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AN ACT

relating to the construction of facilities and trails for bicycles, electric bicycles, and pedestrians and to the safe operation of bicycles and electric bicycles.

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

SECTION 1. This Act may be called the Matthew Brown Act.

SECTION 2. Section 411.0175, Government Code, is amended to read as follows:

Sec. 411.0175. ACCIDENT REPORTS. The department shall:

(1) tabulate and analyze the ~~motor~~ vehicle accident reports it receives;

(2) 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; and

(3) provide an abstract of the statistical information for each preceding biennium to the governor and the legislature, with its conclusions and findings and recommendations for decreasing highway accidents and increasing highway safety.

SECTION 3. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.614 to read as follows:

Sec. 201.614. SAFE ROUTES TO SCHOOL PROGRAM. (a) The department shall 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. Projects eligible to receive money under this program may include:

(1) installation of new crosswalks and bike lanes;

(2) construction of multiuse trails;

(3) construction and replacement of sidewalks;

(4) implementation of traffic-calming programs in

neighborhoods around schools; and

(5) construction of wide outside lanes to be used as bike routes.

(b) The department, in considering project proposals under this section, shall consider:

(1) the demonstrated need of the applicant;

(2) the potential of the proposal to reduce child injuries and fatalities;

(3) the potential of the proposal to encourage walking and bicycling among students;

(4) identification of safety hazards;

(5) identification of current and potential walking and bicycling routes to school; and

(6) support for the projects proposed by local school-based associations, traffic engineers, elected officials, law enforcement agencies, and school officials.

(c) The department may 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.

(d) The department shall adopt rules to implement this section.

SECTION 4. Subchapter A, Chapter 502, Transportation Code,

3-6 is amended by adding Section 502.0075 to read as follows:
3-7 Sec. 502.0075. ELECTRIC BICYCLES. (a) In this section,
3-8 "electric bicycle" has the meaning assigned by Section 541.201.
3-9 (b) This chapter does not require the owner of an electric
3-10 bicycle to register the electric bicycle.
3-11 SECTION 5. Section 541.201, Transportation Code, is amended
3-12 by amending Subdivisions (10) and (11) and adding Subdivision (24)
3-13 to read as follows:
3-14 (10) "Motor-driven cycle" means a motorcycle equipped
3-15 with a motor that has an engine piston displacement of 250 cubic
3-16 centimeters or less. The term does not include an electric
3-17 bicycle.
3-18 (11) "Motor vehicle" means a self-propelled vehicle or
3-19 a vehicle that is propelled by electric power from overhead trolley
3-20 wires. The term does not include an electric bicycle.
3-21 (24) "Electric bicycle" means a bicycle that:
3-22 (A) is designed to be propelled by an electric
3-23 motor, exclusively or in combination with the application of human
3-24 power;
3-25 (B) cannot attain a speed of more than 20 miles
3-26 per hour without the application of human power; and
3-27 (C) does not exceed a weight of 100 pounds.
4-1 SECTION 6. Section 542.202(a), Transportation Code, is
4-2 amended to read as follows:
4-3 (a) This subtitle does not prevent a local authority, with
4-4 respect to a highway under its jurisdiction and in the reasonable
4-5 exercise of the police power, from:
4-6 (1) regulating traffic by police officers or
4-7 traffic-control devices;
4-8 (2) regulating the stopping, standing, or parking of a
4-9 vehicle;
4-10 (3) regulating or prohibiting a procession or
4-11 assemblage on a highway;
4-12 (4) regulating the operation and requiring
4-13 registration and licensing of a bicycle or electric bicycle,
4-14 including payment of a registration fee, except as provided by
4-15 Section 551.106;
4-16 (5) regulating the time, place, and manner in which a
4-17 roller skater may use a highway;
4-18 (6) regulating the speed of a vehicle in a public
4-19 park;
4-20 (7) regulating or prohibiting the turning of a vehicle
4-21 or specified type of vehicle at an intersection;
4-22 (8) designating an intersection as a stop intersection
4-23 or a yield intersection and requiring each vehicle to stop or yield
4-24 at one or more entrances to the intersection;
4-25 (9) designating a highway as a through highway;
4-26 (10) designating a highway as a one-way highway and
4-27 requiring each vehicle on the highway to move in one specific
5-1 direction;
5-2 (11) designating school crossing guards and school
5-3 crossing zones;
5-4 (12) altering a speed limit as authorized by this
5-5 subtitle; or
5-6 (13) adopting other traffic rules specifically
5-7 authorized by this subtitle.
5-8 SECTION 7. Sections 545.065(a) and (c), Transportation Code,
5-9 are amended to read as follows:
5-10 (a) The Texas Transportation Commission by resolution or

5-11 order recorded in its minutes may prohibit the use of a
5-12 limited-access or controlled-access highway under the jurisdiction
5-13 of the commission by a parade, funeral procession, pedestrian,
5-14 bicycle, electric bicycle, motor-driven cycle, or nonmotorized
5-15 traffic.

