

SUBJECT: Allowing cities to restrict traffic on state highways

COMMITTEE: Transportation — committee substitute recommended

VOTE: 7 ayes — Alexander, Siebert, Edwards, Finnell, Hawley, Hill, Pickett
0 nays
2 absent — Hartnett, Uher

WITNESSES: For — Rick Stacy and Curtis Hawk, City of Southlake; Roger Nelson and Jerry L. Hodge, City of Grapevine; Martin W. Schelling, Northeast Leadership Forum
Against — Mike Stewart, Texas Aggregate and Concrete Association; Bill Webb, Texas Motor Transportation Association
On — Bobbie Templeton, Texas Department of Transportation

DIGEST: CSHB 393 would authorize Texas municipalities to enact ordinances restricting through traffic on state highways in their jurisdictions to two pre-designated lanes. Such an ordinance could be in effect only during peak workday traffic hours and would have to allow vehicles to use any lane of the highway to pass another vehicle and to enter and exit the highway.

Before adopting the ordinance, the city would have to submit to the Texas Department of Transportation (TxDOT) a description of the proposed restriction. The executive director or designee would have to approve the restriction and ensure that suitable traffic-control devices were in place. TxDOT approval would have to be based on a traffic study it performed to evaluate the impact of the proposal's impact and would have to ensure, to the greatest extent practicable, a systems approach to preclude inconsistency among ordinances in adjacent communities.

The TxDOT executive director or designee could suspend or rescind approval because of changes in pavement, traffic conditions, or roadway configuration; construction or maintenance activity; or emergency or

incident management. TxDOT would be required to erect and maintain traffic-control devices necessary to implement and enforce the ordinance.

CSHB 393 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS
SAY:**

CSHB 393 would provide great assistance to cities across the state trying to deal with growing traffic problems, particularly the rise in truck traffic on state highways in the wake of the North American Free Trade Agreement. Many cities have been exploring ways to help trucks move through their areas in a faster and smoother manner.

This bill would authorize cities, in full cooperation with TxDOT, to designate certain highway traffic lanes as exclusively for use by trucks, autos and motorcycles during specific rush or peak periods. Proposals would have to be thoroughly studied by TxDOT before any such restrictions could be imposed on an stretch of highway, and TxDOT would make sure that restrictions would not be arbitrary nor contradictory between municipalities that are located relatively near one another.

Designated truck lanes should enable automobile drivers and motorcyclists to operate in a safer, more controlled manner and to reach their destinations quicker, since they would not have to maneuver around massive trucks at rush hour. Competition of autos and trucks for limited roadway space has caused greater delays in the movement of traffic and resulted in more accidents among all vehicles. When a truck is involved in such mishaps, the damages to vehicles, drivers and passengers can be very costly indeed.

The solution proposed by CSHB 393 would be easy to implement. The onus would be on the municipalities to develop a workable plan. TxDOT would have a minor role, as evidenced by the fiscal note, which found no significant fiscal impact to the state.

**OPPONENTS
SAY:**

Creating designated lanes for truck traffic could actually slow down traffic rather than facilitate its flow. Among all drivers on the highway, those steering trucks are generally the best trained and the most skilled at long-

distance driving. The automobile driver is the one generally at fault in highway accidents and responsible for significant delays.

Furthermore, despite the fiscal note, there would inevitably be costs to TxDOT to review plans, conduct studies, and place and maintain traffic control devices. At a time when highway dollars are stretched thin, spending money to speed up local traffic for a few Texas towns would appear irresponsible. State highways are paid for by all Texans, and all Texans should have unrestricted access to them.

OTHER
OPPONENTS
SAY:

CSHB 393 would be a foot in the door for municipalities seeking to gain control over all highway traffic in their jurisdictions. First trucks are restricted to certain lanes; next, trucks are restricted altogether, despite the fact that they pay taxes to support the state highway system.

NOTES:

The committee substitute deleted provisions that would have restricted application to cities of 250,000 people or more and allowed restrictions to be imposed upon one or more highway lanes.

An identical bill, SB 773 by Lindsay, has been reported favorably as substituted from the Senate State Affairs Committee on April 21.