

BILL ANALYSIS

S.B. 1363
By: Nichols
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that state law does not provide certain protections from motorists that are afforded to certain vehicles, including Texas Department of Transportation (TxDOT) vehicles, to highway maintenance vehicles contracted to work on behalf of TxDOT or service vehicles used in the maintenance of an electrical power line. Concerns have been raised that this may play a role in the high number of contract worker fatalities that occur on Texas roadways. S.B. 1363 seeks to improve the safety of these workers by including these vehicles under these protections and by revising certain vehicle equipment requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1363 amends the Transportation Code to include the following vehicles among the vehicles that, if not separated from the roadway by a traffic control channelizing device and using certain compliant visual signs, trigger the requirement that an operator of another vehicle, on approaching, slow to a specified speed or vacate the lane closest to the vehicle when driving on a highway with two or more lanes traveling in the direction of the vehicle:

- a highway maintenance or construction vehicle operated under a contract for the construction, maintenance, or improvement of a state highway;
- a service vehicle used by or for a utility, as defined by reference, and using visual signals that comply with maintenance vehicle lighting standards and specifications; and
- a stationary vehicle used exclusively to transport municipal solid waste or recyclable material, as those terms are defined under the Solid Waste Disposal Act, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway.

The bill redefines "highway maintenance vehicle" as "highway maintenance and construction vehicle" and expands the definition as it relates to vehicle equipment to include road maintenance or construction equipment used for guardrail repair, sign maintenance, and temporary traffic control device placement or removal.

S.B. 1363 requires the Texas Department of Transportation (TxDOT) to adopt standards and specifications that apply to lamps on highway construction vehicles and authorizes TxDOT to adopt standards and specifications for lighting that permit the use of flashing lights for

identification purposes on highway construction vehicles. The bill prohibits a person from operating a highway construction vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by TxDOT.

EFFECTIVE DATE

September 1, 2019.