

SUBJECT: Prohibiting trucks and buses from parking overnight in certain subdivisions

COMMITTEE: Transportation — favorable, with amendment

VOTE: 7 ayes — Alexander, Siebert, Finnell, Hartnett, Hawley, Hill, Pickett,

0 nays

2 absent — Edwards, Uher

WITNESSES: For — Earl Wellborn; Windermere Homeowners

Against — None

BACKGROUND : Commercial motor vehicles include buses designed to transport 16 or more passengers, commercial vehicles that weigh over 26,001 pounds, and vehicles transporting hazardous materials.

DIGEST: HB 327, as amended, would make it an offense to park commercial motor vehicles overnight in certain residential subdivisions where signs are posted that overnight parking is prohibited. The offense would be a misdemeanor punishable by a fine of \$1 to \$200. Parking of commercial vehicles would be prohibited after 10:00 p.m. and before 6:00 a.m. unless the vehicles were transporting passengers or parked to conduct business.

The bill would apply to residential subdivisions in counties with populations of more than 500,000 for which a plat is recorded and in which the majority of lots are subject to deed restrictions for residential use. (Six counties in Texas have populations over 500,000: Harris, Dallas, Bexar, Tarrant, El Paso and Travis.)

A city or county would be required to post signs prohibiting overnight parking by commercial vehicles in a subdivision promptly after receiving a petition in support of the signs from 25 percent of subdivision residents. A city or county could, however, refuse to post the signs if subdivision residents did not pay for them. The signs, which would say that overnight parking by a commercial motor vehicle was prohibited, would have to be

printed in letters two inches high and posted at all entrances to the subdivision.

No more than one person from each lot could sign the petition, and signers would have to be at least 18 years old. The bill would not limit the power of a city to regulate the parking of commercial vehicles.

HB 327 would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

HB 327 would prohibit large trucks from parking in certain neighborhoods if residents petition to prohibit them. Often the streets in residential communities are small, and a parked 18-wheeler can choke off almost the entire street. It is hard for motorists passing a large parked bus or truck to see children trying to cross the street and difficult for the driver of such a truck to see small children in the vicinity when maneuvering the vehicle.

Large trucks parked around a neighborhood bring down property values, tear up streets that were not built to handle heavy traffic, pollute the air, and can be very noisy late at night and early in the morning. In some neighborhoods, trucks carrying hazardous chemicals are parked near areas where children play. Some truckers who park overnight in residential subdivisions do not even live in the neighborhood but use the neighborhoods as safe, cheap places to sleep. Neighborhood residents have no idea who these people are or if they would be prone to engage in criminal behavior.

The few independent truckers who park their rigs at home and live in the residential subdivisions where this bill would apply, should not be able to endanger the health and safety of neighborhood residents and children just because it would be inconvenient for them to park their vehicles elsewhere.

**OPPONENTS  
SAY:**

HB 327 could be a hardship for independent truckers who own their own vehicles, some of whom conduct business and accept jobs out of their houses and may have no other means of transportation or place to park their vehicles. The bill could also cause some difficulty for truck drivers who happened to live in a subdivision that banned overnight parking for commercial vehicles if they wanted to leave for a job from their house early

in the morning rather driving back to company headquarters, which could be many miles in the opposite direction.

NOTES: The committee amendment would limit application of the bill to counties with a population of more than 500,000.