

BILL ANALYSIS

Senate Research Center

S.B. 1524
By: Nichols
Transportation
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Motor Vehicles, in conjunction with the Texas Department of Transportation (TxDOT), is responsible for regulating the movement of oversize and overweight vehicles and loads on the state highway system, in order to ensure the safety of the traveling public and to protect the integrity of the highways and bridges. This responsibility is accomplished through the issuance of permits for the movement of oversize and overweight vehicles and loads, and the execution of special contracts for the movement of oversize and overweight vehicles and loads to travel across the width of a state highway. There are currently over 27 permit types in Texas, ranging from 30/60/90 day permits, house moves to super-heavy hauls.

In 1989, the Texas Legislature passed legislation creating the 2060 permit. The permit is an annual permit for vehicles to operate above the general 80,000 pounds weight limits. Controlled and administered by the state, the 2060 permit has satisfied lots of industries over the years by allowing trucks traveling with up to 84,000 pounds under the permit.

Nearly everyone understands that successfully attracting and retaining commerce offers economic rewards that can be both significant and long-lived. It is understandable that states fight relentlessly, even ruthlessly, to retain and expand commercial and industrial activity. The rapid growth in natural gas-based commerce, the ongoing success of Texas in attracting that commerce, and the relatively modest shipper savings achievable by expanding allowable truck standards approved by the federal government would help the state compete with other states. Texas already provides truck weight exceptions to exporters over limited corridors near some ports.

S.B. 1524 allows intermodal shipping containers traveling within 30 miles of a port of entry or an international bridge with TxDOT approval to purchase an annual permit to carry cargo so long as it is sealed with a United States customs seal. The annual permit would allow the state to compete with surrounding states in the import and export of intermodal commodities. (Original Author's / Sponsor's Statement of Intent)

S.B. 1524 amends current law relating to the movement of certain vehicles, including vehicles transporting an intermodal shipping container, authorizes a fee, and creates an offense.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 3 (Section 623.411, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 3 (Section 623.411, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 550.062, Transportation Code, by adding Subsection (b-1), as follows:

(b-1) Requires that the report required by Subsection (a) (relating to requiring a law enforcement officer who in the regular course of duty investigates a motor vehicle accident to make a written report of the accident if the accident resulted in certain injury or in a certain amount of damage), if the motor vehicle accident involved a combination of vehicles operating under a permit issued under Section 623.402, include the weight and the number of axles of the vehicle combination.

SECTION 2. Amends Section 621.303, Transportation Code, as follows:

Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Prohibits the governing body of a municipality from regulating, because of weight, the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under a permit issued under Section 623.402.

SECTION 3. Amends Chapter 623, Transportation Code, by adding Subchapter U, as follows:

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

Sec. 623.401. DEFINITION. Defines “intermodal shipping container.”

Sec. 623.402. ISSUANCE OF PERMIT. (a) Authorizes the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

- (1) the gross weight of the combination does not exceed 93,000 pounds;
- (2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;
- (3) the truck-tractor is configured in a certain way; and
- (4) the semitrailer is configured in a certain way.

(b) Authorizes TxDMV to issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

- (1) the gross weight of the combination does not exceed 100,000 pounds;
- (2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;
- (3) the truck-tractor is configured in a certain way; and
- (4) the semitrailer is configured in a certain way.

(c) Provides that, for purposes of Subsections (a) and (b), the gross weight, group weights, and axle weights listed in those subsections include all enforcement tolerances.

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION. (a) Requires an applicant for a permit under this subchapter to designate each county and municipality in which the permit will be used.

(b) Provides that an issued permit is not valid in a county or municipality that is not designated in the permit application.

Sec. 623.404. PERMIT FEE. (a) Requires that an application for a permit under Section 623.402(a) or (b) be accompanied by a permit fee of \$6,000, of which 50 percent is required to be deposited to the credit of the state highway fund; 30 percent is required to be equally divided among and distributed to each county designated in the permit application; 16 percent is required to be equally divided among and distributed to each municipality designated in the permit application; and four percent is required to be deposited to the credit of the TxDMV fund.

(b) Requires the Texas comptroller of public accounts (comptroller), at least once each fiscal year, to send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.

