

SENATE AMENDMENTS

2nd Printing

By: Raymond

H.B. No. 3594

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle inspection facilities near the border of this state and Mexico.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.613, Transportation Code, is amended to read as follows:

Sec. 201.613. ONE-STOP BORDER INSPECTION FACILITIES [~~STATIONS~~]. (a) The department shall erect and maintain border [~~choose a location for an~~] inspection facilities [~~station~~] along a major highway at or near a border crossing from Mexico in the Pharr [~~Brownsville~~], [~~in~~] Laredo, and [~~in~~] El Paso districts for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations [~~so that all federal, state, and municipal agencies that regulate the passage of persons or vehicles across the border at that border crossing may be located in one place~~].

(b) If a facility that serves a bridge that had more than 900,000 commercial border crossings during the state fiscal year ending August 31, 2002, is to be located in a municipality or a municipality's extraterritorial jurisdiction, the municipality may choose the location of the facility within the municipality or the municipality's extraterritorial jurisdiction. The municipality shall choose a location before the later of the 180th day after:

(1) the date the department makes a request for a

1 location; or

2 (2) the effective date of the Act enacting this
3 provision.

4 (c) Only one inspection facility shall be constructed in a
5 municipality described by this subsection.

6 (d) In determining the location for a border inspection
7 facility under Subsection (b), the municipality shall:

8 (1) obtain and pay for an independent study completed
9 by a university that conducts transportation studies or any other
10 entity that conducts transportation studies to identify commercial
11 truck traffic patterns for the location at which the facility is to
12 be located to ensure that the location has adequate capacity to
13 conduct a sufficient number of meaningful vehicle safety
14 inspections in compliance with 49 U.S.C. Section 13902; and

15 (2) choose a location that does not impair the receipt
16 of federal or state funds for implementation of this section.

17 (e) To the extent the department considers appropriate to
18 expedite commerce, the department shall provide for implementation
19 by the appropriate agencies of the use of Intelligent
20 Transportation Systems for Commercial Vehicle Operations (ITS/CVO)
21 in:

22 (1) any new commercial motor vehicle inspection
23 facility constructed; and

24 (2) any existing facility to which this section
25 applies.

26 (f) Implementation of systems under Subsection (e) must be
27 based on the Texas ITS/CVO business plan prepared by the

1 department, the Department of Public Safety, and the comptroller.
2 The department shall coordinate with other state and federal
3 transportation officials to develop interoperability standards for
4 the systems.

5 (g) In implementing systems under Subsection (e) in the
6 construction of a facility, the department to the greatest extent
7 possible shall:

8 (1) enhance efficiency and reduce complexity for motor
9 carriers by providing:

10 (A) a single point of contact between carriers
11 and state and federal officials regulating the carriers; and

12 (B) a single point of information, available to
13 wireless access, about federal and state regulatory and enforcement
14 requirements;

15 (2) prevent duplication of state and federal
16 procedures and locations for regulatory and enforcement
17 activities, including consolidation of collection of applicable
18 fees;

19 (3) link information systems of the department, the
20 Department of Public Safety, the comptroller, and, to the extent
21 possible, the United States Department of Transportation and other
22 appropriate regulatory and enforcement entities; and

23 (4) take other necessary action to:

24 (A) facilitate the flow of commerce;

25 (B) assist federal interdiction efforts;

26 (C) protect the environment by reducing idling
27 time of commercial motor vehicles at the facilities;

1 (D) prevent highway damage caused by overweight
2 commercial motor vehicles; and

3 (E) seek federal funds to assist in the
4 implementation of this section. [~~The department shall establish~~
5 ~~and maintain an inspection station at the locations chosen in~~
6 ~~Subsection (a) only if the federal agencies involved in the~~
7 ~~regulation of the passage of persons or vehicles at that border~~
8 ~~crossing agree to the design of the facility at each location and~~
9 ~~agree to use the facility at each location if built.~~

10 [~~(c) The department may enter into agreements with federal,~~
11 ~~state, and municipal agencies to accomplish the purpose of this~~
12 ~~section. An agreement may involve the lease of office space at the~~
13 ~~inspection station by the department to the agency.]~~

14 SECTION 2. The Texas Department of Transportation shall
15 spend the money appropriated during the 76th Legislature for
16 Section 201.613, Transportation Code, as added by Chapter 1527,
17 Acts of the 76th Legislature, Regular Session, 1999, or money
18 received from the federal government to establish the border
19 inspection facilities under Section 201.613, Transportation Code,
20 as amended by this Act.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

Atty. Gen.
Secretary of the Senate

BY: Zaffirini

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 3594 (senate committee printing) in SECTION 1
2 of the bill, as follows:

3 (1) In amended Subsection (c), Section 201.613,
4 Transportation Code (page 1, line 35), strike "Only one inspection
5 facility shall" and substitute "One or more inspection facilities
6 may".

