

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§25.21-25.24 and new §25.26 relating to Procedures for Establishing Speed Zones to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§25.21-25.24 and new §25.26 are adopted and are authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Candice Rouse, P.E.  
Director, Traffic Operations

Recommended by:

John A. Burton, P.E.  
Interim Executive Director

**112827 SEP 29 11**

Minute      Date  
Number      Passed

Adoption Preamble

1  
2 The Texas Department of Transportation (department) adopts  
3 amendments to §§25.21 - 25.24 and new §25.26, all concerning  
4 Procedures for Establishing Speed Zones. The amendments to  
5 §§25.21 - 25.24 are adopted without changes to the proposed text  
6 as published in the July 15, 2011 issue of the *Texas Register*  
7 (36 TexReg 4545) and will not be republished. New §25.26 is  
8 adopted without changes to the proposed text as published in the  
9 August 12, 2011 issue of the *Texas Register* (36 TexReg 5086) and  
10 will not be republished.

11  
12 EXPLANATION OF ADOPTED AMENDMENTS AND NEW SECTION  
13 House Bill 109, House Bill 1201, and House Bill 1353, 82nd  
14 Legislature, 2011, made changes to the existing statutes related  
15 to speed limits in Texas. The adopted amendments to §§25.21 -  
16 25.24 and new §25.26 incorporate those statutory changes into  
17 the department's existing rules related to establishing speed  
18 zones. These amendments also include some additional  
19 clarifications to address procedural changes with establishing  
20 speed zones.

21  
22 House Bill 109 allows a municipality or county to designate an  
23 official with transportation engineering experience in  
24 establishing speed limits to temporarily lower a prima facie  
25 speed limit at the site of a vehicular accident reconstruction.

1

2 House Bill 1201 repealed the existing statute allowing the Texas  
3 Transportation Commission (commission) to establish a speed  
4 limit of up to 85 miles per hour (mph) on a portion of the  
5 Trans-Texas Corridor. The bill allows the commission to  
6 establish up to an 85 mph speed limit on a portion of the state  
7 highway if the highway was designed to accommodate up to an 85  
8 mph speed limit and the commission determines that such a speed  
9 limit is reasonable and safe based on an engineering and traffic  
10 investigation.

11

12 House Bill 1353 allows the department to establish up to a 75  
13 mph speed limit on a portion of the state highway system if the  
14 commission determines that such a speed limit is reasonable and  
15 safe based on an engineering and traffic investigation. With  
16 implementation of HB 1353, the department needs to review all  
17 current 70 mile per hour zones to determine if an increase to 75  
18 miles per hour is warranted. This new process relies on an 85th  
19 percentile engineering study. The legislation also repealed the  
20 existing 65 mph night speed limit and lower speed for large  
21 trucks.

22

23 Amendments to §25.21 delete references to night speed limits,  
24 add language allowing the commission to establish up to a 75 mph  
25 speed limit in any county of the state, and delete references to

1 lower truck speed limits. These changes are necessary to  
2 implement House Bill 1353. The amendments also change the  
3 authority that allows the commission to set up to an 85 mph  
4 speed limit from the Trans-Texas Corridor to a highway designed  
5 to accommodate the higher speed as authorized in House Bill  
6 1201.

7  
8 The amendments to §25.21 also add language to incorporate the  
9 provisions of House Bill 109 which allows cities and counties to  
10 temporarily lower existing prima facie speed limits at the sites  
11 of vehicular accident reconstructions. The language requires  
12 that the local authority use the guidelines established for  
13 setting work zone area speed limits, notify the appropriate  
14 district engineer, and follow lane closure rules and guidelines  
15 if applicable. The language also makes it clear that the local  
16 authority does not have to follow the other rules in the  
17 subchapter on establishing speed limits. The additional  
18 requirements are not necessary as an engineering and traffic  
19 study would not be applicable.

20  
21 The amendments to §25.22 make conforming changes by eliminating  
22 references to night speed limits and deleting the requirement  
23 that speed limits created within city limits over 60 mph be  
24 established by commission minute order. These amendments are  
25 necessary to conform to the requirements of House Bill 1353.

