

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 25 2011

Arlene Spaw
Secretary of the Senate

By: *Wentworth*

H.B. No. 2327

Substitute the following for ___B. No. _____:

By: *Wentworth*

C.S. ___B. No. _____

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6 adding Section 455.006 to read as follows:

7 Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The
8 department, in consultation with the Department of Public Safety
9 and in conjunction with the appropriate metropolitan rapid transit
10 authorities, county transportation authorities, municipal transit
11 departments, and regional transportation authorities and the
12 municipalities served by those mass transit entities, shall
13 establish and operate a motor-bus-only lane pilot program for
14 highways in Bexar, Denton, El Paso, Tarrant, and Travis Counties
15 that are part of the state highway system and have shoulders of
16 sufficient width and structural integrity.

17 (b) The program shall:

18 (1) provide for the use by motor buses of highway
19 shoulders as a low-speed bypass of congested highway lanes when the
20 speed of vehicles being operated on the main traveled part of the
21 adjacent highways is 35 miles per hour or less;

22 (2) limit the maximum speed of a motor bus being
23 operated on a motor-bus-only lane to the lower of:

24 (A) 15 miles per hour greater than the speed of

1 vehicles being operated on the main traveled part of the adjacent
2 highway; or
3 (B) 35 miles per hour;
4 (3) provide for attainment of local operational
5 experience with the conversion of existing highway shoulders to
6 motor-bus-only lanes during peak traffic periods;
7 (4) include consideration of the following:
8 (A) safety;
9 (B) travel time and reliability;
10 (C) driver and passenger perceptions;
11 (D) level of service and maintenance; and
12 (E) capital improvements; and
13 (5) be limited only to public transit motor buses
14 operated by the mass transit entities in the counties specified by
15 Subsection (a).
16 (c) The department shall also include in the program:
17 (1) bus driver safety training;
18 (2) public awareness and education;
19 (3) bus operating rules that require bus drivers to
20 yield to passenger cars and emergency vehicles; and
21 (4) roadside signs and pavement markings indicating
22 that affected lanes are reserved for public transit motor-bus-only
23 use.
24 (d) The department, in coordination with the appropriate
25 mass transit entities under Subsection (a), shall fund the
26 implementation of the program features under Subsection (c). Mass
27 transit entities that participate in the program shall reimburse

1 the department for the funds spent on implementation of the program
2 features. A metropolitan rapid transit authority that includes an
3 advanced transportation district may use funds from the district to
4 pay for expenses associated with the pilot program.

5 (e) The department shall initiate the motor-bus-only lane
6 program as soon as practicable but not later than December 31, 2011.
7 Not later than December 31, 2013, the department shall submit to the
8 governor, the lieutenant governor, the speaker of the house of
9 representatives, and the presiding officer of each legislative
10 standing committee with primary jurisdiction over transportation a
11 written report that contains:

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

14 (2) any recommendations for changes to the program;
15 and

16 (3) a plan on how the department will convert the
17 program into a permanent program.

18 (f) The department may cancel the program if the department
19 finds evidence of a trend of increasing vehicle accidents
20 attributable to operation of buses under the program.

21 (g) Notwithstanding Subsection (a), the department may not
22 establish or operate a motor-bus-only lane on a highway or toll
23 facility maintained by a regional tollway authority established
24 under Chapter 366 without the authority's consent.

25 SECTION 2. Section 542.002, Transportation Code, is amended
26 to read as follows:

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5 ~~emergency vehicle~~].

6 SECTION 3. Section 545.058(c), Transportation Code, is
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9 shoulder does not apply to:

10 (1) an authorized emergency vehicle responding to a
11 call;

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14 (4) a motor bus of a mass transit entity described by
15 Section 455.006 operating on a shoulder designated by the Texas
16 Department of Transportation under that section.

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

FLOOR AMENDMENT NO. 1

BY: *Craig Estes*

1 Amend H.B. 2327 (Senate Committee printing) as follows:

2 On page 1, line ~~22~~ strike "Denton,".

25

ADOPTED

MAY 25 2011

Atay Spaw
Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2327 by McClendon (Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish and operate a motor-bus-only pilot lane program for highways in Bexar, El Paso, Travis, and Tarrant Counties, in consultation with the Department of Public Safety, the appropriate local transit and transportation authorities, and the municipalities served by those authorities. The bill would require TxDOT to include in the program bus driver safety training, public awareness and education, bus operating rules, and roadside signs and pavement markings. The bill would require TxDOT to fund the implementation of the program and require participating mass transit entities to reimburse TxDOT for funds spent on implementation of the program features. The bill would require TxDOT to submit a report regarding the pilot program no later than December 31, 2013.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. It is also assumed that TxDOT expenditures for implementation of certain features of the pilot program would be reimbursed by the participating metropolitan rapid transit authorities as required under the provisions of the bill.

Local Government Impact

There would be costs to the applicable counties for the requirement to establish and operate a motor-bus-only pilot lane program for highways, but the amounts would vary.

Based on the analysis of one of the applicable transit authorities, the Capital Metropolitan Transportation Authority (Cap Metro) in Travis County reported that the amounts are not anticipated to be significant. Cap Metro cited a study conducted by the University of Texas Center for Transportation Research (Peak Period Shoulder Use of Urban Expressways, May 2010) that identified possible sections of highway shoulders in Travis County that did not appear to need structural alterations where buses could safely operate, and where only signage was needed. Their estimate for the cost of the necessary signage was less than \$20,000 for the feasible sections identified.

Source Agencies: 601 Department of Transportation, 405 Department of Public Safety

LBB Staff: JOB, KJG, MW, TG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB2327** by McClendon (Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish and operate a motor-bus-only pilot lane program for highways in Bexar, Denton, El Paso, Travis, and Tarrant Counties, in consultation with the Department of Public Safety, the appropriate local transit and transportation authorities, and the municipalities served by those authorities. The bill would require TxDOT to include in the program bus driver safety training, public awareness and education, bus operating rules, and roadside signs and pavement markings. The bill would require TxDOT to fund the implementation of the program and require participating mass transit entities to reimburse TxDOT for funds spent on implementation of the program features. The bill would require TxDOT to submit a report regarding the pilot program no later than December 31, 2013.

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Source Agencies: 601 Department of Transportation, 405 Department of Public Safety

LBB Staff: JOB, KJG, MW, TG, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 28, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB2327** by McClendon (Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.), **As Engrossed**

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Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JOB, KJG, MW, TG, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2327 by McClendon (Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.), **As Introduced**

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