7 (2) In amended Subsection (d) (1), Section 201.613,
8 Transportation Code (page 1, line 45), strike ", and"

9 (3) In amended Subsection (d) (2), Section 201.613,
10 Transportation Code (page 1, line 47), strike "." and insert: ;

11 (3) choose a location within one mile of an international
12 border;

13 (4) choose a location within one mile of the U.S.
14 Customs and Border Protection federal port of entry; and

15 (5) choose a location that provides a dedicated route for
16 commercial vehicles coming from the federal port of entry to the
17 state port of entry commercial vehicle inspection station.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 13, 2007

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on International Relations & Trade

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3594 by Raymond (Relating to motor vehicle inspection facilities near the border of this state and Mexico.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3594, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>STATE HIGHWAY FUND</i> 6
2008	(\$27,860,000)
2009	\$0
2010	(\$1,116,145)
2011	(\$833,533)
2012	(\$833,533)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	0.0
2009	0.0
2010	16.0
2011	16.0
2012	16.0

Fiscal Analysis

The bill would amend Section 201.613, Transportation Code, to require the Texas Department of Transportation (TxDOT) to erect and maintain border inspection facilities in the Pharr, Laredo, and El Paso districts for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations. The bill would authorize a municipality with a facility that served a bridge with more than 900,000 commercial border crossings in fiscal year 2002 to choose the location of a facility within the municipality, or within the municipality's extraterritorial jurisdiction. The location would have to be selected before the later of the 180th day after TxDOT made a request for a location, or the effective date of the bill. The bill would require the municipality to choose a location that does not impair the receipt of federal or state funds for this purpose. The bill would require TxDOT to spend money appropriated during the 76th Legislature for Section 201.613 of the Transportation Code, as added by the 76th Legislature, Regular Session, 1999, or money received from the federal government to establish the border inspection facilities as specified by the bill.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Methodology

TxDOT indicates the bill would require the relocation or establishment of a new border inspection facility in Laredo. Based on the analysis of TxDOT, it is assumed the establishment of a new facility in Laredo would require three years of design and planning and result in a total cost of \$27.9 million for design, environmental assessments, architectural and engineering services, and construction. It is assumed the new facility would not become operational until fiscal year 2010.

Pursuant to Section 403.071, Government Code, appropriations for new construction contracts are not available for payment of claims later than four years after the end of the fiscal year for which the appropriation was made. Therefore, construction appropriations made by the 76th Legislature for the 2000-01 biennium would not be available to implement the provisions of the bill. For the purposes of this analysis, it is assumed TxDOT would finance the establishment of the new facility with available construction appropriations out of the State Highway Fund for the 2008-09 fiscal biennium.

Based on the analysis and information provided by the Department of Public Safety (DPS), it is assumed staffing for the new inspection facility would require ten civilian commercial motor vehicle inspectors, five trooper positions, and one sergeant for total salary costs of \$577,848 each year. Employee benefits costs associated with the 16 positions (16.0 FTEs) are estimated to be \$163,473 each year (28.29 percent of salaries). Additional costs for information technology items, equipment, travel, and miscellaneous operating expenses are estimated to be \$374,824 in fiscal year 2010 and \$92,212 each year thereafter.

Technology

Technology costs associated with the implementation of the bill are estimated to be \$6,008 in fiscal year 2010 and \$1,311 each year thereafter for computers, printers, and enterprise agreements.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JOB, CL, MW, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 1, 2007

TO: Honorable Tracy King, Chair, House Committee on Border & International Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3594 by Raymond (Relating to motor vehicle inspection facilities near the border of this state and Mexico.), **As Introduced**

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