

BILL ANALYSIS

S.B. 2039
By: Hancock
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that the use of vehicles such as bicycles, electric bicycles, skateboards, electric personal assistive mobility devices, and motor-assisted scooters on sidewalks has increased in recent years. However, the bill sponsor has further informed the committee that current law does not address non-pedestrian sidewalk users from a traffic control or right-of-way perspective. S.B. 2039 seeks to improve safety for all sidewalk traffic and increase clarity for law enforcement investigating crashes involving vehicles and devices lawfully operating in crosswalks by creating a framework for non-pedestrian sidewalk users to lawfully operate in pedestrian areas if they are obeying the pedestrian control signs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 2039 amends the Transportation Code to require vehicle operators to stop and yield the right-of-way to sidewalk users, in addition to pedestrians as under current law, in the following circumstances:

- an operator of a vehicle facing a circular green signal must stop and yield the right-of-way to a sidewalk user lawfully in the intersection or an adjacent crosswalk;
- an operator of a vehicle facing a green arrow signal, displayed alone or with another signal, must stop and yield the right-of-way to a sidewalk user lawfully in an adjacent crosswalk;
- an operator of a vehicle facing only a steady red signal and attempting to turn right or left, if permissible, after stopping as required must yield the right-of-way to a sidewalk user lawfully in an adjacent crosswalk; and
- an operator of a vehicle emerging from an alley, driveway, or building in a business or residence district must yield the right-of-way to a sidewalk user to avoid collision.

The bill makes the following signals applicable to a sidewalk user in the same manner as pedestrians:

- a traffic control signal displaying green, red, and yellow lights or lighted arrows; and
- a pedestrian control signal displaying "Walk," "Don't Walk," or "Wait."

S.B. 2039 defines "sidewalk user" as an individual lawfully operating one of the following on a sidewalk:

- a bicycle;

- a motor-assisted scooter or an electric personal assistive mobility device, as defined by reference to statutory provisions relating to the operation of low-powered vehicles;
- a skateboard;
- roller skates; or
- a similar device.

S.B. 2039 requires the operator of a vehicle to stop and yield the right-of-way to a sidewalk user crossing a roadway in a crosswalk if the following conditions apply:

- no traffic control signal is in place or in operation; and
- the sidewalk user is on the half of the roadway in which the vehicle is traveling or approaching so closely from the opposite half of the roadway as to be in danger.

The bill prohibits a sidewalk user from doing the following:

- suddenly leaving a curb or other place of safety and proceeding into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to stop and yield; and
- approaching or entering a crosswalk at a speed greater than is reasonable and prudent under the existing conditions and having regard for actual and potential existing hazards.

For these purposes, a speed greater than eight miles per hour is prima facie evidence that the speed is not reasonable and prudent.

S.B. 2039 prohibits the operator of a vehicle approaching from the rear of a vehicle that is stopped at a crosswalk to permit a sidewalk user to cross a roadway from passing the stopped vehicle. The bill requires a sidewalk user approaching an intersection with a stop sign to do the following:

- stop before entering the crosswalk; and
- after stopping, yield the right-of-way to a vehicle that has entered the intersection or that is approaching the intersection so closely as to be an immediate hazard to the sidewalk user entering or moving across the crosswalk.

The bill applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.