

BILL ANALYSIS

Senate Research Center

S.B. 1383
By: Perry
Transportation
7/10/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Milk Transportation subchapter of the current statute dates back several years and was last updated in 1995. As agriculture and dairies grow larger and move further away from urban areas, where the fluid milk processing facilities are located, there is pressure for our transportation system to grow as well. Trailer manufacturers have made great strides in using lighter composites to build trailers that are safe and accommodate heavier loads.

Current statute allows for tractor-trailers hauling milk to run as heavy as 80,000 pounds on county roads, farm-to-market roads, and state highways.

S.B. 1383 would allow a fluid milk truck to operate loads on county, state, and federal interstate highways (federal legislation passed in 2015 allows fluid milk trucks to run as heavy as the State of Texas will allow on the federal interstate highway system) up to 90,000 pounds with a permit for tandem axle trailer, rather than the current 80,000-pound limit. This bill requires a new permit issued at a cost of \$1200.00 to be split between the state highway fund and local counties where the permit applicants would operate and the Texas Department of Motor Vehicles (TxDMV).

The committee substitute added additional language for TxDMV to ensure this permit is for fluid milk trucks only and there is also safety language clarifying the total length of the tractor trailer, which must meet certain requirements to allow these vehicles to safely traverse bridges and overpasses.

In a public safety effort, we also removed language in the bill that would have allowed one of these permitted vehicles to traverse a bridge or overpass that is not load rated, which are sometimes referred to as landlocked bridges; and deleted language allowing trucks to exceed the maximum weight limits set by state and local officials by adding Subsection (b) to Section 623.404 that enables the Texas Department of Transportation to approve the milk truck routes. Language was added that will require rollover and blind spot technology, and additional CDL training for these large trucks. (Original Author's / Sponsor's Statement of Intent)

S.B. 1383 amends current law relating to the operation of vehicles transporting fluid milk and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas Department of Motor Vehicles in SECTION 2 (Section 623.407, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 2 (Section 623.407, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.508, Transportation Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

- (a) Provides an exception under Subsection (a-1).

(a-1) Provides that the affirmative defense provided by Subsection (a) (relating to providing an affirmative defense to prosecution regarding the operation of a certain vehicle) does not apply to the excess weights authorized under Section 623.401(b).

SECTION 2. Amends Chapter 623, Transportation Code, by adding Subchapter U, as follows:

SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK. (a) Authorizes the Texas Department of Motor Vehicles (TxDMV) to issue a permit authorizing the movement of fluid milk 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 at a gross weight that is not heavier than 90,000 pounds and with certain axle weights.

(b) Authorizes a vehicle combination operating under a permit issued under Subsection (a) to exceed the axle weights listed in Section 621.101(a) (relating to the prohibition of a certain vehicle from being operated over or on a public highway or at a port-of-entry between Texas and the United Mexican States) for axle groups if the overall distance between the first axle of the truck-tractor and the first axle of the first consecutive set of tandem axles is 15 feet or more, the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and the axle groups do not exceed certain weight limits.

(c) Requires that a permit fee of \$1,200 be paid in order to qualify for a permit under this subchapter.

(d) Provides that a permit issued under this subchapter is valid for one year and is required to be carried in the truck-tractor for which it is issued.

Sec. 623.402. 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 for vehicles.

(b) Requires that the sticker indicate the expiration date of the permit and be removed from the truck-tractor when the permit for operation of the vehicle combination expires, a lease of the truck-tractor expires, or the truck-tractor is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE. (a) Requires an applicant for a permit under this subchapter to designate in the permit application the counties in which the applicant intends to operate. Provides that a permit issued under this subchapter is not valid in a county that is not designated in the permit application.

(b) Provides that, of the fee collected under this subchapter for a permit, 75 percent of the amount collected is required to be deposited to the credit of the state highway fund, 15 percent of the amount collected is required to be divided equally among and distributed to the counties designated in the permit application, and 10 percent of the amount collected is required to be deposited to the credit of the TxDMV fund.

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

Sec. 623.404. PERMIT CONDITIONS. (a) Authorizes a vehicle combination operating under a permit under this subchapter, except as provided by Subsections (b) and (c), to 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 truck-tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

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

(c) Provides that a permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301 (County's Authority to Set Maximum Weights).

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. Prohibits a county or municipality, unless otherwise provided by state or federal law, from requiring a permit, fee, or license for the operation of a vehicle combination described by Section 623.401(a) or (b) in addition to a permit, fee, or license required by state law.

Sec. 623.406. EXCLUSIVE PERMIT. Provides that a permit issued under this subchapter is the only permit issued by TxDMV under this chapter that is authorized to be used to transport fluid milk.

Sec. 623.407. RULES. (a) Requires TxDMV to adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

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

SECTION 3. Amends Section 623.003(b), Transportation Code, to require TxDOT to provide TxDMV with all routing information necessary to complete a permit issued under Section 623.401, among other sections.

SECTION 4. Effective date: January 1, 2018.