1  
2 The amendment to §25.23(d)(5)(A)(ii) revises the reference to  
3 the maximum speed reduction allowed from the average speed  
4 determined by a speed limit study from 7 mph to 12 mph for high-  
5 crash locations to conform this section to the existing  
6 requirements contained in §25.23(d)(5)(A)(v). This  
7 clarification in the existing language is unrelated to the  
8 legislative changes implemented during the 82nd Legislature.

9  
10 Amendments to §25.24 correct the tables describing the authority  
11 of the department, Regional Mobility Authorities, and Regional  
12 Transportation Authorities to establish speed limits on the  
13 state highway system. These changes incorporate the  
14 requirements of House Bill 1353.

15  
16 New §25.26, provides a provisional traffic and engineering  
17 investigation process to implement the timely study of highways  
18 that may qualify for the new increased speed. The new section  
19 provides that the department can utilize the streamlined  
20 procedures for the increase to 75 miles per hour from a current  
21 70 mile per hour zone. The procedure includes the completion of  
22 an 85th percentile speed check at a minimum of one location  
23 within the current speed zone. Under current speed study rules,  
24 specific speed check intervals are set out to establish the  
25 boundaries of any approved speed zone. Due to the fact that the

1 current 70 mile per hour speed zone has been determined by a  
2 previous engineering study, additional speed check locations are  
3 not required to set the boundaries of the speed zone, therefore  
4 in some instances only one speed check location is necessary.  
5 The rules do not prohibit additional speed check locations if  
6 the department determines that additional traffic data are  
7 necessary to establish the appropriate speed limit.

8

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

19

20 New §25.26 provides that the other provisions of Chapter 25,  
21 Subchapter B related to establishing a speed limit apply to an  
22 increase under §25.26 unless there is a conflict. If there is a  
23 conflict, §25.26 controls. Thus, the requirements of the 85th  
24 percentile speed check procedures, such as requirements related  
25 to the length of time of the study and the number of vehicles,

1 apply without having to restate those provisions within the  
2 rule.

3

4 COMMENTS

5 No comments on the proposed amendments and new section were  
6 received.

7

8 STATUTORY AUTHORITY

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

15

16 CROSS REFERENCE TO STATUTE

17 Transportation Code, §§545.352, 545.353, 545.354 - 545.3561,  
18 545.358 and 545.362.

1 SUBCHAPTER B. PROCEDURES FOR ESTABLISHING SPEED ZONES

2 §25.21. Introduction.

3 (a) (No change.)

4 (b) Background.

5 (1) Prima facie concept. In Texas, all speed limits are  
6 considered "prima facie" limits. Prima facie limits are those  
7 limits which on the face of it, are reasonable and prudent under  
8 normal conditions.

9 (2) Authority to set speed zones.

10 (A) Transportation Code, §545.353 authorizes the  
11 commission to alter maximum speed limits on highway routes both  
12 within and outside of cities, provided the Procedures for  
13 Establishing Speed Zones are followed and the commission  
14 determines that the speed being established on a part of the  
15 highway system is a safe and reasonable speed for that part of  
16 the highway. The commission may establish a speed limit of:

17 [~~(B) Transportation Code, §545.353, subsections (h) and~~  
18 ~~(i), address the commission's authority to establish a daytime~~  
19 ~~speed limit of 75 or 80 miles per hour on a portion of the state~~  
20 ~~highway system.]~~

21 (i) [~~The commission may establish a~~ 75 miles [mile]  
22 per hour on any portion of the state highway system; [~~speed~~  
23 ~~limit in counties with a population density of less than 15~~

