

## **BILL ANALYSIS**

Senate Research Center  
84R9156 JRR-F

S.B. 1715  
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Transportation  
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As Filed

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

Working near fast-moving traffic is one of the dangers that the Texas Department of Transportation (TxDOT) highway workers face daily as they respond to emergencies, remove debris from roadways, assist Texas motorists, and handle other roadside hazards. These TxDOT employees are working hard to help fulfill TxDOT's mission to ensure the safety of both the traveling public and emergency responders, but their own safety is important as well.

Since 2000, when Kansas passed the country's first "Move Over" law, every state has followed suit, citing similar concerns for the safety of their police, firefighters, paramedics, tow truck drivers and other roadside emergency responders, and highway maintenance workers.

S.B. 193 was passed by the 78th Legislature, Regular Session, 2003, and went into effect September 1, 2003. (Section 545.157 (Passing Authorized Emergency Vehicle), Transportation Code). This legislation is referred to as the: "move over/slow down law." It requires motorists to move lanes or slow down when approaching emergency vehicles (police, fire, and EMS) with lights activated near the roadway. In 2011, lawmakers amended that law to include tow trucks working on the side of the road with emergency lights activated. The current legislation now expands the law's protection to the state's highway workers.

The reason behind the law's expansion is simple: roadway crashes are the leading cause of occupational injury and fatalities. The job of maintaining Texas roads has become more dangerous than ever as traffic volumes and highway speeds have increased over the years. Many TxDOT employees work on highways just feet away from speeding, impaired, or potentially distracted drivers.

Since the 1930s, 102 TxDOT workers have lost their lives after being struck by a motorist while in a work zone or near the shoulder of a roadway. Tragically, during the last 20 years, the TxDOT family has lost seven members in work-related roadway fatalities.

S.B. 1715 amends the existing law to add TxDOT vehicles to the list of those that motorists must approach cautiously when seen on or near a roadway. Effective September 1, 2015, motorists approaching a stationary TxDOT highway maintenance or construction vehicle with overhead lights activated, are required to move over into the next nearest lane to safely pass the vehicle, or if unable to pass, must then slow down to 20 miles below the posted speed limit.

Those who fail to comply with the new law face a misdemeanor offense punishable by a fine up to \$200 and up to \$500 if property damage occurs. Violations that result in bodily injury are considered a Class B misdemeanor punishable by a fine up to \$2,000 and could include a jail term of up to 180 days.

As proposed, S.B. 1715 amends current law relating to the offense of passing certain vehicles on a highway.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 545.157(a), Transportation Code, as follows:

(a) Provides that this section applies only to the following vehicles:

(1) Makes no change to this subsection;

(2) Makes a nonsubstantive change;

(3) a vehicle operated by or for the Texas Department of Transportation (TxDOT), a county, a municipality, or a toll project entity, as defined by Section 372.001 (Definitions), rather than a TxDOT vehicle, not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105 (Maintenance and Service Equipment Lighting Standards); and

(4) a stationary vehicle operated by or for TxDOT, a county, a municipality, or a toll project entity, as defined by Section 372.001, assisting a stranded driver or a disabled vehicle and using visual signals that comply with the standards and specifications adopted under Section 547.105.

SECTION 2. Effective date: September 1, 2015.