

BILL ANALYSIS

C.S.H.B. 1790
By: Bolton
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

Charge 4 of the House Committee on Transportation's Interim Report 2008 found successes in a motor-bus-only lane program enacted in Minneapolis-St. Paul and recommended that the legislature consider such a program for willing mass transit authorities.

C.S.H.B 1790 requires the Texas Department of Transportation, in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities, to establish and operate a public transit motor-bus-only lane pilot program for highways in Bexar, Denton, and Travis Counties, allowing public transit 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 bill also limits the maximum speed of a vehicle being operated on the motor-bus-only lane and prohibits the application of motor-bus-only lanes on certain tollways without the consent of the toll authority.

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

C.S.H.B. 1790 amends the Transportation Code to require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities, to establish and operate a public transit motor-bus-only lane pilot program for highways in Bexar, Denton, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

C.S.H.B. 1790 requires the program to provide for the use by public transit motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of 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 public transit motor bus being operated on a public transit 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; and gain local operational experience with the conversion of existing highway shoulders to public transit motor-bus-only lanes during peak traffic periods. The bill additionally requires the program to take into consideration the following: safety, travel time and reliability, driver and passenger perceptions, level of service and maintenance, and capital improvements. The bill additionally requires the program to be limited only to public transit motor buses operated by the mass transit authorities

or municipal mass transit authorities in the designated counties. The bill requires TxDOT to initiate the public transit motor-bus-only lane pilot program as soon as practicable but not later than December 31, 2009, and prohibits TxDOT from establishing or operating a public transit motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under the Regional Tollway Authority Act without the authority's consent.

C.S.H.B. 1790 extends an existing exception to the limitation on driving on an improved shoulder for certain vehicles to make it applicable also for a public transit motor bus of a transportation entity operating on a shoulder designated by TxDOT. The bill establishes that the maximum speed limit for a public transit motor bus of a transportation entity that is operating on the shoulder of a highway designated as a public transit motor-bus-only lane by TxDOT is 35 miles per hour.

C.S.H.B. 1790 amends provisions relating to government vehicles to establish that a provision under rules of the road applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, Texas, or a political subdivision of Texas, except as specifically provided otherwise, rather than except as specifically provided otherwise for an authorized emergency vehicle.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1790 differs from the original by requiring the establishment of a public transit motor-bus-only lane pilot program and making subsequent references to public transit motor buses, whereas the original does not limit a motor-bus-only lane pilot program established under its provisions to public transit motor buses. The substitute differs from the original by removing the requirement in the original for TxDOT and related entities to establish and operate such a program in Williamson County. The substitute adds a provision not in the original requiring the program to be limited only to public transit motor buses operated by the mass transit authorities or municipal mass transit departments in the specified counties.