

BILL ANALYSIS

Senate Research Center
87R2973 JRR-D

S.B. 1053
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Transportation
3/29/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not allow county governments to prohibit commercial motor vehicles on state or federal highways. In some cases, municipal governments can restrict commercial motor vehicles to a certain route but the entire route must be within the city limits. A section of dangerous switchbacks along U.S. HWY 77 in Fayette County, where many fatal accidents have occurred, lies in the unincorporated territory of the City of La Grange.

S.B. 1053 would give the Fayette County Commissioners Court authority to request that the Texas Transportation Commission (TTC) approve a route for commercial traffic designated by the county. The commissioners court must post notices of the new route and hold a public hearing. TTC would be required to post signage at locations that enable the operator of commercial motor vehicles to detour to avoid the prohibited route. The bill also establishes a process for owners or operators of commercial motor vehicles to appeal to the county judge if the restrictions impact their operations.

As proposed, S.B. 1053 amends current law relating to commercial motor vehicle route restrictions in certain counties and creates a criminal offense.

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 Subchapter K, Chapter 201, Transportation Code, by adding Section 201.9015, as follows:

Sec. 201.9015. COMMERCIAL MOTOR VEHICLE ROUTE RESTRICTIONS IN CERTAIN COUNTIES. (a) Defines "commercial motor vehicle."

(b) Provides that this section applies only to a county that contains Interstate Highway 10 and U.S. Highway 77, and a highway that is under the jurisdiction of the Texas Department of Transportation (TxDOT).

(c) Authorizes a county to make a request to the Texas Transportation Commission (TTC) to restrict the operation of commercial motor vehicles on highways in the county to routes designated by the county. Requires that the designated routes, before making the request, be approved by the commissioners court of the county after notice and public hearing.

(d) Requires TTC, as soon as practicable after receiving a county's request under Subsection (c), to restrict the operation of commercial motor vehicles on highways in the county to the routes designated in the request if TTC determines that the request satisfies the requirements of that subsection.

(e) Requires TTC to post signage for each highway for which the operation of a commercial motor vehicle is prohibited under this section notifying operators of

commercial motor vehicles of the prohibition and the routes where the operation of a commercial motor vehicle is permitted. Requires that the signage be posted at locations that enable operators of commercial motor vehicles to detour to avoid the prohibited highway.

(f) Authorizes the owner or operator of a commercial motor vehicle that is prohibited from using a highway under this section, if the person is aggrieved by the prohibition, to file with the county judge of the county in which the highway is located a written complaint that sets forth the nature of the grievance. Requires the county judge, on the filing of the complaint, to immediately set the issue for a hearing to be held not later than the third day after the date on which the complaint is filed. Requires the county judge to provide TTC with written notice of the day and purpose of the hearing. Requires the county judge to hear testimony offered by the parties. Requires the county judge, on conclusion of the hearing, to sustain, revoke, or modify the prohibition. Provides that the county judge's judgment is final as to the issues raised.

(g) Provides that a person commits an offense if the person operates a commercial motor vehicle in violation of a prohibition established under this section. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2021.