

1-1 By: Wentworth S.B. No. 434
1-2 (In the Senate - Filed January 9, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 2, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9, Nays
1-6 0; March 2, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 434 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment and operation of a motor-bus-only
1-11 lane pilot program in certain counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 455, Transportation Code, is amended by
1-14 adding Section 455.006 to read as follows:

1-15 Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The
1-16 department, in consultation with the Department of Public Safety
1-17 and in conjunction with the appropriate mass transit authorities
1-18 and the municipalities served by those authorities, shall establish
1-19 and operate a motor-bus-only lane pilot program for highways in
1-20 Bexar, Denton, El Paso, Travis, and Williamson Counties that are
1-21 part of the state highway system and have shoulders of sufficient
1-22 width and structural integrity.

1-23 (b) The motor-bus-only lane pilot program shall:

1-24 (1) provide for the use by motor buses of highway
1-25 shoulders as a low-speed bypass of congested highway lanes when the
1-26 speed of vehicles being operated on the main traveled part of the
1-27 adjacent highways is 35 miles per hour or less;

1-28 (2) limit the maximum speed of a motor bus being
1-29 operated on a motor-bus-only lane to not more than 15 miles per hour
1-30 greater than the speed of vehicles being operated on the main
1-31 traveled part of the adjacent highway;

1-32 (3) gain local operational experience with the
1-33 conversion of existing highway shoulders to motor-bus-only lanes
1-34 during peak traffic periods; and

1-35 (4) take into consideration the following:

1-36 (A) safety;

1-37 (B) travel time and reliability;

1-38 (C) driver and passenger perceptions;

1-39 (D) level of service and maintenance; and

1-40 (E) capital improvements.

1-41 (c) The department shall initiate the motor-bus-only lane
1-42 pilot program as soon as practicable but not later than December 31,
1-43 2009.

1-44 (d) Notwithstanding Subsection (a), the department may not
1-45 establish or operate a motor-bus-only lane on a highway or toll
1-46 facility maintained by a regional tollway authority established
1-47 under Chapter 366 without the authority's consent.

1-48 SECTION 2. Section 542.002, Transportation Code, is amended
1-49 to read as follows:

1-50 Sec. 542.002. GOVERNMENT VEHICLES. A provision of this
1-51 subtitle applicable to an operator of a vehicle applies to the
1-52 operator of a vehicle owned or operated by the United States, this
1-53 state, or a political subdivision of this state, except as
1-54 specifically provided otherwise by this subtitle [~~for an authorized~~
1-55 emergency vehicle].

1-56 SECTION 3. Subsection (c), Section 545.058, Transportation
1-57 Code, is amended to read as follows:

1-58 (c) A limitation in this section on driving on an improved
1-59 shoulder does not apply to:

1-60 (1) an authorized emergency vehicle responding to a
1-61 call;

1-62 (2) a police patrol; [~~or~~]

1-63 (3) a bicycle; or

2-1 (4) a motor bus of a transportation entity described
2-2 by Section 455.006 operating on a shoulder designated by the Texas
2-3 Department of Transportation under that section.

2-4 SECTION 4. Section 545.352, Transportation Code, is amended
2-5 by adding Subsection (c-1) to read as follows:

2-6 (c-1) The maximum speed limit for a motor bus of a
2-7 transportation entity described by Section 455.006 that is
2-8 operating on the shoulder of a highway designated as a
2-9 motor-bus-only lane by the Texas Department of Transportation under
2-10 that section is 35 miles per hour.

2-11 SECTION 5. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2009.

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