

Safe passing distance for vulnerable road users

SB 488 by Ellis (Harper-Brown)

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DIGEST: SB 488 would have required the operator of a motor vehicle either to vacate the lane in which a vulnerable road user was located if the highway had two or more marked lanes or to pass the user at a safe distance, which would have been defined as three feet for a passenger car and six feet for other vehicles. “Vulnerable road user” would have been defined as a pedestrian, disabled person, a worker with legitimate business in or near the road, motorcyclist, bicyclist, or person on horseback. The bill would have prohibited the operator of a motor vehicle from maneuvering in such a way as to intend to cause intimidation or harassment or threaten a vulnerable road user.

The bill would have created a misdemeanor offense with a fine of no more than \$200 for a violation. If a violation had resulted in property damage, the maximum fine would have been \$500, and if the violation had resulted in bodily injury, the violation would have been a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

GOVERNOR'S REASON FOR VETO:

“Senate Bill No. 488 would create a new class of users of roadways, called ‘vulnerable road users,’ which would require specific actions by operators of motor vehicles. These vulnerable road users would include pedestrians; highway construction and maintenance workers; tow truck operators; stranded motorists or passengers; people on horseback; bicyclists; motorcyclists; moped riders; and other similar road users.

“Many road users placed into the category of vulnerable road users already have operation regulations and restrictions in statute. For example, a person operating a vehicle being drawn by an animal is subject to the same duties as a motor vehicle, and a pedestrian is required to yield the right of way to a motor vehicle, unless he or she is at an intersection or crosswalk.

“While I am in favor of measures that make our roads safer for everyone, this bill contradicts much of the current statute and places the liability and responsibility on the operator of a motor vehicle when encountering one of these vulnerable road users. In addition, an operator of a motor vehicle is already subject to penalties when he or she is at fault for causing a collision or operating recklessly, whether it is against a ‘vulnerable user’ or not.”

RESPONSE: **Sen. Rodney Ellis**, the bill’s author, said: “This bill reflected a bipartisan compromise that had support of the most conservative and liberal members of the Legislature. The bill was changed to penalize only the most egregious drivers. For

instance, a compromise struck early in the process made a penalty only when a driver did not leave a safe passing distance even though ‘road conditions would allow’ that distance. Further, a defense to prosecution was added that absolved drivers when the other road user was at fault.

“Deaths of bicyclists, pedestrians, and other vulnerable road users occur too often in Texas and this bill would have provided some protection. Fines for careless or even malicious drivers might have prevented accidents caused by those drivers in the future.

“I am very disappointed in this veto as the bill likely would have saved lives.”

Rep. Linda Harper-Brown, the House sponsor, had no comment on the veto.

NOTES:

SB 488 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.