

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 20, 2009

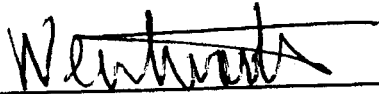
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 434 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.




Wentworth



Bolton



Snapleigh



Pickett



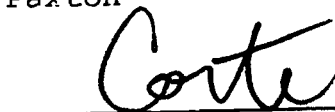
Carona



Paxton



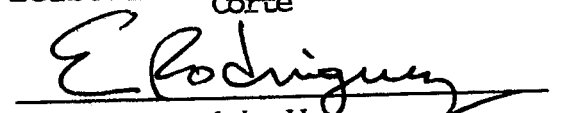
watson



~~Seibowitz~~ Cortez



On the part of the Senate  
shapiro



On the part of the House  
Rodriguez

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 434

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment and operation of a public transit  
3 motor-bus-only lane pilot program in certain counties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 455, Transportation Code, is amended by  
6 adding Section 455.006 to read as follows:

7 Sec. 455.006. PUBLIC TRANSIT MOTOR-BUS-ONLY LANE PILOT  
8 PROGRAM. (a) The department, in consultation with the Department  
9 of Public Safety and in conjunction with the appropriate mass  
10 transit authorities and the municipalities served by those  
11 authorities and with any municipality that has a mass transit  
12 department, shall establish and operate a public transit  
13 motor-bus-only lane pilot program for highways in Bexar, Denton, El  
14 Paso, and Travis Counties that are part of the state highway system  
15 and have shoulders of sufficient width and structural integrity.

16 (b) The public transit motor-bus-only lane pilot program  
17 shall:

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

22 (2) limit the maximum speed of a public transit motor  
23 bus being operated on a public transit motor-bus-only lane to not  
24 more than 15 miles per hour greater than the speed of vehicles being

1 operated on the main traveled part of the adjacent highway;

2 (3) gain local operational experience with the  
3 conversion of existing highway shoulders to public transit  
4 motor-bus-only lanes during peak traffic periods;

5 (4) take into consideration the following:

6 (A) safety;

7 (B) travel time and reliability;

8 (C) driver and passenger perceptions;

9 (D) level of service and maintenance; and

10 (E) capital improvements; and

11 (5) be limited only to public transit motor buses  
12 operated by the mass transit authorities or municipal mass transit  
13 departments in the counties specified by Subsection (a).

14 (c) The department shall initiate the public transit  
15 motor-bus-only lane pilot program as soon as practicable but not  
16 later than December 31, 2009.

17 (d) Notwithstanding Subsection (a), the department may not  
18 establish or operate a public transit motor-bus-only lane on a  
19 highway or toll facility maintained by a regional tollway authority  
20 established under Chapter 366 without the authority's consent.

21 SECTION 2. Section 542.002, Transportation Code, is amended  
22 to read as follows:

23 Sec. 542.002. GOVERNMENT VEHICLES. A provision of this  
24 subtitle applicable to an operator of a vehicle applies to the  
25 operator of a vehicle owned or operated by the United States, this  
26 state, or a political subdivision of this state, except as  
27 specifically provided otherwise by this subtitle [~~for an authorized~~

1 ~~emergency vehicle~~].

2 SECTION 3. Subsection (c), Section 545.058, Transportation  
3 Code, is amended to read as follows:

4 (c) A limitation in this section on driving on an improved  
5 shoulder does not apply to:

6 (1) an authorized emergency vehicle responding to a  
7 call;

8 (2) a police patrol; ~~or~~

9 (3) a bicycle; or

10 (4) a public transit motor bus of a transportation  
11 entity described by Section 455.006 operating on a shoulder  
12 designated by the Texas Department of Transportation under that  
13 section.

14 SECTION 4. Section 545.352, Transportation Code, is amended  
15 by adding Subsection (c-1) to read as follows:

16 (c-1) The maximum speed limit for a public transit motor bus  
17 of a transportation entity described by Section 455.006 that is  
18 operating on the shoulder of a highway designated as a public  
19 transit motor-bus-only lane by the Texas Department of  
20 Transportation under that section is 35 miles per hour.

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.

**Senate Bill 434**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 as follows:  
Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM.

(a) Requires the Department of Transportation (TxDOT), in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities and with any municipality with a mass transit department, to establish and operate a motor-bus-only lane pilot program for highways in Bexar, Denton, El Paso, and Travis Counties that meet certain conditions.

(b)-(d)

SECTIONS 2-4. Section 542.002, Section 545.058(c), and Section 545.352(c-1), Transportation Code, are amended.

SECTION 5. Effective date.

HOUSE VERSION

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 as follows:  
Sec. 455.006. *PUBLIC TRANSIT* MOTOR-BUS-ONLY LANE PILOT PROGRAM.

Same as Senate version except replaces references to motor buses with references to *public transit motor buses*, omits a municipality with a mass transit department from the entities in conjunction with which TxDOT is required to establish and operate the pilot program, and omits El Paso from the counties in which the pilot program is required to be established and operated.

Same as Senate version, except makes conforming changes relating to the reference to public transit motor buses.

Same as Senate version, except makes conforming changes relating to the reference to public transit motor buses.

Same as Senate version.

CONFERENCE

Same as House version.

Same as Senate version, except replaces references to motor buses with references to *public transit motor buses*.

Same as House version.

Same as House version.

Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** SB434 by Wentworth (Relating to the establishment and operation of a public transit motor-bus-only lane pilot program in certain counties.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety and in conjunction with certain mass transit authorities and municipalities, to establish and operate a public transit motor bus-only lane pilot program for highways in Bexar, Denton, El Paso and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity to provide for this use by public transit motor buses of highway shoulders as a low-speed bypass of congested highway lanes. The bill would prohibit the establishment of public transit motor-bus only lanes on certain highways and toll facilities.

Based on the analysis of TxDOT, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SD, KJG, MW, TG, TP

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 434 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Valinda Bolton

(name)

5/20/09

(date)