

- SUBJECT:** Establishing a motor-bus-only lane pilot program in certain counties
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 6 ayes — Krusee, Phillips, Harless, Hill, Macias, Murphy  
1 nay — Haggerty  
2 absent — Harper-Brown, Deshotel
- SENATE VOTE:** On final passage, March 27 — 25-5 (Eltife, Fraser, Jackson, Janek, Ogden)
- WITNESSES:** For — Andrea Lofye, Capital Metro; (*Registered, but did not testify:* David Arterburn, United Transportation Union; C.M. English, Jr., United Transportation Union; Priscilla Ingle, VIA Transit San Antonio; Mark Vane, Gardere Wynne Sewell  
Against — None  
On — Amadeo Saenz, Texas Department of Transportation
- DIGEST:** CSSB 132 would require the Texas Department of Transportation (TxDOT) — in consultation with the Department of Public Safety (DPS) and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities — to create and implement a motor-bus-only lane pilot program for highways in Bexar, Denton, Travis, and Williamson counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.  
The program would:
- allow motor buses to use shoulders for low-speed bypass of congested highways lanes when the speed of traffic fell to 35 miles per hour (MPH) or less;
  - limit the speed of buses in the motor-bus-only lane to 35 MPH;
  - allow authorities to gain local experience with the conversion of shoulders to motor-bus-only lanes during peak traffic periods; and
  - take into consideration safety, travel time and reliability, driver and

passenger perceptions, level of service and maintenance, and capital improvements.

The bill would add motor buses to the list of vehicles allowed to drive on the improved shoulder. It would prohibit TxDOT from establishing or operating a motor-bus-only lane on any facility maintained by a ch. 366 regional tollway authority without the authority's consent. It would establish the maximum speed for a bus traveling on an improved shoulder at 35 MPH.

CSSB 132 would require TxDOT to initiate the program as soon as practicable and no later than December 31, 2007.

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, 2007.

**SUPPORTERS  
SAY:**

CSSB 132 would help address traffic congestion, which has become a greater problem as cities in Texas have grown more populated. Using mass transit vehicles to bypass traffic congestion on roads and highways on improved shoulders is a potential solution to the problem of increasing traffic congestion. Current law restricts the use of state highway shoulders for buses and allows them to be used only for emergency vehicles, bicycles, and stranded vehicles. Allowing buses operating in the public transportation system to use improved shoulders on state highways as a way to bypass slow moving traffic could increase the number of people using public transportation, reduce the number of cars on the road, and improve air quality. In order to ensure public safety, the bill would restrict speed limits on the shoulder and only allow motor-bus-only lanes to be created on roadways with shoulders that meet the same structural requirements of a general operating lane.

**OPPONENTS  
SAY:**

This bill would open state highway shoulders to buses, which could have unintended consequences. Shoulders currently are reserved for use by emergency vehicles, bicycles, and stranded vehicles. This bill would open the shoulders for use by motor-buses operating at speeds that could be unsafe for buses and other vehicles that might be in the shoulder. Without the ability to access the shoulder, drivers might not be able to effectively move a car off a roadway in case of an accident. In addition, emergency vehicles might not be able to readily access accident spots or quickly move injured people to a regional medical facility. Further, with buses

operating along shoulders during periods of traffic gridlock, other drivers might be tempted to drive along the shoulder as well, ultimately reducing the benefits of having a motor-bus-only lane. State highway shoulders were not intended to serve the purpose of highway lanes and should not be required to do so.

**OTHER  
OPPONENTS  
SAY:**

This bill should create an offense for motorists who drive into a right-of-way that a transit authority was using for a motor-bus-only lane in order to ensure that the lane would be available for public transit, emergency access, and stranded vehicles.

**NOTES:**

The House committee substitute differs from the Senate-passed version of the bill by changing the scope of the motor-bus-only project to a pilot program. It also would reduce the speed limit from 50 MPH to 35 MPH in the motor-bus-only lanes and give regional tollway authorities the power to decide whether to allow motor-bus-only lanes in their districts.

A related bill, HB 1798 by Martinez Fischer, which would make it a class C misdemeanor (maximum fine of \$500) for motorists to drive into a right-of-way that a transit authority was using for bus rapid transit, with exceptions for emergency vehicles and vehicles authorized to enter the right-of-way, has passed the House and the Senate and been sent to the governor.