1 ~~persons per square mile. Counties that are currently eligible~~  
2 ~~for this higher maximum daytime speed limit are Andrews, Archer,~~  
3 ~~Armstrong, Bailey, Baylor, Blanco, Borden, Brewster, Briscoe,~~  
4 ~~Brooks, Callahan, Carson, Castro, Childress, Clay, Cochran,~~  
5 ~~Coke, Coleman, Collingsworth, Concho, Cottle, Crane, Crockett,~~  
6 ~~Crosby, Culberson, Dallam, Deaf Smith, Dickens, Dimmit, Donley,~~  
7 ~~Duval, Edwards, Fisher, Floyd, Foard, Frio, Gaines, Garza,~~  
8 ~~Glassecock, Goliad, Hall, Hamilton, Hansford, Hardeman, Hartley,~~  
9 ~~Haskell, Hemphill, Hudspeth, Irion, Jack, Jeff Davis, Jim Hogg,~~  
10 ~~Kenedy, Kent, Kimble, King, Kinney, Knox, Lamb, La Salle, Leon,~~  
11 ~~Lipsecomb, Live Oak, Loving, Lynn, Martin, Mason, McCullough,~~  
12 ~~McMullen, Menard, Mills, Mitchell, Motley, Ochiltree, Oldham,~~  
13 ~~Parmer, Pecos, Presidio, Reagan, Real, Red River, Reeves,~~  
14 ~~Refugio, Roberts, Runnels, San Saba, Schleicher, Shackelford,~~  
15 ~~Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher,~~  
16 ~~Terrell, Terry, Throckmorton, Upton, Val Verde, Ward, Wheeler,~~  
17 ~~Winkler, Yoakum, Zapata, and Zavala.]~~

18  ~~[(ii) The department will reevaluate which counties~~  
19 ~~are eligible for a 75 mile per hour speed limit upon the release~~  
20 ~~of each decennial federal census of the population.]~~

21 (ii)  ~~[(iii) The commission may establish a speed~~  
22 ~~limit of] 80 miles per hour [for daytime] on parts of Interstate~~  
23 ~~Highway 10 and of Interstate Highway 20 in Crockett, Culberson,~~

1 Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or  
2 Ward counties; or [-]

3 (iii) up to 85 miles per hour on a highway designed  
4 to accommodate travel at the speed being established.

5 [~~(iv) In order to establish a 75 or 80 mile per hour~~  
6 ~~daytime speed limit in an eligible county, the commission must~~  
7 ~~determine that a 75 or 80 mile per hour speed limit is safe and~~  
8 ~~reasonable.~~]

9 [~~(v) A 75 or 80 mile per hour speed limit established~~  
10 ~~under this section does not apply to trucks (other than light~~  
11 ~~trucks and light trucks pulling a trailer), truck tractors,~~  
12 ~~trailers, and semitrailers.~~]

13 (B) [~~(C)~~] The altering of the general statewide maximum  
14 speed limits to fit existing traffic and physical conditions of  
15 the highway constitutes the basic principle of speed zoning.

16 (C) [~~(D)~~] Transportation Code, §545.355 and §545.356,  
17 give counties and cities the [~~same~~] authority to establish a  
18 prima facie maximum speed limit of 75 miles per hour within  
19 their respective jurisdictions. The law also provides that any  
20 speed zone on highway routes in cities established by commission  
21 minute order will supersede any conflicting zone set by city  
22 ordinance or resolution.

1           (D) [~~(E)~~] Except in very unusual circumstances, the  
2 zoning on state highway routes within cities should only be set  
3 by city ordinance or resolution based upon the recommendations  
4 of the department. The usual practice, even for speed zones  
5 established by city ordinance or resolution, is for the  
6 department to make the necessary speed studies and recommend the  
7 most appropriate zoning to the city. Cities that have a traffic  
8 engineering staff may also make speed studies on state-  
9 maintained highways and recommend proper zoning. The procedure  
10 is permissible so long as the department is afforded an  
11 opportunity to review and approve the recommended city zoning.

