

**SUBJECT:** Creating offense for driving in right-of-way lanes for bus rapid transit

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 6 ayes — Krusee, Harper-Brown, Harless, Hill, Macias, Murphy  
0 nays  
3 absent — Phillips, Deshotel, Haggerty

**WITNESSES:** For — (*Registered, but did not testify:* Priscilla Ingle, VIA Metropolitan Transit; Mark Vane, Gardere Wynne Sewell)  
Against — None

**BACKGROUND:** Transportation Code, ch. 451 provides rules and regulations for and grants powers to metropolitan rapid transit authorities.  
  
Metropolitan Transit Authorities (MTAs) in Texas are exploring the creation of bus rapid transit (BRT) systems. In use in several major cities around the country, BRT systems run in dedicated, restricted lanes on roadways alongside cars.

**DIGEST:** CSHB 1798 would add Transportation Code, sec. 451.113 to create an offense for motorists who drove into a right-of-way that a transit authority was using for bus rapid transit (BRT). Exceptions would be included for emergency vehicles responding to a call and for vehicles owned or controlled by the transit authority that it had authorized to enter the right-of-way. Any officer with jurisdiction in the area could enforce the offense, which would be a class C misdemeanor (maximum fine of \$500).  
  
The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** CSHB 1798 would enable cities and transit authorities exploring bus rapid transit (BRT) to create dedicated lanes with the assurance that motorists would have enough of a disincentive not to use the lanes. For BRT to be effective, transit authorities would have to be able to ensure as few

impediments along these lanes as possible. This bill would be a useful tool to ensure that these projects could move forward successfully.

Transit authorities in Houston and San Antonio both are in the planning stages to establish BRT in their cities. The programs would allow the cities to alleviate congestion on the roads with a public transportation option that would be more environmentally friendly than today's public buses. The BRT systems operate like light-rail systems but cost much less to build and maintain. Unlike a standard bus, these buses have twice the capacity, are lower to the ground, and – because of technology that allows them to influence traffic signals – are much more reliable in reaching stations on time.

In every city in which BRT is used, the transit authority is armed with the ability to penalize motorists who enter the dedicated lanes. The system would suffer significantly without a way to keep drivers from slowing down movement of people on these buses.

**OPPONENTS  
SAY:**

Under CSHB 1798, the penalty for driving in the wrong lane would be excessive. While it is understandable that this behavior would need to be penalized to keep these lanes free from general vehicle traffic, a fine of up to \$500 would be out of line with other penalties in Texas and with penalties for the same offense in other areas of the country with BRT lanes. In Dallas and Houston, where dedicated high-occupancy vehicle (HOV) lanes are in use, fines for illegally entering those lanes do not exceed \$200. In Pittsburgh and Los Angeles, where BRT is used, the offense is simply a moving violation subject to a fine that is nowhere near \$500.

**NOTES:**

The committee substitute differs from the original by adding the new section to a different portion of the Transportation Code, specifying the provisions would apply only to BRT, changing the penalty to a misdemeanor in lieu of a maximum \$200 fine and 30-day jail confinement, and removing the provision for the bill to become effective immediately.