

SUBJECT: Authorizing a permit and fee for certain vehicles transporting fluid milk

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel,  
Minjarez, Phillips, Simmons, E. Thompson, Wray

0 nays

2 absent — Pickett, S. Thompson

SENATE VOTE: On final passage, April 11 — 28-3 (Huffines, Hughes, Uresti)

WITNESSES: *On House companion bill, HB 2862:*

For — Damon Miller, Dairy Farmers of America; Darren Turley, Texas Association of Dairymen; (*Registered but did not testify*: James Terrell, Select Milk Producers, Inc.; Jim Reaves, Texas Farm Bureau; Robert Turner, Texas Poultry Federation; John Esparza, Texas Trucking Association)

Against — Jim Allison, County Judges and Commissioners Association of Texas; (*Registered but did not testify*: David Dillard, Concho County; Tom Keyes, Gaines County; Jerry Bearden, Mason County; Mark Mendez, Tarrant County; Rick Thompson, Texas Association of Counties)

On — (*Registered but did not testify*: Jimmy Archer and Scott McKee, Texas Department of Motor Vehicles; Mark Marek, Texas Department of Transportation)

DIGEST: CSSB 1383 would allow the Texas Department of Motor Vehicles (TxDMV) to issue permits authorizing the transportation of fluid milk by a truck-tractor and semitrailer combination that: had six total axles; was equipped with a roll stability support safety system and truck blind spot systems; did not exceed a gross weight of 90,000 pounds; and complied with all axle weight requirements, unless the axles met several spacing and weight requirements listed in the bill.

These permits would be the only oversize or overweight permits that could be used to transport fluid milk. The permit fee would be \$1,200. It would be valid for one year, and would have to be carried in the truck-tractor for which it was issued. TxDMV would have to design a sticker to aid in the enforcement of weight limits. The sticker would have to be issued with a permit, indicate the permit's expiration date, and be placed on the front windshield. It would have to be removed when the permit expired, a lease of the truck-tractor expired, or the truck-tractor was sold.

Permitted vehicle combinations could operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the operation on those highways and roads was approved by the Department of Transportation. These vehicle combinations could not operate on a county road or bridge for which a maximum weight and load limit had been established under certain authority given to counties.

An applicant for a permit would have to designate in the application the counties in which the applicant intended to operate, and the permit would only be valid in those counties. Of the fee collected, 75 percent would be deposited to the credit of the State Highway Fund, 10 percent would be deposited to the credit of the TxDMV fund, and the remaining 15 percent would be divided equally among and distributed to the counties designated in the permit application.

The bill would prohibit a county or municipality from requiring a permit, fee, or license for the operation of these vehicle combinations in addition to the state law requirements, unless otherwise provided by state or federal law.

TxDMV would have to adopt rules to implement these requirements, including rules governing the permit application. The Department of Public Safety would have to adopt rules requiring additional safety and driver training for these permits.

The bill would take effect January 1, 2018.

**SUPPORTERS  
SAY:**

CSSB 1383 would reduce the wear and tear on roads caused by the transportation of fluid milk by allowing better load distribution. It also would enhance safety on roads as a result of the enhanced safety requirements placed on these vehicle combinations.

While some have raised concerns that county roads would be used without allowing the county to provide input, no road would be used without the approval of the Texas Department of Transportation. These vehicle combinations could not operate on a county road or bridge for which a maximum weight and load limit had been established. If a county wanted to restrict the route further, it could designate load-zoned roads for approval to TxDOT.

**OPPONENTS  
SAY:**

CSSB 1383 could result in vehicle combinations operating under these permits to utilize county roads, without giving the county commissioner's court the opportunity to provide input as to which roads within the county could be used.

**NOTES:**

A companion bill, HB 2862 by K. King, was reported favorably by the House Transportation Committee on May 2.