

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1102  
By: Wentworth  
Transportation & Homeland Security  
4/19/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, motor buses must use highway lanes to travel even when these lanes are congested. This makes the use of mass transit less functional and appealing.

C.S.S.B. 1102 creates a pilot program that requires the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety, the appropriate metropolitan rapid transit authorities, county transportation authorities, municipal transit departments, and regional transportation authorities, and the affected municipalities in Bexar, Denton, El Paso, Tarrant, and Travis counties, to establish and operate a motor-bus-only lane.

The pilot program created by C.S.S.B. 1102 would allow public transit motor buses to use highway shoulders to bypass congested highway lanes when the speed of the vehicles being operated on the highway lanes is 35 miles per hour (MPH) or less. This would allow the mass transit authorities to operate on a more reliable schedule regardless of traffic and save riders time, which would provide incentives to use public transportation, thereby increasing ridership and generating additional revenue for the transit authorities involved.

In order to ensure the safety of all motorists, the pilot program would also limit the maximum speed of a vehicle being operated on the motor-bus-only lane to the lower of 15 MPH greater than prevailing traffic or 35 MPH. In addition, the bill prohibits the application of motor-bus-only lanes on certain highways or toll facilities without the consent of the toll authority.

C.S.S.B. 1102 provides additional safeguards in the pilot program, including bus driver safety training, public awareness and education, bus operating rules requiring bus drivers to yield to passenger cars and emergency vehicles, and roadside signs and pavement markings indicating that affected lanes are reserved for public transit motor-bus-only use. The bill also provides that costs, if any, for the implementation of these programs features by TxDOT will be reimbursed by the mass transit entities.

Finally, C.S.S.B. 1102 requires TxDOT to draft a report to the legislature within two years after the initiation of the pilot program, including recommendations for improvement and plans to convert the program to a permanent program, and authorize TxDOT to cancel the program if TxDOT finds evidence of a trend of increasing vehicle accidents attributable to operation of buses under the program.

C.S.S.B. 1102 amends current law relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 455.006, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 455, Transportation Code, by adding Section 455.006, as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) Requires the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety and in conjunction with the appropriate metropolitan rapid transit authorities, county transportation authorities, municipal transit departments, and regional transportation authorities and the municipalities served by those mass transit entities, to establish and operate a motor-bus-only lane pilot program for highways in Bexar, Denton, El Paso, Tarrant, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) Requires that the program:

(1) provide for the use by motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less;

(2) limit the maximum speed of a motor bus being operated on a motor-bus-only lane to the lower of:

(A) 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; or

(B) 35 miles per hour;

(3) provide for attainment of local operational experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods;

(4) include consideration of the following:

(A) safety;

(B) travel time and reliability;

(C) driver and passenger perceptions;

(D) level of service and maintenance; and

(E) capital improvements; and

(5) be limited to public transit motor buses operated by the mass transit utilities in the counties specified by Subsection (a).

(c) Requires TxDOT to also include in the program:

(1) bus driver safety training;

(2) public awareness and education;

(3) bus operating rules that require bus drivers to yield to passenger cars and emergency vehicles; and

(4) roadside signs and pavement markings indicating that affected lanes are reserved for public transit motor-bus-only use.

(d) Requires TxDOT, in coordination with appropriate mass transit entities under Subsection (a), to fund the implementation of the program features under Subsection (c). Requires mass transit entities that participate in the program to reimburse TxDOT for the funds spent on implementation of the program features. Authorizes a metropolitan rapid transit authority that includes an advanced

transportation district to use funds from the district to pay for expenses associated with the pilot program.

(e) Requires TxDOT to initiate the motor-bus-only lane program as soon as practicable but not later than December 31, 2011. Requires TxDOT, not later than December 31, 2013, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over transportation a written report that contains:

(1) a description of the results of the program based on local operational experience described in Subsection (b)(3);

(2) any recommendations for changes to the program; and

(3) a plan on how TxDOT will convert the program into a permanent program.

(f) Authorizes TxDOT to cancel the program if TxDOT finds evidence of a trend of increasing vehicle accidents attributable to operation of buses under the program.

(g) Prohibits TxDOT, notwithstanding Subsection (a), from establishing or operating a motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under Chapter 366 (Regional Tollway Authorities) without the authority's consent.

SECTION 2. Amends Section 542.002, Transportation Code, to provide that a provision of this subtitle applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, this state, or a political subdivision of this state, except as specifically provided otherwise by this subtitle, rather than except as specifically provided otherwise by this subtitle for an authorized emergency vehicle.

SECTION 3. Amends Section 545.058(c), Transportation Code, to provide that a limitation in this section on driving on an improved shoulder does not apply to certain vehicles, including a motor bus of a mass transit entity described by Section 455.006 operating on a shoulder designated by TxDOT under that section. Makes nonsubstantive changes.

SECTION 4. Effective date: upon passage or September 1, 2011.