

## **BILL ANALYSIS**

C.S.S.B. 434  
By: Wentworth  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Motor buses must use highway lanes to travel, even when those lanes are congested. This makes use of such mass transit less functional and appealing. The House Committee on Transportation found successes in a motor-bus-only lane program enacted in Minneapolis-St. Paul, and recommended that the legislature consider such a program for willing mass transit authorities.

C.S.S.B 434 creates a public transit motor-bus-only lane pilot program established and operated by the Texas Department of Transportation (TxDOT) in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities, and the affected municipalities served by those authorities, in Bexar, Denton, and Travis Counties. The bill requires the pilot program to permit public transit motor buses to use highway shoulders to bypass congested highway lanes when the speed of the vehicles being operated on the highway lanes is 35 miles per hour or less and to limit the maximum speed of a motor bus being operated on a public transit motor-bus-only lane. The bill also prohibits TxDOT from establishing or operating a public transit motor-bus-only lane on certain tollways without the consent of the toll authority.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 434 amends the Transportation Code to require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities, to establish and operate a public transit motor-bus-only lane pilot program for highways in Bexar, Denton, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity for use as described below.

C.S.S.B. 434 requires the public transit motor-bus-only pilot program to provide for the use by public transit motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less; to limit the maximum speed of a public transit motor bus being operated on a public transit motor-bus-only lane to not more than 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; and to gain local operational experience with the conversion of existing highway shoulders to public transit motor-bus-only lanes during peak traffic periods. The bill additionally requires the pilot program to take into consideration safety, travel time and reliability, driver and passenger perceptions, level of service and maintenance, and capital improvements; and to be limited only to public transit motor buses operated by the mass transit authorities or municipal mass transit departments in the counties specified by the bill.

C.S.S.B. 434 requires TxDOT to initiate the public transit motor-bus-only lane pilot program as soon as practicable but not later than December 31, 2009, and prohibits TxDOT from establishing or operating a public transit motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under the Regional Tollway Authority Act without the authority's consent.

C.S.S.B. 434 establishes that a limitation in the law on driving on an improved shoulder does not apply to a public transit motor bus of a transportation entity described above operating on a shoulder designated by TxDOT under the pilot program. The bill establishes that the maximum speed limit for a public transit motor bus of a transportation entity described above that is operating on the shoulder of a highway designated as a public transit motor-bus-only lane by TxDOT under the pilot program is 35 miles per hour.

C.S.S.B. 434 establishes that the provision making the state law relating to rules of the road that is applicable to an operator of a vehicle also applicable to the operator of a vehicle owned or operated by the United States, Texas, or a political subdivision of Texas is except as specifically provided otherwise by that law, rather than except as specifically provided otherwise by that law for an authorized emergency vehicle.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 434 establishes a public transit motor-bus-only lane pilot program, rather than a motor-bus-only lane pilot program as in the original, and makes conforming changes. The substitute removes a provision in the original making El Paso County one of the counties in the pilot program.