 text as published in the August 12, 2011 issue of the *Texas*
7 *Register* (36 TexReg /xx) and will not be republished.

8

9 EXPLANATION OF ADOPTED NEW SECTION

10 House Bill 1353, 82nd Legislature, Regular Session, 2011, allows
11 the department to establish a 75 mile per hour speed limit on a
12 portion of the state highway system if the Texas Transportation
13 Commission (commission) determines that such a speed limit is
14 reasonable and safe based on an engineering and traffic
15 investigation. With implementation of HB 1353, the department
16 needs to review all current 70 mile per hour zones to determine
17 if an increase to 75 miles per hour is warranted. This new
18 process relies on an 85th percentile engineering study.

19

20 New §25.26, provides a provisional traffic and engineering
21 investigation process to implement the timely study of highways
22 that may qualify for the new increased speed. The new section
23 provides that the department can utilize the streamlined
24 procedures for the increase to 75 miles per hour from a current
25 70 mile per hour zone. The procedure includes the completion of

1 an 85th percentile speed check at a minimum of one location
2 within the current speed zone. Under current speed study rules,
3 specific speed check intervals are set out to establish the
4 boundaries of any approved speed zone. Due to the fact that the
5 current 70 mile per hour speed zone has been determined by a
6 previous engineering study, additional speed check locations are
7 not required to set the boundaries of the speed zone, therefore
8 in some instances only one speed check location is necessary.
9 The rules do not prohibit additional speed check locations if
10 the department determines that additional traffic data are
11 necessary to establish the appropriate speed limit.

12

13 Section 25.26 will allow the investigation to be submitted in a
14 summary format eliminating the need to complete a strip map.
15 When implementing previous statewide speed limit changes, the
16 department utilized a summary reporting option instead of the
17 required strip map. The strip map provides illustrated
18 documentation the department uses to establish the boundaries of
19 the speed zone. As previously stated the boundaries of the
20 speed zone have been established in a previous traffic and
21 engineering study. It is unnecessary for the strip map to be
22 submitted since the speed zone boundaries have been established.

23

24 Section 25.26 provides that the other provisions of Chapter 25,
25 Subchapter B related to establishing a speed limit apply to an

1 increase under §25.26 unless there is a conflict. If there is a
2 conflict, §25.26 controls. Thus, the requirements of 85th
3 percentile speed check procedures, such as requirements related
4 to the length of time of the study and the number of vehicles,
5 apply without having to restate those provisions within the
6 rule.

7

8 COMMENTS

9 No comments on the proposed new section were received.

10

11 STATUTORY AUTHORITY

12 The new section is adopted under Transportation Code, §201.101,
13 which provides the commission with the authority to establish
14 rules for the conduct of the work of the department, and more
15 specifically, Transportation Code, §545.353, which authorizes
16 the commission to establish speed limits and adopt the
17 procedures for establishing speed zones.

18

19 CROSS REFERENCE TO STATUTE

20 Transportation Code, §545.353.