

By: Wentworth

S.B. No. 434

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 to read as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The department, in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities and with any municipality that has a mass transit department, shall establish and operate a motor-bus-only lane pilot program for highways in Bexar, Denton, El Paso, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) The motor-bus-only lane pilot program shall:

(1) provide for the use by 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;

(2) 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;

1 (3) gain local operational experience with the
2 conversion of existing highway shoulders to motor-bus-only lanes
3 during peak traffic periods;

4 (4) take into consideration the following:

5 (A) safety;

6 (B) travel time and reliability;

7 (C) driver and passenger perceptions;

8 (D) level of service and maintenance; and

9 (E) capital improvements; and

10 (5) be limited only to motor buses operated by the mass
11 transit authorities or municipal mass transit departments in the
12 counties specified by Subsection (a).

13 (c) The department shall initiate the motor-bus-only lane
14 pilot program as soon as practicable but not later than December 31,
15 2009.

16 (d) Notwithstanding Subsection (a), the department may not
17 establish or operate a motor-bus-only lane on a highway or toll
18 facility maintained by a regional tollway authority established
19 under Chapter 366 without the authority's consent.

20 SECTION 2. Section 542.002, Transportation Code, is amended
21 to read as follows:

22 Sec. 542.002. GOVERNMENT VEHICLES. A provision of this
23 subtitle applicable to an operator of a vehicle applies to the
24 operator of a vehicle owned or operated by the United States, this
25 state, or a political subdivision of this state, except as
26 specifically provided otherwise by this subtitle [~~for an authorized~~
27 ~~emergency vehicle~~].

1 SECTION 3. Subsection (c), Section 545.058, Transportation
2 Code, is amended to read as follows:

3 (c) A limitation in this section on driving on an improved
4 shoulder does not apply to:

5 (1) an authorized emergency vehicle responding to a
6 call;

7 (2) a police patrol; ~~or~~

8 (3) a bicycle; or

9 (4) a motor bus of a transportation entity described
10 by Section 455.006 operating on a shoulder designated by the Texas
11 Department of Transportation under that section.

12 SECTION 4. Section 545.352, Transportation Code, is amended
13 by adding Subsection (c-1) to read as follows:

14 (c-1) The maximum speed limit for a motor bus of a
15 transportation entity described by Section 455.006 that is
16 operating on the shoulder of a highway designated as a
17 motor-bus-only lane by the Texas Department of Transportation under
18 that section is 35 miles per hour.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.