

SUBJECT: Regulating loose materials transported by vehicle

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Haggerty, Murphy
1 nay — Hill
2 absent — Harless, Macias

SENATE VOTE: On final passage, March 13 — 29-0

WITNESSES: No public hearing

BACKGROUND: Regulation of the transportation of loose materials, aggregates, and refuse is outlined in Transportation Code, sec. 725. A violation of this chapter is considered a misdemeanor with a fine of up to \$500.

A person transporting loose material must cover the load, with the covering firmly secured at the front and back. This requirement applies to an individual operating a motor vehicle, trailer, or semi-trailer on a public highway, except the following:

- construction or mining equipment or a vehicle moving between construction barricades on a public works project or crossing a freeway;
- a vehicle moving at less than 30 miles per hour; or
- a vehicle with a load-carrying compartment that is completely enclosed or contains a load that does not blow or spill over the top

A commercial vehicle transporting loose material or aggregates also must cover the load in a firmly secured manner or enclose the load completely in a load-carrying compartment. A commercial vehicle is defined as a motor vehicle, trailer, or semi-trailer used in the business of transporting property.

Loose material is defined as dirt, sand, gravel, or wood chips that can blow or spill from a vehicle due to movement or exposure to air, wind currents,

or other weather. As defined by Natural Resources Code, sec. 133.003, aggregates consist of any construction material originating from a quarry or pit.

DIGEST: SB 387 would modify requirements for the vehicular transportation of loose material, refuse, and aggregates.

Loose material transport. Motor vehicles, trailers or semi-trailers operating at a speed of less than 30 miles per hour no longer would be exempted from requirements on securely covering loose materials during transport. The bill would include refuse in the definition of loose material. Refuse would consist of trash, rubbish, garbage, or any discarded material.

Aggregate transport. The process of transporting aggregates in violation of this chapter no longer would constitute an offense.

The act would take effect on September 1, 2007.

SUPPORTERS SAY: SB 387 would enhance requirements for the vehicular transportation of dirt, sand, gravel, refuse, and wood chips, resulting in increased safety on Texas roadways.

Loose material transport. Dirt, sand, gravel, refuse, and wood chips may blow from and spill over the top of vehicles, even those moving at slow speeds. These loose materials can damage other vehicles, resulting in a broken windshield, for instance. Disbursal of loose materials poses a safety hazard to Texas drivers. To avoid loose materials, other vehicles must take evasive action to avoid vehicular damage, which can cause accidents. Modifications to the current law included in CSSB 387 will enable law enforcement officials to better protect Texas drivers from hazards posed by vehicles transporting loose materials.

The inclusion of refuse under the loose material definition would allow law enforcement officials to take action against trash blowing from or spilling over a vehicle during transport. Also, the bill would hold vehicles moving at less than 30 miles per hour to regulations on loose material transport. This provision is justified, given that the potential exists for loose materials to fall out of vehicles moving at any speed.

The House committee substitute would not exempt vehicles weighing less than three tons from requirements on loose material transport. This exemption would weaken the bill, posing a safety hazard to Texas drivers.

Aggregate transport. Under current law, restrictions on the transportation of aggregates cause confusion in the trucking industry and among law enforcement officials. The transportation of aggregates does not constitute a hazard on Texas roadways, given the unfounded concern of an aggregate blowing from or spilling over the top of a vehicle. For instance, granite is shipped in 20,000 lb. blocks and does not need to be covered, as it will not blow out of a vehicle.

The Department of Public Safety (DPS) currently finds it difficult to enforce requirements on aggregate transport. Officials recognize the futility of covering an aggregate during transport but are required to carry out the law. CSSB 387 would enable officials to spend their time enforcing laws that truly prevent transportation hazards.

OPPONENTS
SAY:

The definition of loose material should be more clearly defined to include certain construction material obtained from a quarry or mining site but no longer covered by law due to the removal of aggregate transport restrictions. Tiny bits of material obtained from a quarry or mining site could be defined as gravel, currently covered under the loose material definition. However, the loose material definition also should include other materials formerly defined as an aggregate that hold the potential to blow from or spill over a moving vehicle.

NOTES:

The House committee substitute eliminated the stipulation in the Senate-passed version of the bill that regulation of the transport of loose materials and aggregates would apply only to vehicles with a manufacturer's rated carrying capacity of three tons or more. It also eliminated a definition of aggregates rather than including aggregates under loose materials.