

SUBJECT: Allowing slow-moving vehicles to drive on an improved shoulder

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Phillips, Martinez, Burkett, Fletcher, Guerra, Harper-Brown, McClendon, Pickett, Riddle

1 nay — Lavender

1 absent — Y. Davis

WITNESSES: For — None

Against — None

On — (*Registering, but not testifying*: John Barton, Texas Department of Transportation; Ron Joy, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 547.001 defines a slow-moving vehicle as:

- a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less;
- a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by an animal or a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.

The term does not include an electric personal assistive mobility device.

Transportation Code, sec. 545.058 governs driving on an improved shoulder. An operator may drive on an improved shoulder to the right of the main traveled portion of a roadway if that operation is necessary and can be done safely in certain situations. An operator can drive on an improved shoulder to the left of the main traveled portion of a divided or limited-access or controlled-access highway if that operation can be done safely, but only under certain conditions.

DIGEST: HB 3415 would add a slow-moving vehicle, as defined by sec. 547.001 of Transportation Code, to the list of vehicles allowed to drive on an

improved shoulder by sec. 545.058 of Transportation Code.

This 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, 2013.

**SUPPORTERS
SAY:**

HB 3415 would enhance highway safety for all drivers and could potentially save lives by allowing slow-moving vehicles, such as tractors, to operate out of the way of faster traffic.

These vehicles have no alternative but to travel on highways, especially in rural areas. The bill would simply give them a way to do it more safely than the law currently allows.

**OPPONENTS
SAY:**

By allowing slow-moving vehicles to drive on an improved shoulder, HB 3415 would cause unintended repercussions, including decreased driver safety. Current law only allows police patrol, authorized emergency vehicles and bicycles to travel on these shoulders. Emergency personnel have special training for road safety that drivers of slow-moving vehicles would not have. Opening up improved shoulders to slow-moving vehicles could increase the risk for collisions between a tractor and a broken down vehicle or bicyclist on the shoulder, especially at night.