

By: McClendon

H.B. No. 2327

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, 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 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 the lower of:

(A) 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; or

1           (B) 35 miles per hour;

2           (3) provide for attainment of local operational  
3 experience with the conversion of existing highway shoulders to  
4 motor-bus-only lanes during peak traffic periods; and

5           (4) include consideration of 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.

11          (c) The department shall also include in the program:

12              (1) bus driver safety training;

13              (2) public awareness and education;

14              (3) bus operating rules that require bus drivers to  
15 yield to passenger cars and emergency vehicles; and

16              (4) roadside signs and pavement markings indicating  
17 that affected lanes are reserved for public transit motor-bus-only  
18 use.

19          (d) The department, in coordination with appropriate  
20 transit authorities, shall fund the implementation of the program  
21 features under Subsection (c). Metropolitan rapid transit  
22 authorities that participate in the program shall reimburse the  
23 department for the funds spent on implementation of the program  
24 features. A metropolitan rapid transit authority that includes an  
25 advanced transportation district may use funds from the district to  
26 pay for expenses associated with the pilot program.

27          (e) The department shall initiate the motor-bus-only lane

1 program as soon as practicable but not later than December 31, 2011.  
2 Not later than December 31, 2013, the department shall submit to the  
3 governor, the lieutenant governor, the speaker of the house of  
4 representatives, and the presiding officer of each legislative  
5 standing committee with primary jurisdiction over transportation a  
6 written report that contains:

7 (1) a description of the results of the program based  
8 on local operational experience described in Subsection (b)(3);

9 (2) any recommendations for changes to the program;  
10 and

11 (3) a plan on how the department will convert the  
12 program into a permanent program.

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

17 SECTION 2. Section 542.002, Transportation Code, is amended  
18 to read as follows:

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

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

27 (c) A limitation in this section on driving on an improved

1 shoulder does not apply to:

2 (1) an authorized emergency vehicle responding to a  
3 call;

4 (2) a police patrol; [~~or~~]

5 (3) a bicycle; or

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

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2011.