

## **BILL ANALYSIS**

Senate Research Center  
81R1526 JD-D

S.B. 434  
By: Wentworth  
Transportation & Homeland Security  
2/20/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Motor buses must use highway lanes to travel even when these lanes are congested. This makes the use of mass transit less functional and appealing.

As proposed, S.B. 434 creates a pilot program that requires the Texas Department of Transportation, in consultation with the Department of Public Safety, the appropriate mass transit authorities, and the affected municipalities in Bexar, Denton, Travis, and Williamson Counties, to establish and operate a motor-bus-only lane. The program created by S.B. 434 would allow motor buses to use highway shoulders to bypass congested highway lanes when the speed of the vehicles being operated on the highway lanes is 35 miles per hour or less. The program would also limit the maximum speed of a vehicle being operated on the motor-bus-only lane and prohibit the application of motor-bus-only lanes on certain tollways without the consent of the toll authority.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 455, Transportation Code, by adding Section 455.006, as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) Requires 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 municipalities served by those authorities, to establish and operate 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.

(b) Requires that the program provide for the use by motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of the vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less; limit the maximum speed of a motor bus being operated on a motor-bus-only lane to not more than 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; gain local operational experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; and take into consideration certain criteria.

(c) Requires TxDOT to initiate the motor-bus-only lane program as soon as practicable but not later than December 31, 2009.

(d) Prohibits TxDOT, notwithstanding Subsection (a), from establishing or operating a motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under Chapter 366 (Regional Tollway Authorities) without the authority's consent.

SECTION 2. Amends Section 542.002, Transportation Code, as follows:

Sec. 542.002. GOVERNMENT VEHICLES. Provides that a provision of this subtitle applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, this state, or a political subdivision of this state, except as specifically provided otherwise by this subtitle, rather than except as specifically provided otherwise by this subtitle for an authorized emergency vehicle.

SECTION 3. Amends Section 545.058(c), Transportation Code, to provide that a limitation in this section on driving on an improved shoulder does not apply to a motor bus of a transportation entity described by Section 455.006 operating on a shoulder designated by TxDOT under that section.

SECTION 4. Amends Section 545.352, Transportation Code, by adding Subsection (c-1), to provide that the maximum speed limit for a motor bus of a transportation entity described by Section 455.006 that is operating on the shoulder of a highway designated as a motor-bus-only lane by TxDOT under that section is 35 miles per hour.

SECTION 5. Effective date: upon passage or September 1, 2009.