

- SUBJECT:** Allowing TxDOT to designate and charge tolls for exclusive highway lanes
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 8 ayes — Krusee, Phillips, Hamric, Edwards, Garza, Harper-Brown, Hill, Mercer
0 nays
1 absent — Laney
- WITNESSES:** For — C.J. Klausner, City of Houston Police Department
Against — None
- BACKGROUND:** Under Transportation Code, sec. 545.0651, enacted in 1997, a municipality may restrict vehicles to specific lanes of multilane highways within the city limits in collaboration with the Texas Department of Transportation (TxDOT). To date, only Houston has enacted a lane-restriction ordinance. The Texas Transportation Commission (TTC) is TxDOT's governing body.
- DIGEST:** CSHB 1208 would extend the municipal lane-restriction authority to TxDOT, allow TxDOT to designate exclusive lanes for certain types of vehicles on multilane highways, and authorize TxDOT to contract with other entities to operate toll lanes and to set toll amounts.
- The bill would define an exclusive lane as a lane restricted to one or more designated motor vehicle classifications. An exclusive lane would be one of three types of restricted lanes, the other two types being toll lanes and high-occupancy-vehicle (HOV) lanes. The bill also would remove trucks and emergency vehicles from the list of vehicles that have priority over other vehicles to use HOV lanes.
- TTC could restrict through traffic by vehicle type to two or more designated highway lanes. Municipalities could restrict traffic to more than two lanes. The TTC would have to consult with municipalities before restricting any lanes on highways within city boundaries. TxDOT would have to erect

appropriate traffic-control devices necessary to implement any restrictions before enforcing them. TxDOT's executive director could suspend or rescind approval of any restrictions imposed by municipalities.

Based on a TTC designation, TxDOT could design, finance (including issuing debt), build, operate, or maintain one or more exclusive lanes on highways in Texas. Exclusive lanes would be allowed only on highways or multilane facilities with two or more lanes adjacent to the proposed exclusive lane and that were available for vehicles other than those restricted to the exclusive lane. The bill would redefine "highway" to specify that its travel lanes could be part of a single roadway or could be separate roadways built in the form of upper and lower decks. The TTC would have to determine that an exclusive lane would enhance safety, mobility, or air quality.

The adjacent lanes or multilane facilities also could be designated for the exclusive use of the vehicles prohibited from using the exclusive lane to which they were adjacent. Lane restrictions would not apply to police or authorized emergency vehicles.

TxDOT could issue debt for and contract with transit authorities, regional mobility authorities (RMAs), municipalities, or transportation corporations to design, build, operate, or maintain HOV lanes. Low-emissions vehicles and motorcycles, regardless of the number of passengers or riders, could be allowed to use HOV lanes.

TxDOT would have to erect and maintain official traffic-control devices necessary to implement exclusive lane restrictions. TxDOT could authorize another entity to do so under a toll lane contract.

The bill would remove direct authorization for transportation corporations to charge lane tolls in favor of allowing TxDOT to contract with them, as well as with RMAs and counties, to design, build, operate, or maintain toll lanes and set the tolls. Administrative fees charged in connection with tolls not paid by users of congestion mitigation projects would be renamed collection fees. These fees could be set by the governing bodies of entities contracted to operate toll lanes. The operators would be responsible for sending written notices of nonpayment to registered vehicle owners, but CSHB 1208 would eliminate the notice mailing deadline of 30 days after the alleged failure to

pay. Other existing statutory provisions regarding unpaid toll collections would apply to the operators, who could contract with third parties to collect unpaid tolls and collection fees before filing criminal complaints.

The 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, 2003.

**SUPPORTERS
SAY:**

CSHB 1208 would enable TxDOT to seek new and innovative solutions to satisfy transportation demand. Such solutions are necessary because funding constraints at all levels of government are making it more difficult to address mobility concerns through traditional means, such as by building new roadways or adding capacity to existing facilities.

CSHB 1208 would address a key approach to relieving traffic congestion, the concept of managed lanes. This approach allows transportation officials to designate lanes for certain vehicles, to restrict the lanes some vehicles may use, and to charge tolls for access to lanes that move traffic faster.

Texas' mobility problems are most apparent in areas with high volumes of truck traffic. Trucks maneuver less effectively than other vehicles in heavy traffic and take longer to regain speed in slow traffic. Prohibiting trucks from using certain lanes and allowing only trucks to use other lanes could minimize truck-related slowdowns. Exclusive truck lanes would remove slower-moving truck traffic from certain lanes, thus enhancing traffic flow, decreasing congestion, and, most importantly, reducing the number of accidents.

