

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 2204  
By: Gutierrez (Moncrief)  
State Affairs  
5-10-2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

The population growth of Texas continues to aggravate the congestion and dangers inherent in traffic flow within our communities. Neighborhoods and existing road systems developed for smaller populations face increasing pressures from higher traffic density. Currently, use of alternative modes of transportation, such as cycling or walking, is limited. Additionally, proper safeguards necessary to protect the cyclist or pedestrian are lacking. C.S.H.B. 2204 sets forth provisions for the enforcement of safety regulations regarding bicyclists and pedestrians.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 3 (Section 370.004, Local Government Code), SECTION 4 (Section 201.614, Transportation Code), and SECTION 13 (Section 551.106, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be called the Matthew Brown Act.

SECTION 2. Amends Section 411.0175, Government Code, to make a reference to “motor vehicle” as “vehicle.” Requires the Department of Public Safety (department) to annually or more frequently publish statistical information derived from the accident reports as to the number, cause, and location of highway accidents, including information regarding the number of accidents involving injury to, death of, or property damage to a bicyclist or pedestrian.

SECTION 3. Amends Chapter 370, Local Government Code, by adding Section 370.004, as follows:

Sec. 370.004. **REQUIRED WEARING OF BICYCLE HELMETS.** Authorizes the governing body of a municipality by ordinance to require a child younger than 16 years of age to wear a bicycle helmet while operating a bicycle in the municipality. Authorizes the commissioners court of a county by order to require a child younger than 16 years of age to wear a bicycle helmet while operating a bicycle in the unincorporated area of the county. Authorizes the governing body of a municipality or the commissioners court of a county to adopt an ordinance or order under this section only if the department determines certain information. Requires an ordinance or order adopted under this section to provide certain information. Requires the department to adopt rules to implement this section.

SECTION 4. Amends Chapter 201H, Transportation Code, by adding Section 201.614, as follows:

Sec. 201.614. **SAFE ROUTES TO SCHOOL PROGRAM.** Requires the department to establish and administer a Safe Routes to School Program to distribute money received under the Hazard Elimination Program (23 U.S.C. Section 152), as amended, to political subdivisions for projects to improve safety in and around school areas. Authorizes projects eligible to

receive money under this program to include installation of new crosswalks and bike lanes; construction of multiuse trails; construction and replacement of sidewalks; implementation of traffic-calming programs in neighborhoods around schools; and construction of wide outside lanes to be used as bike routes. Requires the department, in considering project proposals under this section, to consider certain information. Authorizes the department to allocate money received by the department from the federal government under the Hazard Elimination Program (23. U.S.C. Section 152), as amended, to projects under this section. Requires the department to adopt rules to implement this section.

SECTION 5. Amends Chapter 502A, Transportation Code, by adding Section 502.0075, as follows:

Sec. 502.0075. **ELECTRIC BICYCLES.** Defines “electric bicycle.” Provides that this chapter does not require the owner of an electric bicycle to register the electric bicycle.

SECTION 6. Amends Section 541.201, Transportation Code, to provide that the term “electric bicycle” is not included in the definition of “motor-driven cycle.” Defines “electric bicycle.”

SECTION 7. Amends Section 542.202(a), Transportation Code, to provide that this subtitle does not prevent a local authority, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, from regulating the operation and requiring registration and licensing of a bicycle or electric bicycle, including payment of a registration fee, except as provided by Section 511.106.

SECTION 8. Amends Sections 545.065(a) and (c), Transportation Code, to authorize a local authority by ordinance to prohibit the use of a limited-access or controlled-access roadway under the jurisdiction of the authority by an electric bicycle. Makes a conforming change.

SECTION 9. Amends Section 547.002, Transportation Code, to provide that this chapter and the rules of the department adopted under this chapter do not apply, unless a provision is specifically made applicable, to an electric bicycle, an electric bicyclist, or electric bicycle equipment.

SECTION 10. Amends Section 551.002, Transportation Code, as follows:

Sec. 551.002. **MOPED AND ELECTRIC BICYCLE INCLUDED.** Provides that a provision of this subtitle applicable to a bicycle also applies to an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

SECTION 11. Amends Section 551.103(a), Transportation Code, to require a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway, except as provided by this section, to ride as near as practicable to the right curb or edge of the roadway, unless the person is operating a bicycle in an outside lane that is less than 14 feet in width and does not have a designated bicycle lane adjacent to the lane, or is too narrow for a bicycle and a motor vehicle to safely travel side by side.

SECTION 12. Amends Section 551.104, Transportation Code, to make nonsubstantive changes.

SECTION 13. Amends Chapter 551B, Transportation Code, by adding Section 551.106, as follows:

Sec. 551.106. **REGULATION OF ELECTRIC BICYCLES.** Prohibits the department or a local authority from prohibiting the use of an electric bicycle on a highway that is used primarily by motor vehicles. Authorizes the department or a local authority to prohibit the use of an electric bicycle on a highway used primarily by pedestrians. Requires the department to establish rules for the administration of this section.

SECTION 14. Repealer: Section 551.103(d) (Operation on Roadway), Transportation Code.

SECTION 15. Effective date: September 1, 2001.