(c) Requires the comptroller, at least once each fiscal year, to send the amount due each municipality under Subsection (a) to the office performing the function of treasurer for the municipality. Authorizes a municipality to use funds received under this subsection only to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

(d) Requires that the amount of a fee under Subsection (a) to accompany a permit application that is received on or after January 1, 2028, notwithstanding Subsection (a), be determined by TxDMV after consultation with The University of Texas Center for Transportation Research and the Texas A&M Transportation Institute.

Sec. 623.405. ROUTE RESTRICTIONS. (a) Provides that a permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on certain routes.

(b) Provides that a permit issued under this subchapter, subject to Section 623.406, authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation (TxDOT).

Sec. 623.406. PERMIT CONDITIONS. (a) Defines “port authority” and “port of entry.”

(b) Requires that the transportation of a sealed intermodal shipping container under a permit issued under this subchapter begin or end at a port of authority or port of entry in certain locations. Prohibits the transportation of a sealed intermodal shipping container under a permit issued under this subchapter from exceeding 30 miles from the port authority or port of entry and requires that it be on a highway or road described by Section 623.405(b).

(c) Requires that the intermodal shipping container, in addition to the requirements of Subsection (b), be continuously sealed from the point of origin to the point of destination with a seal that is required by the United States (U.S.) Customs and Border Protection, the U.S. Food and Drug Administration, or federal law or regulation.

(d) Provides that a permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the U.S. secretary of transportation under 49 U.S.C. Section 5103(a).

(e) Provides that a permit issued under this subchapter does not authorize the transportation of a sealed intermodal shipping container in a county that borders New Mexico and the United Mexican States.

Sec. 623.407. PERMIT STICKER. (a) Requires TxDMV, when TxDMV issues a permit under this subchapter, to issue a sticker to be placed on the front windshield of the truck-tractor. Requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits.

(b) Sets forth certain requirements for the sticker.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS. (a) Requires that a permit issued under this subchapter be carried in the truck-tractor for which the permit is issued.

(b) Requires that a copy of the weight record in the form prescribed by TxDMV contain the information required by Section 621.410(c) (relating to certain content requirements for a weight record) and be carried in the truck-tractor if the truck-tractor is on a public highway or road and transporting an intermodal shipping container that contains cargo, and presented, on request, to an officer authorized to enforce this subtitle (Vehicle Size and Weight), regardless of whether a weight record is required under Section 621.410 (Weight Record).

Sec. 623.409. OFFENSE. (a) Provides that a person commits an offense if the person fails to display the sticker described by Section 623.407(a) in the required manner; carry a permit issued under this subchapter as required by Section 623.408(a); or carry or present a weight record as required by Section 623.408(b).

(b) Provides that an offense under this section is a Class C misdemeanor.

Sec. 623.410. STUDY. Requires TxDOT, beginning in 2022, not later than September 1 of each even-numbered year, to conduct a study concerning vehicles operating under a permit issued under this subchapter and publish the results of the study. Requires TxDOT, in conducting the study, to collect and examine certain information.

Sec. 623.411. RULES. (a) Requires TxDMV to adopt rules necessary to implement this subchapter, including rules governing the application for a permit.

(b) Requires the Texas Department of Public Safety to adopt rules requiring additional safety and driver training for issued permits.

SECTION 4. Amends Section 623.003(b), Transportation Code, to include Section 623.402 in the list of sections under which TxDOT is required to provide TxDMV with all routing information necessary to complete an issued permit.

SECTION 5. Amends Section 623.018(d), Transportation Code, as follows:

(d) Prohibits a commissioner's court, if a vehicle is being operated in compliance with a permit issued under Section 623.011 (Permit for Excess Axle or Gross Weight) or 623.402, from taking certain actions, including requiring the owner or operator, among certain other requirements, to provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 (Security for Permit) for a vehicle issued a permit under Section 623.011. Makes nonsubstantive changes.

SECTION 6. Amends Section 623.019(f), Transportation Code, to provide that a justice, rather than justice of the peace, or municipal court has jurisdiction of an offense under this section (Violations of Subchapter; Offenses). Deletes existing text providing that a municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$500. Makes a nonsubstantive change.

SECTION 7. Amends Subchapter D, Chapter 623, Transportation Code, by adding Section 623.070, as follows:

Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER. Provides that this subchapter (Heavy Equipment) does not apply to the transportation of an intermodal shipping container as defined by Section 623.401, regardless of whether the container is sealed or unsealed.

SECTION 8. Effective date: January 1, 2018.