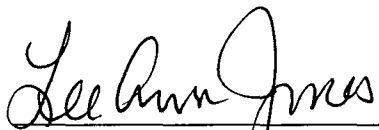


NOTICE OF PUBLIC HEARING

The Panola County Commissioners' Court will hold a Public Hearing on July 10, 2017 at 9:30 o'clock a.m. in the Commissioners' Courtroom in the Panola County Courthouse to discuss lowering the speed limit on Panola County Road #183. Interested parties are invited to attend and participate.

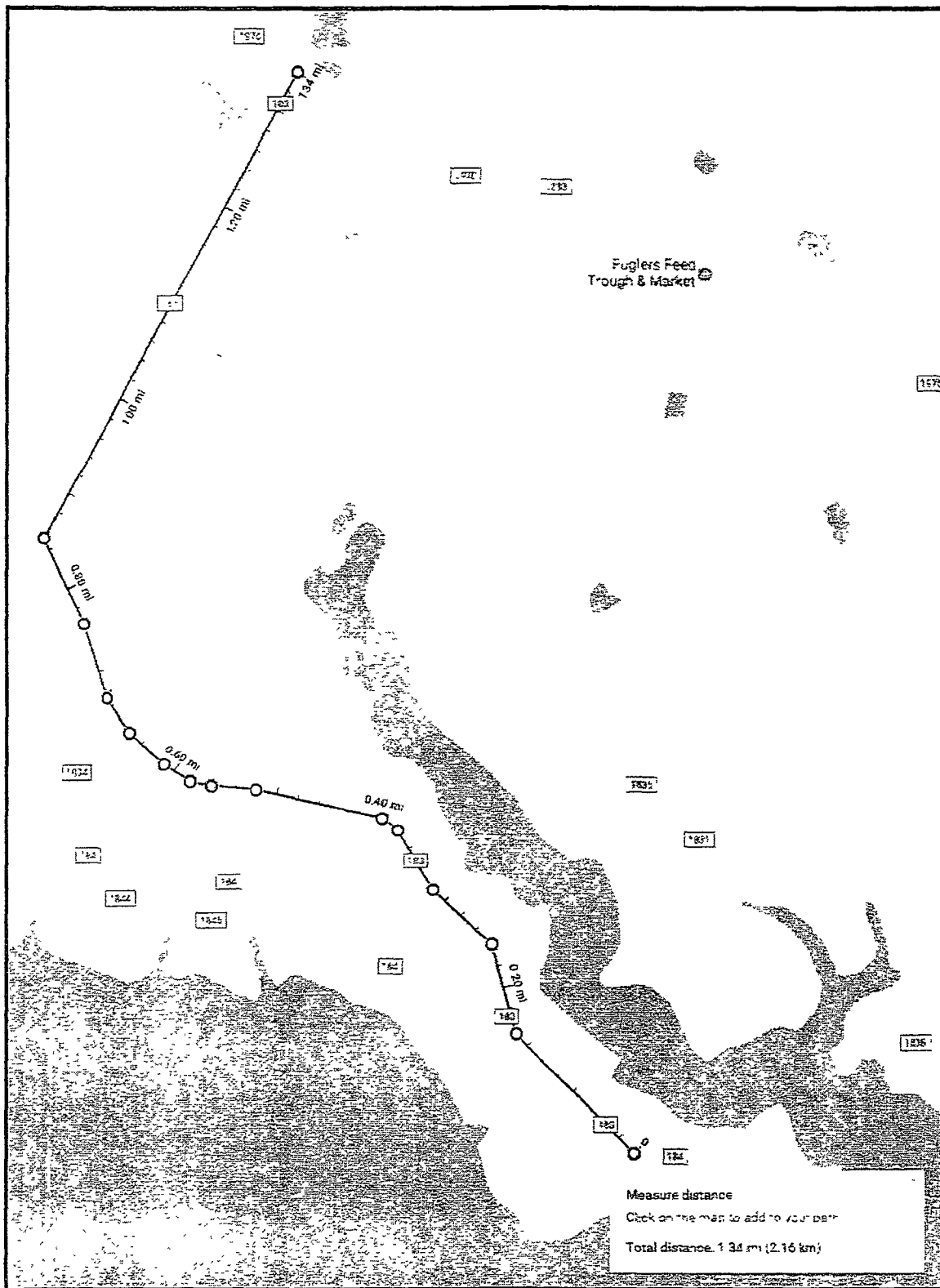
Notice dated June 26, 2017.

PANOLA COUNTY, TEXAS

By: 

LeeAnn Jones, County Judge

ATTACHMENT A



RE: Residential District**From:** Manuel Mendéz**Sent:** Fri, Jun 9, 2017 at 1:14 pm**To:** Manuel Mendez**Cc:** vicki.heinkel@co.panola.tx.us

Judge Jones.

There does not appear to be much authority construing a county's authority to lower a speed limit to 20 miles per hour in a "residence district" under Texas Transportation Code Section 545.355. Our analysis is that even though under certain circumstances a residence district may also be an urban district, as such terms are defined pursuant to Texas Transportation Code Section 541.102, the controlling definition for purposes of setting a 20 mph speed limit is that of a "residence district." A residence district is defined in Section 541.102(2) to mean territory adjacent to and including a highway, if at least 300 feet of the highway frontage is "primarily" improved with residences or buildings used for business purposes and residences. "Primarily" is not defined in the statute, so we apply the ordinary meaning to that term and read it to mean "for the most part," so that the requirement is that more than half of the improvements within a 300 foot frontage section consist of residences or buildings used for business purposes and residences.

There is no requirement for a traffic study before the Commissioners Court can set a 20 mph speed limit (in an analogous situation involving setting of a 30 mph speed limit the Attorney General concluded that a study was not required—see, Op. Tex. Att'y Gen. No. JC-0079 (1999)). However, the Commissioners Court would be required to hold a public hearing and to publish newspaper notice not later than the 7th or earlier than the 30th day before the date of the hearing pursuant to Texas Transportation Code Section 251.152.

The statutes do not specify how the measurements and determination of a residence district should be made. Certainly, the County could retain a surveyor to measure the length of highway and to confirm the residential nature of the improvements. However, engagement of such a professional may not be necessary.

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Austin | El Paso | Dallas | Houston

From: leeann.jones@co.panola.tx.us [mailto:leeann.jones@co.panola.tx.us]
Sent: Wednesday, June 7, 2017 10:12 AM
To: Manuel Mendez
Cc: vicki.heinkel@co.panola.tx.us
Subject: Residential District

Manuel.

We have a citizen in Precinct #1 off County Road 183 wanting Commissioner R LaGrone to lower the speed limit to 20 mph

Section 545 355 allows us to do that if it is a residential district This is out around the lake Pursuant to the other section attached that describes a residential district We supposed to take tape measures and measure from road to house and from house to house or what?

They have already tried children at play signs, etc Of course the problem will be getting a Constable or Deputy to enforce the new speed limit

Your thoughts? Do we proceed with public hearing after determining it is a residential area or do we request study?

Thanks,

Lee Ann Jones