

## **BILL ANALYSIS**

C.S.H.B. 1798  
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Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Several of Texas' Metropolitan Transit Authorities (MTA) are considering the creation of special Bus Rapid Transit systems that would allow the mass transit of vehicles to travel in some places on dedicated roadways, or on restricted pieces of existing roadways. In order to allow these Bus Rapid Transit systems to operate properly, the MTA will need to create certain rights of way in order to allow their vehicles to make scheduled stops or avoid certain busy intersections. This will allow for the safe and efficient operation of an MTA's use of Bus Rapid Transit system.

CSHB 1798 would create criminal penalties for certain vehicles that use or block the right of way for MTA's using a Bus Rapid Transit system.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 1798 amends the Transportation Code to allow metropolitan transit authorities (MTA) to prevent a person from driving a motor vehicle on right of ways established by the MTA in connection with a bus rapid transit system. This offense is a Class C misdemeanor. Emergency vehicles responding to a call and vehicles owned and operated by the transit authority would be exempt from the offense. Commissioned peace officers in their proper jurisdictions would enforce this measure. The act would take effect September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The comparison conforms the language in the original to the standards of the Texas Legislative Council. It moves the subchapter from 451.072, Transportation Code, to 451.113, Transportation Code. The substitute clarifies that a person operating a motor vehicle may not drive on a designated right-of-way that used in connection with a bus rapid transit system. The substitute also described an emergency vehicle responding to call that are exceptions to this subchapter, are the emergency vehicles by Section 541.201, Transportation Code. It also clarifies that a motor vehicle that is owned or under the control of the authority and was authorized to drive the vehicle on the designated right-of-way is also excepted from the application of this subchapter; in the original version the exception applied only to a motor vehicle maintained by an authority. The substitute defines the peace officer acting within their jurisdiction that may enforce this offense as those peace officers defined in Article 2.12, Code of Criminal Procedure. The substitute eliminates the immediate affect clause from the original which stated that this Act would have taken effect immediately if it had received a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.