

BILL ANALYSIS

Senate Research Center
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The use of sidewalk vehicles such as bicycles, electric bicycles, and electric personal assistive mobility devices has increased in recent years. Current Texas law does not address non-pedestrian sidewalk users from traffic control or right-of-way perspective. Without clear boundaries of right-of-way perspective and traffic control compliance, there is a lack of protection for these individuals when utilizing crosswalks. When crashes occur between motor vehicles and these sidewalk users, investigating law enforcement officers also have difficulty drawing conclusions regarding liability and contributing factors for the crash. S.B. 2039 seeks to create a framework for non-pedestrian sidewalk users to lawfully operate in pedestrian areas if they are following all pedestrian control signs.

As proposed, S.B. 2039 amends current law relating to the applicability of certain pedestrian laws to certain sidewalk users.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 541.001, Transportation Code, by adding Subdivision (6) to define "sidewalk user."

SECTION 2. Amends Sections 544.007(b), (c), and (d), Transportation Code, as follows:

(b) Requires an operator of a vehicle facing a circular green signal, while the signal is exhibited, to perform certain actions, including stop and yield the right-of-way to pedestrians or sidewalk users lawfully in the intersection or an adjacent crosswalk.

(c)-(d) Makes conforming changes to these subsections.

SECTION 3. Amends Section 545.256, Transportation Code, to make a conforming change.

SECTION 4. Amends the heading to Chapter 552, Transportation Code, to read as follows:

CHAPTER 552. PEDESTRIANS AND OTHER SIDEWALK USERS

SECTION 5. Amends Sections 552.001 and 552.002, Transportation Code, as follows:

Sec. 552.001. TRAFFIC CONTROL SIGNALS. Makes conforming changes to this section.

Sec. 552.002. New heading: PEDESTRIAN OR SIDEWALK USER RIGHT-OF-WAY IF CONTROL SIGNAL PRESENT. Makes conforming changes to this section.

SECTION 6. Amends Chapter 552, Transportation Code, by adding Sections 552.0035 and 552.0036, as follows:

Sec. 552.0035. SIDEWALK USER RIGHT-OF-WAY AT CROSSWALK. (a) 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 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.

(b) Prohibits a sidewalk user, notwithstanding Subsection (a), from 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.

(c) Prohibits a sidewalk user, notwithstanding Subsection (a), from 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. Provides that, for the purposes of this subsection, a speed greater than eight miles per hour is prima facie evidence that the speed is not reasonable and prudent.

(d) 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.

Sec. 552.0036. SIDEWALK USER RIGHT-OF-WAY AT STOP SIGN. Requires a sidewalk user approaching an intersection with a stop sign to stop before entering the crosswalk and, after stopping, yield the right-of-way to a vehicle that has entered the intersection or is approaching the intersection so closely as to be an immediate hazard to the sidewalk user entering or moving across the crosswalk.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2025.