

SUBJECT: Establishing requirements for passing a pedestrian or bicyclist

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Canales, Raney, Gámez, Cody Harris, Lozano, Lujan, Patterson, Perez, Romero

1 nay — Ashby

3 absent — Davis, Landgraf, Ordaz

WITNESSES: For — Robin Stallings, BikeTexas; Scott White, Farm & City, Vision Zero Texas, Velo Paso Bicycle-Pedestrian Coalition (*Registered, but did not testify*: Brie Franco, City of Austin; Nadia Islam, City of San Antonio; Jay Crossley, Daniel Kavelman, Farm & City; Jessica Anderson, Houston Police Department; Bill Kelly, Mayor’s Office, City of Houston; Katherine Atkiss, Texas Streets Coalition; Valarie Gold; Carl Jacob; Dennis Kearns; Thomas Parkinson;)

Against — Terri Hall, Texas TURF, Texans for Toll-free Highways; Rachel Hale, TX Eagle Forum (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Byron Schirmbeck, Texas Campaign for Liberty; Michael Belsick; Richard Bohnert; Terry Putnam; Wilma Joy Putnam; Calvin Tillman; Teresa Weirich)

On — Anne O’Ryan, AAA Texas (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: Some have suggested establishing increased safety standards for motor vehicle operators could better ensure the safety of bicyclists and pedestrians on roadways.

DIGEST: HB 421 would require the operator of a motor vehicle to exercise due care to avoid colliding with a pedestrian or a person operating a bicycle on a highway or a street.

For the purposes of vehicles passing to the left, a “safe distance” from a pedestrian or any part of a bicycle, would be defined as:

- at least three feet if the operator’s vehicle was a passenger car or a light truck; or
- at least six feet if the operator’s vehicle was a commercial motor vehicle or a truck that was not classified as light.

These standards would apply to vehicles passing to the right only when conditions permitted safely passing a pedestrian or bicycle to the right.

A motor vehicle passing a pedestrian or a person operating a bicycle on a highway or street that had two or more marked lanes running in the same direction would be required to move the motor vehicle to the lane other than the one used by the pedestrian or bicycle operator while passing.

It would be an affirmative defense to prosecution under the bill that at the time of the offense, the pedestrian or bicycle operator was acting in violation of a traffic law in a manner that contributed to the offense.

An exception would be provided for operators driving in a no-passing zone, establishing that a driver was not prohibited from passing a pedestrian or a person operating a bicycle in a no-passing zone if the operator of the motor vehicle otherwise complied with the provisions of the bill.

The bill would take effect September 1, 2023 and would apply only to an offense committed on or after the effective date.