12           (E) [~~(F)~~] County commissioner courts and governing  
13 bodies of incorporated cities and villages may alter maximum  
14 prima facie speed limits on roadways under their jurisdiction in  
15 accordance with the provisions of Transportation Code, §545.355  
16 and §545.356, respectively. However, alteration of maximum  
17 prima facie speed limits on any designated or marked roadway of  
18 the state highway system, even within the corporate limits of a  
19 city, typically requires an engineering and traffic  
20 investigation in accordance with §25.23 of this subchapter  
21 (relating to Speed Zone Studies), and the approval of the  
22 department.

23           (F) [~~(G)~~] A county that increases the prima facie speed

1 limit on a county road or highway is also required to conduct an  
2 engineering and traffic investigation. However, for a county  
3 road or highway outside the limits of the right of way of an  
4 officially designated or marked highway or road on the state  
5 highway system, the county commissioners court may declare a  
6 lower speed limit of not less than 30 miles per hour, if the  
7 commissioners court determines that the prima facie speed limit  
8 on the road or highway is unreasonable or unsafe.

9 (G) [~~(H)~~] County authority does not extend to any  
10 segment of the state highway system; however, the commissioners  
11 court of a county, by resolution, may request the commission to  
12 determine and declare a reasonable and safe prima facie speed  
13 limit that is lower than a speed limit established by  
14 Transportation Code, §545.352, on any part of a farm-to-market  
15 or ranch-to-market road without improved shoulders located in  
16 that county.

17 (H) [~~(I)~~] The commission shall give consideration to  
18 local public opinion and may determine and declare a lower speed  
19 limit on any part of the road without an engineering and traffic  
20 investigation, but the commission must use sound and generally  
21 accepted traffic engineering practices in determining and  
22 declaring the lower speed limit. Sound and generally accepted  
23 engineering practices for these FM and RM roadways without

1 improved shoulders are described in §25.23(d) of this  
2 subchapter.

3 (I) [~~(J)~~] County authority [~~This~~] is different from the  
4 authority of cities, who may exercise concurrent authority  
5 subject only to commission override. In exercising their  
6 authority, cities must base any speed zones on engineering and  
7 traffic investigations, notwithstanding the type of road or  
8 street and whether the state highway system is involved.

9 (J) [~~(K)~~] The authority of regional tollway  
10 authorities, regional mobility authorities, and the Commanding  
11 Officer of a United States Military Reservation to alter the  
12 speed limits are addressed in Transportation Code, §§370.033,  
13 545.354, and 545.358. These decision making authorities are  
14 required to follow the speed zone procedures adopted by the  
15 department when altering, on the basis of an engineering and  
16 traffic study, speed limits on off-system turnpikes or on-system  
17 highways within the confines of a military reservation.

18 [~~(L) Transportation Code, §545.3531, authorizes the~~  
19 ~~commission to establish a speed limit of not more than 85 miles~~  
20 ~~per hour on the Trans Texas Corridor.]~~

21 (3) (No change.)

22 (c) Factors affecting safe speed.

23 (1) - (5) (No change.)

1 (6) Weather and visibility.

2 (A) Speeds will normally be selected and posted for  
3 good weather conditions and dry pavement. Texas law, however,  
4 also provides for the posting of speeds for wet weather  
5 conditions.

6 (B) Except in cases where the statewide maximum legal  
7 limits are posted, speeds will normally be posted on the basis  
8 of daylight speed values determined under good weather  
9 conditions. [~~It is permissible, however, for different day and~~  
10 ~~night speeds to be posted for speed zones where it can be shown~~  
11 ~~to be necessary by nighttime speed surveys.~~]

12 (C) When it can be shown that it is required during wet  
13 or inclement weather, a wet weather speed zone may be  
14 established by commission minute order.

15 (i) The wet weather speed limit should be posted in  
16 addition to the regular posted speed zone.

17 (ii) When appropriately signed, this wet weather  
18 speed limit will be effective during wet weather at any time  
19 during hours of daylight and darkness.

20 (d) Accident reconstruction speed limits.

