

Amendment No. 1 to HB2022

**Matlock
Signature of Sponsor**

AMEND Senate Bill No. 1953

House Bill No. 2022*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any other law to the contrary, the department of transportation may construct or improve the shoulder or right-of-way of any highway on the state system of highways, including interstate highways, so as to make such shoulder or right-of-way available to one (1) or more publicly owned mass transit agencies for the operation of buses.

(b) Nothing in this section authorizes the operation of school buses on the shoulder or right-of-way of any state or interstate highway.

(c) The department may authorize one (1) or more publicly owned mass transit agencies to operate buses on the shoulder or right-of-way of highways on the state system of highways, including interstate highways.

(d) Upon being authorized by the department, publicly owned mass transit agencies may operate the buses with their own forces or by contracting with private operators; provided, that such agencies shall have documented procedures for the safe operation of buses on authorized shoulders or rights-of-way.

(e) In constructing or improving the shoulder or right-of-way of a state highway, including interstate highways, and in authorizing the operation of a mass transit system on the shoulder or right-of-way pursuant to this section, the department may:

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(1) Consult with the federal highway administration regarding any federal review process needed to receive approval from the federal highway administration to implement the system;

(2) Identify sources of funding, including federal grants, for construction and operation of the system;

(3) Consult with, and request assistance from, metropolitan planning organizations and rural planning organizations for the region, local and regional transit authorities, and the affected counties and cities located along the affected highway or right-of-way; and

(4) Establish procedures necessary for the safety of passengers on the system and in vehicles operating on the main traveled way of the adjacent highway or right-of-way, including establishing a maximum speed limit of the system, limiting the use of the shoulder during peak traffic periods, and installing signs indicating the shoulder is reserved for exclusive use by the system.

SECTION 2. Tennessee Code Annotated, Section 55-8-118, is amended by adding the following as a new subsection (c):

(c) Notwithstanding this section, the driver of a bus operated by or for a publicly owned transit agency may overtake and pass a vehicle upon the right when operating on the shoulder of a state highway or interstate highway when authorized by the department of transportation in accordance with Section 1 of this act. Except for authorized emergency vehicles, the operation of a vehicle on the shoulder of a state

highway other than a bus authorized by the department of transportation is an offense punishable as a Class C misdemeanor.

SECTION 3. No later than March 1, 2019, the department of transportation shall submit a detailed report to the transportation and safety committee of the senate and the transportation committee of the house of representatives on the status of any shoulder or right-of-way under, or being planned for, construction or improvement and of any current or planned operation of buses on a shoulder or right-of-way pursuant to Section 1 of this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.