

SUBJECT: Allowing counties to restrict vehicles to designated lanes on county roads

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Hamric, Edwards, Harper-Brown, Laney, Mercer
0 nays
2 absent — Garza, Hill

SENATE VOTE: On final passage, March 24 — 30-0

WITNESSES: For — None
Against — None
On — Carlos Lopez, Texas Department of Transportation

BACKGROUND: Under Transportation Code, sec. 545.0651, enacted by the 75th Legislature in 1997 (SB 773 by Lindsay), a municipality may restrict types of vehicles to specific lanes of multilane highways within its city limits in collaboration with the Texas Department of Transportation (TxDOT). To date, only Houston has enacted a lane-restriction ordinance, although San Antonio recently filed a request with TxDOT to do so.

DIGEST: SB 514 would allow counties to restrict types of vehicles to designated lanes on segments of highways located within the counties but outside municipal jurisdiction, with TxDOT's approval. Only controlled-access highways on the state highway system having at least three travel lanes in each direction, excluding access or frontage roads, would be eligible for restriction. County commissioners could designate no fewer than two restricted lanes. Any lane could be used for passing or for entering or exiting highways. Only "through traffic" not making any local stops could be restricted.

County commissioners courts would have to submit proposed restrictions to TxDOT in advance. Restrictions would not be enforceable without approval of TxDOT's executive director or placement of appropriate traffic-control

devices. TxDOT would have to erect and maintain official devices necessary to implement and enforce restrictions. TxDOT would have to ensure a systems approach that would preclude inconsistent designations among adjacent counties or municipalities. TxDOT could suspend or rescind approval based on changes in pavement or traffic conditions; geometric changes in roadway configurations; construction or maintenance activity; or emergency or incident management.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 514 would extend to counties the designated lane restriction authority now available only to municipalities. It would give counties greater flexibility in traffic control by introducing the managed lane concept to county-level transportation policy.

Specifically, the bill would allow Harris County and its surrounding counties to adopt the same or similar truck-lane designations as the city of Houston has adopted, ensuring a seamless approach that should provide consistency for truckers and other motorists driving in one of the state's largest urban areas. The same would hold true for Bexar County, should the city of San Antonio adopt a designated-lane ordinance. The city of Austin also is contemplating a similar ordinance for trucks on highways within its city limits.

Since September 2000, Houston has conducted a truck-lane pilot project on an eight-mile segment of Interstate Highway 10. Trucks may not use the far left (inside) lane, other than for passing, between 6 a.m. and 8 p.m., Monday through Friday, except holidays. According to Houston police, no traffic fatalities have occurred on this east-side segment of I-10 since the project began, and truck-related accidents have declined 68 percent. A survey of passenger and commercial vehicle drivers indicated a 75 percent approval rating for the program.

Texas' mobility problems are most apparent in areas with high volumes of truck traffic, especially "18-wheelers." Trucks maneuver less effectively than other vehicles in heavy traffic and take longer to regain speed in slow traffic. Prohibiting trucks from using certain lanes could minimize truck-related

slowdowns. Accidents decline, according to truckers, because they must interact less with automobile drivers who often do not react to various driving situations as quickly or in the same way as do truckers.

Restricted lanes, such as those on I-10 in Houston, reduce the commingling of passenger vehicles and long-haul trucks. Drivers often travel at greatly varying speeds and have different objectives and levels of expertise. Along with improving safety, moving goods more quickly produces economic benefits for all Texas consumers. This is a key goal as motor freight, both domestic and international (especially from Mexico), becomes increasingly important with full implementation of the North American Free Trade Agreement.

The managed lane approach is much more cost-effective than expanding existing roadways and is an important element of Gov. Perry's Trans-Texas Corridor Plan. Limiting heavier vehicle usage to fewer lanes would help reduce maintenance costs. Any savings or additional revenue could be used for other county projects.

SB 514 would be permissive, not mandatory, thereby preserving the principle of local control as it applies to transportation policy, especially the essential element of enforcement that TxDOT cannot provide. However, because commercial traffic is a statewide phenomenon, it is both logical and important to encourage uniform managed-lane policies across the state.

**OPPONENTS
SAY:**

SB 514 could create hazards and delays for long-haul trucks if they had to use only a few lanes with slower-moving highway traffic, especially in congested urban areas such as Houston.

This bill would be difficult and time-consuming to enforce. The trucking industry believes that much of the Houston project's success is due to an emphasis on enforcement. Even if sufficient resources were available — which they are not, in many Texas counties — enforcing lane restrictions would keep peace officers from other important duties.

**OTHER
OPPONENTS
SAY:**

To ensure better integration of county and municipal lane designation policies, the bill should include the workday peak-hour limitation found in the municipal ordinance. TxDOT should have to conduct a traffic study before

approving county designations, just as it does for municipalities, to ensure that such restrictions are necessary and not arbitrary.

SB 514 should go a step further by allowing counties and cities to designate exclusive “truck only” lanes. These lanes promote efficiency and safety by minimizing slowdowns and diminishing the effects of stoppages due to accidents or mechanical failure.

NOTES:

A related bill, HB 1208 by Lewis, which would allow TxDOT to designate exclusive and restricted lanes and to charge tolls, passed the House on April 2 was reported favorably, as substituted, by the Senate Infrastructure Development and Security Committee on May 12.