

SUBJECT: Repealing offense for walking along highway when sidewalk not provided

COMMITTEE: Transportation — favorable, without amendment

VOTE: 13 ayes — Canales, E. Thompson, Ashby, Bucy, Davis, Harris, Landgraf, Lozano, Martinez, Ortega, Perez, Rogers, Smithee

0 nays

WITNESSES: For — (*Registered, but did not testify:* Jason Sabo, Environment Texas; Taylor Sims, Farm and City; Thomas Parkinson; Jason Vaughn)

Against — (*Registered, but did not testify:* Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; John Wilkerson, Texas Municipal Police Association)

BACKGROUND: Transportation Code sec. 552.006 requires a pedestrian walking on a highway, if a sidewalk is not provided, to if possible walk on the left side of the roadway or the shoulder facing oncoming traffic. According to sec. 542.301, a person commits an offense if they fail to perform an act required by the subtitle governing the rules of the road.

Concerns have been raised that during Winter Storm Uri, there were examples of individuals being arrested for walking on a highway because parts of the road were iced over or impassable. Some have suggested addressing this issue by eliminating the offense for a pedestrian walking along and on a highway for which a sidewalk is not provided.

DIGEST: HB 3925 would repeal the statute requiring a pedestrian walking on a highway, if no sidewalk was provided, to walk on the left side of the roadway or the shoulder of the roadway facing oncoming traffic.

The bill would take effect September 1, 2021, and apply only to an offense committed on or after that date.