

1-1 By: McClendon (Senate Sponsor - Wentworth) H.B. No. 2327
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 April 28, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 3; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2327 By: Wentworth

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 metropolitan rapid transit
1-18 authorities, county transportation authorities, municipal transit
1-19 departments, and regional transportation authorities and the
1-20 municipalities served by those mass transit entities, shall
1-21 establish and operate a motor-bus-only lane pilot program for
1-22 highways in Bexar, Denton, El Paso, Tarrant, and Travis Counties
1-23 that are part of the state highway system and have shoulders of
1-24 sufficient width and structural integrity.

1-25 (b) The program shall:

1-26 (1) provide for the use by motor buses of highway
1-27 shoulders as a low-speed bypass of congested highway lanes when the
1-28 speed of vehicles being operated on the main traveled part of the
1-29 adjacent highways is 35 miles per hour or less;

1-30 (2) limit the maximum speed of a motor bus being
1-31 operated on a motor-bus-only lane to the lower of:

1-32 (A) 15 miles per hour greater than the speed of
1-33 vehicles being operated on the main traveled part of the adjacent
1-34 highway; or

1-35 (B) 35 miles per hour;

1-36 (3) provide for attainment of local operational
1-37 experience with the conversion of existing highway shoulders to
1-38 motor-bus-only lanes during peak traffic periods;

1-39 (4) include consideration of the following:

1-40 (A) safety;

1-41 (B) travel time and reliability;

1-42 (C) driver and passenger perceptions;

1-43 (D) level of service and maintenance; and

1-44 (E) capital improvements; and

1-45 (5) be limited only to public transit motor buses
1-46 operated by the mass transit entities in the counties specified by
1-47 Subsection (a).

1-48 (c) The department shall also include in the program:

1-49 (1) bus driver safety training;

1-50 (2) public awareness and education;

1-51 (3) bus operating rules that require bus drivers to
1-52 yield to passenger cars and emergency vehicles; and

1-53 (4) roadside signs and pavement markings indicating
1-54 that affected lanes are reserved for public transit motor-bus-only
1-55 use.

1-56 (d) The department, in coordination with the appropriate
1-57 mass transit entities under Subsection (a), shall fund the
1-58 implementation of the program features under Subsection (c). Mass
1-59 transit entities that participate in the program shall reimburse
1-60 the department for the funds spent on implementation of the program
1-61 features. A metropolitan rapid transit authority that includes an
1-62 advanced transportation district may use funds from the district to
1-63 pay for expenses associated with the pilot program.

2-1 (e) The department shall initiate the motor-bus-only lane
2-2 program as soon as practicable but not later than December 31, 2011.
2-3 Not later than December 31, 2013, the department shall submit to the
2-4 governor, the lieutenant governor, the speaker of the house of
2-5 representatives, and the presiding officer of each legislative
2-6 standing committee with primary jurisdiction over transportation a
2-7 written report that contains:

2-8 (1) a description of the results of the program based
2-9 on local operational experience described in Subsection (b)(3);

2-10 (2) any recommendations for changes to the program;
2-11 and

2-12 (3) a plan on how the department will convert the
2-13 program into a permanent program.

2-14 (f) The department may cancel the program if the department
2-15 finds evidence of a trend of increasing vehicle accidents
2-16 attributable to operation of buses under the program.

2-17 (g) Notwithstanding Subsection (a), the department may not
2-18 establish or operate a motor-bus-only lane on a highway or toll
2-19 facility maintained by a regional tollway authority established
2-20 under Chapter 366 without the authority's consent.

2-21 SECTION 2. Section 542.002, Transportation Code, is amended
2-22 to read as follows:

2-23 Sec. 542.002. GOVERNMENT VEHICLES. A provision of this
2-24 subtitle applicable to an operator of a vehicle applies to the
2-25 operator of a vehicle owned or operated by the United States, this
2-26 state, or a political subdivision of this state, except as
2-27 specifically provided otherwise by this subtitle [~~for an authorized~~
2-28 ~~emergency vehicle~~].

2-29 SECTION 3. Section 545.058(c), Transportation Code, is
2-30 amended to read as follows:

2-31 (c) A limitation in this section on driving on an improved
2-32 shoulder does not apply to:

2-33 (1) an authorized emergency vehicle responding to a
2-34 call;

2-35 (2) a police patrol; [~~or~~]

2-36 (3) a bicycle; or

2-37 (4) a motor bus of a mass transit entity described by
2-38 Section 455.006 operating on a shoulder designated by the Texas
2-39 Department of Transportation under that section.

2-40 SECTION 4. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2011.

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