21 (1) Transportation Code, §545.3561, gives municipalities  
22 and counties the authority to temporarily lower prima facie  
23 speed limits at the site of a crash investigation using

1 vehicular accident reconstruction. The municipality or county  
2 must use a transportation engineering official with experience  
3 establishing speed limits. For a municipality, the authority  
4 applies to a highway or part of a highway in the municipality,  
5 including a highway in the state highway system. For a county,  
6 the authority does not apply to a road or highway in the state  
7 highway system.

8 (2) In establishing the speed limit the municipality or  
9 county is not required to conduct an engineering and traffic  
10 study or comply with other provisions of this subchapter. To  
11 set the temporary speed limit the municipality or county must:

12 (A) follow safety guidelines as developed by the  
13 department for setting regulatory construction speed limits in  
14 work zone areas;

15 (B) provide notice to the department district engineer  
16 in the district in which the accident reconstruction is  
17 occurring at least 48 hours prior to the speed reduction; and

18 (C) during the time that the accident reconstruction is  
19 being conducted, place and maintain temporary speed limit signs  
20 that conform to the Texas Manual on Uniform Traffic Control  
21 Devices and temporarily conceal all other signs that permit  
22 higher speeds and remove the temporary signs and concealments  
23 when the accident reconstruction is complete.

1           (3) If a traffic lane will be closed to accommodate the  
2 reconstruction investigation the municipality or county must  
3 follow all department rules and guidelines on lane closures.

4           (4) The department may remove any temporary speed limit  
5 signs or concealments of speed limit signs that remain if the  
6 municipality does not remove them and after the department  
7 determines that the accident reconstruction is complete.

8

9 §25.22. Regulatory and Advisory Speeds.

10           (a) (No change.)

11           (b) Regulatory speed zones.

12           (1) Introduction. A regulatory speed zone is the  
13 application, by commission minute order or city or county  
14 ordinance or resolution, of posted legal speed limits to  
15 sections of roadway where the numerical values of these special  
16 speed limits have been determined through engineering  
17 investigations of traffic and physical conditions.

18           (2) Within incorporated cities.

19           (A) The commission has the authority to:

20           (i) alter the speed limits on highways within the  
21 corporate limits of cities; or

22           (ii) override a speed limit set by city ordinance or  
23 resolution on such highways.

1           ~~[(B) Any speed limit over 60 miles per hour inside the~~  
2 ~~city limit will be set by commission minute order.]~~

3           (B) ~~[(C)]~~ The department should make studies and  
4 present recommendations to the city for its acceptance and  
5 passage of a city ordinance or resolution to establish city  
6 speed zones.

7           (3) - (4) (No change.)

8           (5) Regulatory speed signs (R2 Series).

9           (A) Signs for regulatory speed zones shall be:

10           (i) from the R2 series as shown in the Texas Manual  
11 on Uniform Traffic Control Devices (TMUTCD); and

12           (ii) of the appropriate design, including size, text,  
13 and color.

14           (B) At the end of speed zones on conventional highways  
15 where the maximum legal rural speeds are permissible, an [a  
16 ~~combination of the~~] R2-1 SPEED LIMIT XX [~~and R2-3 NIGHT XX~~]  
17 sign, or larger size sign showing those limits, should be  
18 erected in accordance with the TMUTCD.

19           (C) At the end of speed zones on freeways where the  
20 maximum legal rural speeds are permissible, the R2-1 SPEED LIMIT  
21 XX sign [~~in combination with the R2-3 NIGHT XX sign, where~~  
22 ~~applicable~~] showing those limits shall be erected.

23           (D) (No change.)

1 (6) (No change.)

2 (c) - (e) (No change.)

3

4 §25.23. Speed Zone Studies.

5 (a) - (c) (No change.)

6 (d) Speed zone design.

7 (1) - (4) (No change.)

8 (5) Variation from 85th percentile.

9 (A) The posted speed selected is the nearest value  
10 ending in 5 or 0. The final speed limit may be lowered or  
11 raised by as much as 5 miles per hour from the 85th percentile  
12 speed or trial-run speed (performed if 125 cars cannot be  
13 checked during the two or four hour speed check) based on the  
14 professional judgment of the supervising engineer. Only under  
15 special conditions would the zone speed vary further from the  
16 85th percentile. Explanations of such conditions follow.

