

BILL ANALYSIS

Senate Research Center

H.B. 474
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Transportation
5/2/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Observers note that differences in truck weight limit regulations between Texas and Mexico are requiring some produce companies located in the Rio Grande Valley to unload their shipments before crossing the border and to divide shipments into multiple trucks before driving on international bridges.

Interested parties assert that the stop in Mexico is especially inefficient because produce companies often stop again in Hidalgo County to split the produce for distribution throughout Texas, and they contend that these produce companies, the cities in which the companies are located, and economic development corporations support the designation of an overweight vehicle corridor to avoid the additional stop. These parties also contend that produce companies support the corridor and, due to their cargo's perishability, would be willing to pay a fee to avoid the extra stop in Mexico.

Recent legislation has designated overweight vehicle corridors in other areas of Texas, which interested parties say have been instrumental in moving cargo more efficiently. H.B. 474 seeks to allow a more efficient transport of commerce, including perishable fresh produce, through a portion of Hidalgo County.

H.B. 474 amends current law relating to an optional procedure for the issuance of a permit by certain governmental entities for the movement of oversize or overweight vehicles carrying agricultural products, and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 623.328, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 623, Transportation Code, by adding Subsection Q, as follows:

SUBCHAPTER Q. CERTAIN PERMITS FOR AGRICULTURAL PRODUCTS

Sec. 623.320. **OPTIONAL PROCEDURE.** Provides that this subchapter provides an optional procedure for the issuance of a permit by a governmental entity for the movement of oversize or overweight vehicles carrying agricultural products on certain roads located in Hidalgo County.

Sec. 623.321. **DEFINITION.** Defines "governmental entity" in this subchapter.

Sec. 623.322. **ISSUANCE OF PERMITS.** (a) Authorizes the Texas Transportation Commission (TTC) to authorize a governmental entity to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County on:

- (1) the following roads:

(A) United States Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its intersection with United States Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Farm-to-Market Road 396; and

(D) Farm-to-Market Road 396 between its intersection with Farm-to-Market Road 1016 and its intersection with the Anzalduas International Bridge;

(E) Farm-to-Market Road 2061 between its intersection with Farm-to-Market Road 3072 and its intersection with U.S. Highway 281;

(F) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(G) Spur 29 between its intersection with U.S. Highway 281 and its intersection with Doffin Canal Road; and

(H) Doffin Canal Road between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29; or

(2) another route designated by TTC in consultation with the governmental entity.

(b) Requires the governmental entity authorized under this section to serve the same geographic location as the roads over which the permit is valid.

Sec. 623.323. PERMIT FEES. (a) Authorizes the governmental entity to collect a fee for permits issued under this subchapter. Prohibits the maximum amount of the fee from exceeding \$80 per trip beginning September 1, 2013. Authorizes the governmental entity, on September 1 of each subsequent year, to adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Requires that fees collected under Subsection (a) be used only for the construction and maintenance of the roads described by or designated under Section 623.322 and for a governmental entity's administrative costs, which are prohibited from exceeding 15 percent of the fees collected. Requires the governmental entity to make payments to the Texas Department of Transportation to provide funds for the maintenance of state highways subject to this subchapter.

Sec. 623.324. PERMIT REQUIREMENTS. (a) Requires that a permit issued under this subchapter include:

(1) the name of the applicant;

(2) the date of issuance;

(3) the signature of the designated agent for the governmental entity;

(4) a statement of the weight and dimensions of the vehicle and the kind and weight of each agricultural product to be transported;

(5) a statement:

(A) that the gross weight of the vehicle for which a permit is issued is prohibited from exceeding 125,000 pounds; and

(B) of any other condition on which the permit is issued;

(6) a statement that the agricultural products are authorized to be transported in Hidalgo County only over the roads described by or designated under Section 623.322; and

(7) the location where the agricultural products were loaded.

(b) Requires the governmental entity to report to the Texas Department of Motor Vehicles all permits issued under this subchapter.

Sec. 623.325. **TIME OF MOVEMENT.** Requires that a permit issued under this subchapter specify the time during which movement authorized by the permit is allowed.

Sec. 623.326. **SPEED LIMIT.** Prohibits movement authorized by a permit issued under this subchapter from exceeding the posted speed limit or 55 miles per hour, whichever is less. Provides that a violation of this provision constitutes a moving violation.

Sec. 623.327. **ENFORCEMENT.** Provides that the Department of Public Safety of the State of Texas has authority to enforce this subchapter.

Sec. 623.328. **RULES.** Authorizes TTC to adopt rules necessary to implement this subchapter.

SECTION 2. Effective date: September 1, 2013.