

AN ACT

relating to the establishment and operation of a public transit 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. PUBLIC TRANSIT 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 public transit 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 public transit motor-bus-only lane pilot program shall:

(1) 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;

(2) 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

1 operated on the main traveled part of the adjacent highway;

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

5 (4) take into consideration the following:

6 (A) safety;

7 (B) travel time and reliability;

8 (C) driver and passenger perceptions;

9 (D) level of service and maintenance; and

10 (E) capital improvements; and

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

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

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

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

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

1 ~~emergency vehicle~~].

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

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

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

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

9 (3) a bicycle; or

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

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 434 passed the Senate on March 19, 2009, by the following vote: Yeas 29, Nays 0; May 18, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 20, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 434 passed the House, with amendment, on May 12, 2009, by the following vote: Yeas 149, Nays 0, one present not voting; May 20, 2009, House granted request of the Senate for appointment of Conference Committee; May 23, 2009, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor