

## **BILL ANALYSIS**

Senate Research Center  
82R29222 VOO-D

C.S.H.B. 422  
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Transportation & Homeland Security  
5/19/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a consolidated oversize and overweight permit is not issued to a motor carrier to transport multiple loads of the same commodity if all loads are traveling between the same general locations. The Transportation Code currently provides for annual permits; however, these permitted motor carriers cannot exceed 12 feet in width, 14 feet in height, 110 feet in length; or 120,000 pounds gross weight.

The bill allows the Texas Transportation Commission to authorize the Texas Department of Transportation to create a permitting process for unique circumstances associated with multiple large loads of the same commodity over a state highway.

C.S.H.B. 422 amends current law relating to certain oversize and overweight permit issued by the Texas Department of Transportation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted the Texas Transportation Commission in SECTION 2 (Section 623.0711, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 623, Transportation Code, by adding Section 623.0181, as follows:

Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. Authorizes the Texas Department of Transportation (TxDOT) to issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles, that exceeds the maximum weight limit as set by TxDOT due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if TxDOT finds that such an exemption would reduce nitrogen oxide emissions.

SECTION 2. Amends Subchapter D, Chapter 623, Transportation Code, by adding Section 623.0711, as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION. (a) Authorizes the Texas Transportation Commission (TTC) by rule to authorize TxDOT to issue a permit to a motor carrier, as defined by Section 643.001 (Definitions), to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) Prohibits TTC from authorizing the issuance of a permit that would allow a vehicle to:

(1) violate federal regulations on size and weight requirements; or

(2) transport equipment that could reasonably be dismantled for transportation as separate loads.

(c) Requires TTC rules to require that, before TxDOT issues a permit under this section, TxDOT:

(1) determine that the state will benefit from the consolidated permitting process; and

(2) complete a route and engineering study that considers:

(A) the estimated number of loads to be transported by the motor carrier under the permit;

(B) the size and weight of the commodity;

(C) available routes that can accommodate the size and weight of the vehicle and load to be transported;

(D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;

(E) any disruption caused by the movement of the permitted vehicle; and

(F) the safety of the traveling public.

(d) Authorizes TTC rules to authorize TxDOT to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(e) Authorizes a permit issued under this section to provide multiple routes to minimize damage to the roadways.

(f) Requires TTC to require the motor carrier to file a bond in an amount set by TTC, payable to TxDOT and conditioned on the motor carrier paying to TxDOT any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(g) Requires that an application for a permit under this section be accompanied by the permit fee established by TTC for the permit, not to exceed \$9,000. Requires TxDOT to send each fee to the comptroller for deposit to the credit of the state highway fund.

(h) Requires TTC rules, in addition to the fee established under Subsection (g), to authorize TxDOT to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund.

(i) Authorizes the executive director of TxDOT or the executive director's designee to suspend a permit issued under this section or alter a designated route because of:

(1) a change in pavement conditions;

(2) a change in traffic conditions;

(3) a geometric change in roadway configuration;

(4) construction or maintenance activity; or

(5) emergency or incident management.

(j) Provides that a violation of a permit issued under this section is subject to the administrative sanctions of Subchapter N (Administrative Sanctions).

(k) Defines, in this section, "commission."

SECTION 3. Amends Section 623.071, Transportation Code, by adding Subsection (h), as follows:

(h) Authorizes TxDOT, if on completion of a route and engineering study TxDOT determines that the additional length can be transported safely, to issue to a person a single trip permit that allows the person to operate over a highway in this state superheavy or oversize equipment exceeding the length limitation established by Subsection (c) and that may be used in conjunction with an annual permit issued under that subsection.

SECTION 4. Effective date: upon passage or September 1, 2011.