

BILL ANALYSIS

C.S.H.B. 1882
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Department of Transportation has jurisdiction over permits issued for the movement of superheavy equipment under Chapter 623 of the Transportation Code. CSHB 1882 allows TxDOT to consider sealed ocean containers to be superheavy equipment that cannot reasonably be dismantled, and directs TxDOT to establish by rule procedures for issuance of permits for the movement of ocean containers under this chapter.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Chapter 623 of the Transportation Code by adding Section 623.0711 that (a) allows the department to consider ocean containers to be superheavy equipment that cannot reasonably be dismantled, (b) requires the Commission to establish rules for the issuance of annual permits for the movement of ocean containers under Section 623.071, if 1) the containers are only used to move plastic resin or paper; and 2) the proposed movement to a port or intermodal hub does not exceed 75 miles; (c) allows the Commission to establish rules for the issuance of single trip permits for the movement of ocean containers under Section 623.071 if the ocean containers meet the requirements under (b); (d) provides that the fee for a permit issued under this section be sent to the comptroller for deposit in the state highway fund; (e) allows the commissioners court to designate to the department the route in the county to be used, and the department shall provide a permit holder with a map of each route designated under this subsection. If the commissioners court does not designate a route under this subsection, a vehicle operating under a permit issued under this section may not operate over a county road in that county.

SECTION 2. Amends Section 623.102 (e), Transportation Code to allow a vehicle operating under a permit issued under Section 623.0711 to operate under the conditions authorized by the permit over a road for which the commission has set a maximum weight under Section 623.102.

SECTION 3. Amends Section 623.301 (e), Transportation Code to allow a vehicle operating under a permit issued under Section 623.0711 to operate under the conditions authorized by the permit over a road for which the commissioner court has set a maximum weight under Section 623.301.

SECTION 4. Amends Section 623.015, Transportation Code by adding Subsection (c) the holder of a permit under Section 623.0711 who has filed a bond or letter of credit is liable to the county only for the actual damage to a county road, bridge, or culvert with a load limit established under Subchapter B of Chapter 621 or Section 621.301.

SECTION 5. Amends Section 623.072 (a), Transportation Code to include movement of equipment as described in Section 623.0711 to a designated route established for movement of equipment under Section 623.071, in a municipality having a state highway in its territory.

SECTION 6. States the effective date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute changes the original in the following ways:

- 1) CSHB 1882 limits the products allowed to be carried in ocean going containers to plastic or paper;
- 2) CSHB 1882 ties the movement of the ocean going containers to 75 miles from the point of loading to a container port or intermodal railyard in this state;
- 3) CSHB 1882 also allows the counties to designate the route over which these vehicles are allowed to travel, and it is presumed, the designated route is of sufficient strength and design to withstand the weight of the vehicle traveling over the designated roads;
- 4) CSHB 1882 requires the holder of a permit issued under Section 623.011, is liable to the county for only actual damage to a county road, bridge, or culvert;
- 5) CSHB 1882 ties the single trip permit and the annual permit to the requirements under section (b) which are 1) the containers are used to ship paper and plastic resin only and 2) the proposed movement is restricted to 75 miles from the point of loading to a container port or intermodal railyard in this state;
- 6) CSHB 1882 changes (e) under Section 1. and instead of allowing the commissioners court to approve the route designated by the department, it now allows the commissioners court to designate to the department the route in the county to be used, and the department shall provide a permit holder with a map of each route designated under this subsection. If the commissioners court does not designate a route under this subsection, a vehicle operating under a permit issued under this section may not operate over a county road in that county.