

BILL ANALYSIS

Senate Research Center

S.B. 510
By: Nichols
Transportation
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Highway workers are losing their lives as a result of being struck on the job by traveling motorists. Since 1938, 101 Texas Department of Transportation (TxDOT) employee fatalities were a result of being struck by motorists while the employees were working within a work zone or near the shoulder of the roadway. Seven of these fatalities occurred within the last 10 years; with two employee fatalities in August and September of 2008.

Lives can be saved and injuries prevented if Texas would require motorists to vacate the lane closest to the highway maintenance/construction vehicle, or slow down nearing a stopped highway or construction vehicle when the highway maintenance/construction vehicle has overhead lights activated. This will ultimately create a safer highway system for motorists and workers.

S.B. 193 was passed by the 78th Legislature and went into effect on September 1, 2003. That legislation is referred to as the "move over/slow down law." It requires drivers nearing a stopped authorized emergency vehicle with lights activated to either slow down or change lanes. "Authorized emergency vehicle" includes police, emergency medical service, and fire vehicles. Tow trucks were added in 2011, but highway and construction vehicles/workers were not included.

S.B. 510 amends Section 545.157 (Passing Authorized Emergency Vehicle), Transportation Code, to specifically include certain vehicles such as a TxDOT vehicle not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105 (Maintenance and Service Equipment Lighting Standards).

S.B. 510 amends current law relating to passing certain vehicles on a highway, and provides a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.157, Transportation Code, as follows:

Sec. 545.157. New heading: PASSING CERTAIN VEHICLES. (a) Provides that this section applies only to a stationary, authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 (Restrictions on Use of Lights) and 547.702 (Additional Equipment Requirements for Authorized Emergency Vehicles), a stationary tow truck using equipment authorized by Section 547.305(d) (relating to restrictions on alternately flashing lighting equipment), and a Texas Department of Transportation vehicle not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105 (Maintenance and Service Equipment Lighting Standards). Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires an operator, on approaching a vehicle described by Subsection (a), unless otherwise directed by a police officer, to vacate the lane closest to the vehicle when driving on a highway with two or more lanes traveling in the direction of the vehicle or slow to a speed not to exceed certain miles per hour. Changes references to emergency vehicle or tow truck to vehicle.

(c)-(d) Redesignates existing Subsections (b) and (c) as Subsections (c) and (d) and makes no further change to these subsections.

(e) Redesignates existing Subsection (d) as Subsection (e). Defines "traffic control channelizing device" in this section. Makes nonsubstantive changes.

SECTION 2. Amends Section 545.301(b), Transportation Code, to make a conforming change.

SECTION 3. Effective date: September 1, 2013.