17 (i) Different results at adjacent speed check  
18 stations. If the 85th percentile speeds for adjacent speed  
19 check stations are approximately the same, they may be averaged  
20 to determine the zone speed. Any 85th percentile speed should  
21 not be included in such averages if it varies more than 7 miles  
22 per hour from the speed derived from the average.

23 (ii) Crash rate greater than average. On a section

1 of highway having a crash rate greater than the statewide  
2 average crash rate for the same type of roadway section, the  
3 zone speed may be as much as 12 [~~+7~~] miles per hour lower than  
4 the 85th percentile speed. This should be considered more as an  
5 exception than as a rule, and should be done only when  
6 enforcement agencies will assure a degree of enforcement that  
7 will make the speed zone effective.

8 (iii) - (v) (No change.)

9 (B) - (D) (No change.)

10 (6) - (8) (No change.)

11 (e) - (f) (No change.)

12

13 §25.24. Speed Zone Approval.

14 (a) State highway system. Speed zones on the state highway  
15 system and on turnpikes under the department's authority, may be  
16 set by commission minute order or by the city, depending on the  
17 circumstance.

18 Figure: 43 TAC §25.24(a)

**Who Sets Speed Zones on the State Highway System, Including  
Turnpikes under the Department's Authority**

<b>If the speed zone is</b>	<b>Then it is established by</b>
outside a city	commission minute order.
inside a city [ <del>and less than or equal to 60 miles per hour</del> ]	city ordinance or resolution or commission minute order.

<del>[inside a city and is greater than 60 miles per hour]</del>	<del>[commission minute order.]</del>
--	---------------------------------------

1  
 2 (b) Regional Mobility Authorities. Speed zones on  
 3 turnpikes under the control of a Regional Mobility Authority  
 4 (RMA) may be set by order of the RMA board or by a city through  
 5 which the turnpike passes.

6 Figure: 43 TAC §25.24(b)

**Who Sets Speed Zones on Turnpikes under an RMA's Authority**

<b>If the speed zone is</b>	<b>Then it is established by</b>
outside a city	RMA order.
inside a city <del>[and less than or equal to 60 miles per hour]</del>	city ordinance or RMA order.
<del>[inside a city and is greater than 60 miles per hour]</del>	<del>[RMA order.]</del>

7  
 8 (c) Regional Tollway Authorities. Speed zones on turnpikes  
 9 under the control of a Regional Tollway Authority (RTA) may be  
 10 set by order of the RTA board or by a city through which the  
 11 turnpike passes.

12 Figure: 43 TAC §25.24(c)

**Who Sets Speed Zones on Turnpikes under an RTA's Authority**

<b>If the speed zone is</b>	<b>Then it is established by</b>
outside a city	RTA order.
inside a city <del>[and less than or equal to 60 miles per hour]</del>	city ordinance or RTA order.
<del>[inside a city and is greater than 60 miles per hour]</del>	<del>[RTA order.]</del>

13

NOTE: Additions underlined  
 Deletions in [ ]  
 OGC: 09/12/11 11:53 AM

Exhibit B

1 §25.26. Provisional Traffic and Engineering Investigation  
2 Requirements.

3 (a) This section applies only to increasing the speed limit  
4 within an existing speed zone from 70 miles per hour to 75 miles  
5 per hour, as authorized by the legislature.

6 (b) The speed zone study necessary for increasing the speed  
7 limit from 70 to 75 miles per hour may, at the sole discretion  
8 of the department, be limited to the determination of the 85th  
9 percentile speed at one or more speed check locations within the  
10 established speed zone. Because the boundaries of the speed  
11 zone have been established for the 70 mile per hour zone, a  
12 strip map is not required for the increase.

13 (c) The provisions of this subchapter related to  
14 establishing a speed limit apply to an action under this section  
15 unless such a provision conflicts with this section, in which  
16 event this section controls to the extent of the conflict.