5-16 (c) A local authority by ordinance may prohibit the use of a
5-17 limited-access or controlled-access roadway under the jurisdiction
5-18 of the authority by a parade, funeral procession, pedestrian,
5-19 bicycle, electric bicycle, motor-driven cycle, or nonmotorized
5-20 traffic.

5-21 SECTION 8. Section 547.002, Transportation Code, is amended
5-22 to read as follows:

5-23 Sec. 547.002. APPLICABILITY. Unless a provision is
5-24 specifically made applicable, this chapter and the rules of the
5-25 department adopted under this chapter do not apply to:

- 5-26 (1) an implement of husbandry;
5-27 (2) road machinery;
6-1 (3) a road roller;
6-2 (4) a farm tractor;
6-3 (5) a bicycle, a bicyclist, or bicycle equipment; [~~or~~]
6-4 (6) an electric bicycle, an electric bicyclist, or
6-5 electric bicycle equipment; or
6-6 (7) a golf cart not required to be registered under
6-7 Section 502.284.

6-8 SECTION 9. Section 551.002, Transportation Code, is amended
6-9 to read as follows:

6-10 Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A
6-11 provision of this subtitle applicable to a bicycle also applies to:
6-12 (1) a moped, other than a provision that by its nature
6-13 cannot apply to a moped; and
6-14 (2) an electric bicycle, other than a provision that
6-15 by its nature cannot apply to an electric bicycle.

6-16 SECTION 10. Section 551.103(a), Transportation Code, is
6-17 amended to read as follows:

6-18 (a) Except as provided by Subsection (b), a person operating
6-19 a bicycle on a roadway who is moving slower than the other traffic
6-20 on the roadway shall ride as near as practicable to the right curb
6-21 or edge of the roadway, unless:

- 6-22 (1) the person is passing another vehicle moving in
6-23 the same direction;
6-24 (2) the person is preparing to turn left at an
6-25 intersection or onto a private road or driveway; [~~or~~]
6-26 (3) a condition on or of the roadway, including a
6-27 fixed or moving object, parked or moving vehicle, pedestrian,
7-1 animal, or surface hazard[~~, or substandard width lane,~~] prevents
7-2 the person from safely riding next to the right curb or edge of the
7-3 roadway; or
7-4 (4) the person is operating a bicycle in an outside
7-5 lane that is:
7-6 (A) less than 14 feet in width and does not have
7-7 a designated bicycle lane adjacent to that lane; or
7-8 (B) too narrow for a bicycle and a motor vehicle
7-9 to safely travel side by side.

7-10 SECTION 11. Section 551.104, Transportation Code, is amended
7-11 to read as follows:

7-12 Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not
7-13 operate a bicycle unless the bicycle is equipped with a brake
7-14 capable of making a braked wheel skid on dry, level, clean
7-15 pavement.

7-16 (b) A person may not operate a bicycle at nighttime unless
7-17 the bicycle is equipped with:
7-18 (1) a lamp on the front of the bicycle that emits a
7-19 white light visible from a distance of at least 500 feet in front
7-20 of the bicycle; and
7-21 (2) on the rear of the bicycle:
7-22 (A) a red reflector [on the rear of the bicycle]
7-23 that is:
7-24 (i) [(A)] of a type approved by the
7-25 department; and
7-26 (ii) [(B)] visible when directly in front
7-27 of lawful upper beams of motor vehicle headlamps from all distances
8-1 from 50 to 300 feet to the rear of the bicycle; or
8-2 (B) [-]
8-3 [~~(c) In addition to the reflector required by Subsection~~
8-4 ~~(b), a person operating a bicycle at nighttime may use]~~ a lamp [~~on~~
8-5 ~~the rear of the bicycle]~~ that emits a red light visible from a
8-6 distance of 500 feet to the rear of the bicycle.
8-7 SECTION 12. Subchapter B, Chapter 551, Transportation Code,
8-8 is amended by adding Section 551.106 to read as follows:
8-9 Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The
8-10 department or a local authority may not prohibit the use of an
8-11 electric bicycle on a highway that is used primarily by motor
8-12 vehicles. The department or a local authority may prohibit the use
8-13 of an electric bicycle on a highway used primarily by pedestrians.
8-14 (b) The department shall establish rules for the
8-15 administration of this section.
8-16 SECTION 13. Section 551.103(d), Transportation Code, is
8-17 repealed.
8-18 SECTION 14. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

I certify that H.B. No. 2204 was passed by the House on May 5, 2001, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2204 on May 25, 2001, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2204 on May 27, 2001, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2204 was passed by the Senate, with amendments, on May 21, 2001, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2204 on May 27, 2001, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor