

- SUBJECT:** Establishing a motor-bus-only lane pilot program in certain counties
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons
- 0 nays
- WITNESSES:** For — Todd Hemingson, Capital Metro; (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; Christy Willhite, Capital Metro; Nancy Williams, City of Austin; Thomas Butler, Downtown Austin Alliance; Chris Shields, Fort Worth Transportation Authority; Dana Harris, Greater Austin Chamber of Commerce; Heidi Gerbracht, Real Estate Council of Austin; Victor Boyer, San Antonio Mobility Coalition, Inc.; Mark Mendez, Tarrant County Commissioners Court; Vic Suhm, Tarrant Regional Transportation Coalition; Conrad John, Travis County Commissioners Court; Marc Rodriguez, VIA Metropolitan Transit Authority)
- Against — (*Registered, but did not testify:* Terri Hall, Texas TURF, Texans for Toll-free Highways)
- On — Randy Machemehl, University of Texas; (*Registered, but did not testify:* Justin Chrane, Texas DPS; Mark Marek, TxDOT)
- BACKGROUND:** Transportation Code, sec. 545.058(c) allows emergency vehicles, police patrols, and bicycles to operate on improved shoulders. All other vehicles may use an improved shoulder only under specified circumstances and if the operation is necessary and may be done safely.
- Two bills vetoed in recent years would have established a public transit motor-bus-only lane pilot program in certain counties — SB 434 by Wentworth, passed by the 81st Legislature in 2009, and HB 2327 by McClendon, passed by the 82nd Legislature in 2011.

**DIGEST:** HB 1324 would direct the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety and local transit authorities, to develop a pilot program allowing buses to travel in the shoulders of certain highways by December 31, 2015.

The pilot program could operate in Bexar, El Paso, Tarrant, or Travis counties or in certain adjacent counties. It would allow buses operated by mass-transit entities in these counties to use highway shoulders as low-speed bypasses when traffic in the main lanes was traveling no faster than 35 miles per hour. Buses traveling on the shoulder could travel up to 15 miles per hour faster than traffic in the main lanes, up to a top speed of 35 miles per hour. The program would provide for the attainment of local operational experience in converting shoulders to bus-only lanes during peak traffic periods.

HB 1324 would require that TxDOT develop operator safety training, public awareness and education programs, rules that required buses to yield to passenger cars and emergency vehicles, and signage and other markings indicating the shoulders the buses could use. TxDOT would fund the program in conjunction with the transit entities, which would be required to reimburse TxDOT for program expenses.

TxDOT would be required to submit a report about the program to the governor, lieutenant governor, speaker of the house, and the transportation committee chairs of each house by December 31, 2017. The report would have to include a description of program results, recommendations for changes, and a plan for making the program permanent.

TxDOT could cancel the pilot program at any time if it was found that it led to more crashes. Pilot program buses could not operate on a toll road without the consent of the regional tollway authority.

HB 1324 also would add mass transit buses to the list of vehicles allowed to operate on improved shoulders as a matter of course.

This bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

HB 1324 would offer one approach to addressing congestion on roadways in Texas by allowing express buses to use highway shoulders as a low-speed bypass. Regional mobility is one of the greatest challenges Texas faces. In addition to improving transit time and reliability, the bill could make transit use more appealing to commuters, thereby reducing congestion.

Similar programs in other states have shown that allowing buses to use shoulders as low-speed bypasses is safe and can make transit faster than commuting in a private automobile. These programs also have seen a significant rise in the number of bus commuters.

Safety is a primary concern for these pilot programs. Transit agencies would be required to develop safety training programs and protocols. In the interest of safety, the bill would stipulate that the buses could not travel faster than 15 miles an hour faster than traffic in the main lanes.

HB 1324 would require buses traveling on shoulders to yield to emergency vehicles and passenger cars, which would mitigate concerns about public safety. The bill also would have no cost to the state. Transit agencies would be required to reimburse TxDOT for any costs in signage or other road markings.

A study by the University of Texas at Austin's Center for Transportation Research indicates that bus-on-shoulder programs are safe and highly efficient. The primary cost of the program would be signage, and the cost savings due to efficiency would pay for the program in short order.

**OPPONENTS  
SAY:**

HB 1324 would threaten public safety and could confuse other drivers on the road. Allowing transit buses to use highway shoulders could interfere with emergency vehicles that used the shoulders, which could be unsafe for emergency personnel, bus passengers, and other motorists.