Since September 2000, the City of Houston has conducted a truck-lane pilot project on an eight-mile segment of Interstate Highway 10. Trucks may not use the far left (inside) lane, other than for passing, between 6 a.m. and 8 p.m., Monday through Friday, except holidays. According to Houston police, no traffic fatalities have occurred in this segment of I-10 since the project began, and truck-related accidents have declined 68 percent. A survey of passenger and commercial vehicle drivers indicated a 75 percent approval rating for the program.

Restricted lanes such as those on I-10 in Houston reduce the commingling of passenger vehicles and long-haul trucks, which often travel at greatly varying

speeds with drivers who have different objectives and levels of expertise. Truck-only lanes promote efficiency and safety by minimizing slowdowns and diminishing the effects of stoppages due to accidents or mechanical failure. Moving goods more quickly produces economic benefits for all Texas consumers. This is a key goal as motor freight, both domestic and international (especially from Mexico), becomes increasingly important with full implementation of the North American Free Trade Agreement.

The managed lane approach is much more cost-effective than expanding existing roadways and is an important element of Gov. Perry's Trans-Texas Corridor proposal. Limiting heavier usage to fewer lanes would help lower maintenance costs. Allowing other entities to design, build, operate, and maintain HOV and toll lanes on the state highway system would help leverage limited state funding and would facilitate completion of these improvements in a timelier manner and at a lower cost to TxDOT, which lacks the resources to operate these facilities. This arrangement also would overcome contracting restrictions that could preclude or complicate local action, including lack of jurisdiction. Any cost savings or additional revenue would be used for other eligible transportation projects.

CSHB 1208 is permissive, not mandatory, and would preserve the principles of local control as they apply to transportation policy, especially the essential element of enforcement that TxDOT cannot provide. Nevertheless, because commercial traffic is a statewide phenomenon, allowing a patchwork of managed-lane policies would be ineffective and self-defeating.

**OPPONENTS
SAY:**

CSHB 1208 could create hazards and delays for long-haul trucks if they had to use only a few lanes with slower-moving highway traffic. Truck-only lanes would penalize non-commercial vehicle drivers who would be denied access to one or more lanes of traffic.

This bill would be difficult and time-consuming to enforce. The trucking industry believes that much of the Houston project's success is due to an emphasis on enforcement. Even if sufficient resources were available — which, in many cities, they are not — enforcing lane restrictions would distract law enforcement officers from other important duties.

Emphasis on the value of toll lanes is misleading. Such lanes in California do not move traffic much faster than free lanes. Toll lanes represent an attempt to generate more highway revenue from motorists who already have paid, and continue to pay, for the roads they use.

CSHB 1208 would not address the other major causes of accidents: excessive speed and alcohol. Texas leads the nation in alcohol-related traffic accidents and deaths. According to the Comptroller's Office, Texas may have to forgo \$2.3 million in federal highway safety money for fiscal 2003 because the state lacks sufficient measures to combat impaired driving.

**OTHER
OPPONENTS
SAY:**

In limiting managed-lane provisions to urban areas by virtue of the six-lane highway requirement, CSHB 1208 would ignore the serious traffic problems of rural Texas. Lane management as proposed by this bill would not address the vast stretches of federal and state highways that experience high volumes of commercial truck traffic and the attendant congestion and safety hazards.

The bill should specify that tolls could be charged only for new lanes that add capacity, not for existing lanes. Existing highways were built under Texas' longstanding "pay-as-you-go" policy. Taxpayers already have paid for these highways and should not be charged for using them.

NOTES:

The committee substitute redefined "HOV lane"; modified the conditions under which the TTC could designate exclusive lanes; deleted a 30-day mailing deadline for notices of failure to pay lane tolls; added authorization for toll-lane operators to contract for unpaid toll collection before pursuing criminal charges; and added the requirement for TTC to consult with municipalities before restricting highway lanes within their city limits.

The companion bill, SB 1066 by Shapiro, has been referred to the Senate Infrastructure Development and Security Committee. The House Transportation Committee considered a similar bill, HB 507 by Lewis, on February 18 and left it pending. Among its provisions, CSHB 1208 incorporates portions of HB 507.