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Opinion Committee

FILE # ML-40605-98 December 16, 1998

I.D. # 40605

RQ-0002-JC

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OFFICE OF THE
ATTORNEY GENERAL
TRANSPORTATION DIVISION

Honorable Dan Morales
Attorney General of Texas
Price Daniel, Sr. Bldg., 6th Floor
209 W. 14th Street
Austin, Texas 78701

Re: CONSTRUCTION OF TEX. TRANSP. CODE ANN. SECTIONS
545.355 AND 251.154 AND RELATED QUESTIONS;
C. A. File No. 82,931

Dear General Morales:

The Harris County Commissioner of Precinct Four has presented, in substance, the following questions relating to the above-referenced matter:

1. DO SECTIONS 545.355 and 251.154 OF THE TEXAS TRANSPORTATION CODE CONFLICT WITH EACH OTHER OR DO THEY SIMPLY REPRESENT DIFFERENT MEANS BY WHICH COMMISSIONERS COURT MAY ESTABLISH SPEED LIMITS?
2. WHAT IS THE MINIMUM SPEED WHICH COMMISSIONERS COURT MAY APPROVE?
3. IF 30 MILES PER HOUR IS DETERMINED TO BE THE MINIMUM SPEED WHICH COMMISSIONERS COURT MAY APPROVE, WHAT, IF ANYTHING, MUST BE DONE WITH 20 MILE PER HOUR SPEED LIMIT SIGNS ALREADY POSTED, INCLUDING SIGNS WHICH WERE POSTED PREVIOUS TO THE 1997 AMENDMENT TO SECTION 545.355?

Our Memorandum Brief on the matter is enclosed herewith. Please furnish us your opinion on the questions presented at your earliest opportunity.

If you should have any questions regarding this matter, please direct all correspondence and/or telephone inquiries to the undersigned. My direct telephone number is 713-755-8750.

Sincerely,
MICHAEL P. FLEMING
County Attorney

BY: 
DAVID DAUGHERTY
Assistant County Attorney

Approved:


MICHAEL A. STAFFORD
First Assistant County Attorney

Enclosure