

Establishing pilot program for public transit motor-bus-only lane on highway shoulder

SB 434 by Wentworth (Bolton)

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DIGEST: SB 434 would have required the Texas Department of Transportation (TxDOT) to establish, in consultation with the Department of Public Safety and associated mass transit authorities and municipalities, a public transit motor-bus-only lane pilot program for highways in Bexar, Denton, El Paso, and Travis counties that were part of the state highway system and had shoulders of sufficient width and integrity.

The pilot program would have allowed public transit motor buses to use a highway shoulder as a low-speed bypass, up to 15 miles per hour greater than the speed of vehicles on the adjacent highway, of congested highway lanes when the speed of vehicles operated on the adjacent highway was less than 35 miles per hour. The program would have had to take into consideration safety, travel time and reliability, driver and passenger perceptions, levels of maintenance and service, and capital improvements by transit authorities in the specified counties.

GOVERNOR'S REASON FOR VETO:

“Senate Bill No. 434 would create a pilot program that would allow transit buses to use highway shoulders during peak traffic times. Currently, shoulders may only be used by motorists in emergencies or by emergency vehicles. Allowing highway shoulders to be used by transit buses would leave no emergency lane, creating a danger to motorists, emergency personnel and passengers aboard transit buses.”

RESPONSE:

Sen. Jeff Wentworth, the bill’s author, said: “This bill was thoroughly vetted by two legislative committees in public hearings where arguments both in favor of and opposed to the bill were heard, and the bill passed the Senate by a vote of 29-0 and the House of Representatives by a vote of 146-3. Whoever on the governor’s staff recommended that he veto it is less knowledgeable about the bill than the 181 members of the Legislature, and the governor should not have vetoed it.

“Senate Bill 434 was designed to increase mobility in four urban counties as a pilot program. It would have allowed mass transit buses to use the improved shoulders on certain state highways during periods of traffic congestion to bypass that congestion and help maintain a dependable schedule.

“SB 434 was suggested to me by VIA Metropolitan Transit in San Antonio and Capital Metro in Austin and was specifically aimed at Bexar, Denton, El Paso, and Travis counties to alleviate traffic congestion without large expenditures for new roadways or lanes.

“The bill would have created a pilot program in only four of Texas’ 254 counties to see how well the proposal worked in these counties. The governor cites safety

concerns about using the shoulder for non-emergency uses, but this program has already been safely and successfully implemented in several other states and cities around the country. If a bus encounters a disabled car or traffic stopped on the shoulder, the bus merges back into the main lanes until it can safely move back to the shoulder. Only sections of highways with good sight-lines are selected for the program.

“In addition, both the Department of Public Safety and the Texas Department of Transportation would have participated in the development of the pilot program.”

Rep. Valinda Bolton, the House sponsor, said: “I was very disappointed and surprised when Governor Perry vetoed SB 434, which created a pilot program to allow public buses to travel on safe shoulder lanes in Travis, Bexar, Denton, and El Paso counties.

“Transportation has always been a pressing issue in my district, and with limited funds available for road construction, it is my responsibility as a legislator to look for creative ways to alleviate congestion. I believe we accomplished that goal with SB 434. Not only would the proposed program have eased gridlock on crowded roads, it would have cost the state absolutely nothing.

“The House Transportation Committee’s interim report suggested that we pass this type of legislation, and the affected transit authorities all asked to establish the program. When the bill passed both chambers of the Legislature with nearly unanimous bipartisan support, we were happy to be able to provide them with the opportunity to do so.

“Governor Perry said he vetoed the bill because it would compromise the safety of motorists and emergency responders, but that is just not the case. Bus-only lanes have a proven safety record and this program would have been an efficient, effective use of resources. These programs have been proven to ease congestion and reduce travel times for buses without compromising public safety. Minnesota has safely used over 200 miles of freeway and highway shoulders since 1991 and Atlanta, Miami, and San Diego have all pursued similar projects. SB 434 also included provisions specifically requiring TxDOT to ensure that highways used in the program meet safety standards for motorists and emergency responders.

“Senator Wentworth and I worked extensively with local transportation authorities, TxDOT, and other members of the Legislature to guide this bill through the

legislative process. Neither Governor Perry nor his staff raised any concerns about the bill during the session when it passed with almost unanimous support of both houses. If the governor had concerns about the legislation, it would have been helpful if he had brought them to us while we had time to address them. Unfortunately, he chose not to get involved in the process. I am very disappointed to see the constructive hard work of so many go to waste.”

NOTES:

SB 434 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.