



April 7, 2023

Texas House of Representatives
House Committee on Public Education
P.O. Box 2910
Austin, TX 78768-2910

Re: H.B. 1263 Relating to the ability of a local authority to designate school crossing zones and school crosswalks at high school campuses in certain municipalities

Dear Members and Staff:

Thank you for the opportunity to provide remarks regarding the House Committee on Public Education's favorable passage of H.B. 1263. The City of Houston opposes H.B. 1263 for the following reasons:

I. H.B. 1263 ELIMINATES THE CITY TRAFFIC ENGINEER'S ABILITY TO GOVERN A SCHOOL CROSSING ZONE OR SCHOOL CROSSWALK.

H.B. 1263 contains broad language that appears to circumvent the reasoned analysis of a full engineering and traffic investigation and remove the city traffic engineer from the deliberative process. This bill heavily restricts the city traffic engineer from reaching a methodical decision based upon historical data, scholarship published by the Institute of Transportation Engineers, Transportation Research Board, TxDOT, FHWA, a targeted traffic impact analysis, and training. By prohibiting the city traffic engineer from adopting or enforcing an order, ordinance, regulation, or other measure that prohibits or precludes the designation of a school crossing zone or school crosswalk at a high school campus, H.B. 1263 allows unlicensed citizens to make and implement engineering decisions. While H.B. 1263 may be intended to promote the safety of high school children, faculty and staff, in its current form, H.B. 1263 restricts the municipality's ability to weigh the impact of proposed crossing zones and crosswalks by eliminating the city traffic engineer's discretion that is grounded in education, training and scholarship. The overbroad, prohibitive language of H.B. 1263 has the potential to negatively impact public safety.

II. H.B. 1263 DOES NOT INCORPORATE TEXAS ENGINEERING PRINCIPLES.

The city traffic engineer currently coordinates design of technical submissions prepared by non-engineering professionals in efforts to plan, or develop a work meant for public use. H.B. 1263 allows citizens, without the appropriate engineering training to design and construct school crossing zones and school crosswalks in the roadway, independent of any engineering review. H.B. 1263 prohibits the city traffic engineer from adopting or enforcing an order, ordinance, regulation, or other measure that prohibits or precludes the designation of a school crossing zone or school crosswalk at a high school campus. By restricting the city traffic engineer's authority to

govern the designation, installation and maintenance of school crossing zones and school crosswalks, H.B. 1263 opens the door to unintended health and safety consequences, to the detriment of the citizens of Texas.

III. H.B. 1263 CONFLICTS WITH HOUSTON CODE OF ORDINANCES SECTION 45-37 AND INFRINGES ON HOUSTON'S HOME RULE AUTHORITY.

The city traffic engineer is qualified by education and training to govern the designation, installation and maintenance of school crosswalks and school crossing zones. Pursuant to Chapter 45 in the Houston Code of Ordinances, the city traffic engineer holds the following responsibilities:

Sec. 45-73. - Designation of crosswalks and safety zones.

The city traffic engineer is hereby authorized:

(1) designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(2) To establish safety zones of such kind and character and at such places as he may deem necessary.

(Code 1968, § 46-83)

Moreover, H.B. 1263 is in direct contravention with the Texas Engineering Practice Act §1001.053 [*Appendix A*], which states:

The following work is exempt from this chapter: (1) a public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or (2) a public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less; or (3) road maintenance or improvement undertaken by the commissioners court of a county.

Of note, the City of Houston was awarded a federal grant in 2022 [*Appendices B and C*], administered by the Texas Department of Transportation, for the installation of traffic calming measures and other pedestrian safety treatments on Mesa Drive abutting North Forest High School, whose concerns predicated the filing of H.B. 1263. The installation is presently scheduled for 2025. Notwithstanding the safety implications of H.B. 1263, the City of Houston has drafted and will include specific pedestrian crossing guidance in the Infrastructure Design Manual [*Appendix D*].

By prohibiting the city traffic engineer from adopting or enforcing an order, ordinance, regulation, or other measure that prohibits or precludes the designation of a school crossing zone or school crosswalk at a high school campus, H.B. 1263 significantly curtails the city traffic engineer's authority to govern crosswalks and crossing zones, to the potential health and safety detriment of the citizens.

For these reasons, the City of Houston respectfully opposes H.B. 1263.



Sincerely,

DocuSigned by:
Veronica O. Davis
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Carol Ellinger Haddock, P.E.
Director, City of Houston Public Works

- Appendix A: Texas Board of Professional Engineers and Land Surveyors flowchart
- Appendix B: City of Houston HSIP Application
- Appendix C: TxDOT HSIP Approved Projects
- Appendix D: HPW Pedestrian Crossing Guidelines 2022 – IDM Draft