

## **BILL ANALYSIS**

C.S.H.B. 2604  
By: Hunter  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Port of Corpus Christi Authority of Nueces County, Texas is a navigation district and political subdivision of Texas operating under the Texas Constitution and other state law. The boundaries of the authority are coextensive with those of Nueces County and San Patricio County, and the authority has only the powers and authority expressly granted to it by the state.

Currently, the port authority does not have the statutory authority to issue permits for the movement of oversize or overweight cargo on any roads the authority owns and maintains in Nueces and San Patricio County. Also, the port authority does not have the statutory authority to enter into an agreement with the Texas Department of Transportation to issue similar permits on a proposed special freight corridor to be built in San Patricio County.

Since the authority is not authorized to issue permits, it does not have the ability to regulate when oversized or overweight trucks may move through the port, to determine what kind or size of cargo is being carried, or to specify which route such vehicles must take. This creates problems for the efficient operation of the port and its customers. Furthermore, the lack of the statutory authority to issue permits limits the port's ability to efficiently handle the cargo of prospective customers wishing to move cargo through the port.

C.S.H.B. 2604 authorizes the Port of Corpus Christi Authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in San Patricio or Nueces County.

### **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**

C.S.H.B. 2604 amends the Transportation Code to provide an optional procedure for the issuance of a roadway permit by the Port of Corpus Christi Authority for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the Port of Corpus Christi Authority that is located in San Patricio County or in Nueces County. The bill authorizes the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the port authority that is located in San Patricio County or Nueces County, and establishes that a roadway permit issued under the bill's provisions is in addition to other permits required by law. The bill authorizes the port authority to collect a fee for permits and prohibits the fee from exceeding \$80 per trip. The bill requires the fees collected to be used solely for the construction and maintenance of port authority roadways. The bill defines "port authority" to mean the Port of Corpus Christi Authority.

C.S.H.B. 2604 requires a permit issued under the bill's provisions to include the name of the applicant; the date of issuance; the signature of the manager of transportation of the port authority; a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; a statement of any condition on which the permit is issued; a statement that the cargo may only be transported on roadways that are owned and maintained by the port authority and located in San Patricio County or Nueces County; and the location where the cargo was loaded. The bill requires a permit issued under the bill's provisions to specify the time in which movement authorized by the permit is allowed and prohibits movement authorized by such a permit from exceeding the posted speed limit or 55 miles per hour, whichever is less. The bill establishes that a violation of this provision constitutes a moving violation, and grants to the Texas Department of Public Safety (DPS) the authority to enforce the provisions. The bill authorizes the Texas Transportation Commission to adopt rules necessary to implement the provisions relating to the issuance of roadway permits by the Port of Corpus Christi Authority.

C.S.H.B. 2604 provides an optional procedure for the issuance of a special freight corridor permit by the Port of Corpus Christi Authority for the movement of oversize or overweight vehicles carrying cargo on a state highway special freight corridor located in San Patricio County. The bill authorizes the commission to authorize the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highway special freight corridors located in San Patricio County. The bill authorizes the port authority to issue such a special freight corridor permit only if the cargo being transported weighs 125,000 pounds or less. The bill requires the port authority to make payments to the Texas Department of Transportation (TxDOT) to provide funds for the maintenance of state highways subject to the bill's provisions. The bill defines "special freight corridor."

C.S.H.B. 2604 authorizes the port authority to collect a fee for special freight corridor permits issued under these provisions, and prohibits the fee from exceeding \$80 per trip. The bill requires fees collected to be used solely to provide funds for the required maintenance payments to TxDOT and for the port authority's administrative costs, which may not exceed 15 percent of the fees collected. The bill requires the fees to be deposited in the state highway fund, and exempts the fees from the application of provisions relating to the use of dedicated revenue for budgeted certification purposes.

C.S.H.B. 2604 requires a special freight corridor permit issued under these provisions to include the name of the applicant; the date of issuance; the signature of the manager of transportation of the port authority; a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; a statement of any condition on which the permit is issued; a statement that the cargo may only be transported to and from the port authority's La Quinta terminal in San Patricio County using a state highway special freight corridor in San Patricio County; and the location where the cargo was loaded. The bill requires the port authority to report to TxDOT all freight corridor permits issued and requires a freight corridor permit issued under the bill's provisions to specify the time in which movement authorized by the permit is allowed. The bill prohibits movement authorized by an issued special freight corridor permit from exceeding the posted speed limit or 55 miles per hour, whichever is less, and mandates that a violation of that prohibition constitutes a moving violation.

C.S.H.B. 2604 grants to DPS the authority to enforce provisions of the bill relating to special freight corridor permits. The bill authorizes the Texas Transportation Commission to adopt rules necessary to implement the provisions relating to Port of Corpus Christi Authority special freight corridor permits.

**EFFECTIVE DATE**

September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2604 differs from the original by providing that an optional procedure for the issuance of a roadway permit is for vehicles carrying cargo on a roadway owned and maintained by the Port of Corpus Christi Authority that is located in San Patricio County or Nueces County, rather than for vehicles carrying cargo on state highways located in San Patricio County as in the original.

C.S.H.B. 2604 differs from the original by authorizing the port authority to issue roadway permits, rather than authorizing the Texas Transportation Commission to authorize the port authority to issue the permits as in the original. The substitute removes a provision in the original that designates that, for oversize or overweight vehicles carrying cargo to be issued a roadway permit to operate on certain state highways in the counties affected by the bill, the appropriate county commissioners court needs to approve the use of those highways on which a permitted vehicle may operate. The substitute adds a provision not in the original establishing that a roadway permit issued under the bill is in addition to other permits required by law.

C.S.H.B. 2604 removes a provision in the original requiring the port authority to make payments to the Texas Department of Transportation (TxDOT) to provide funds for the maintenance of state highways subject to provisions of the bill relating to oversize or overweight vehicle permits. The substitute differs from the original by requiring fees collected by the port authority for roadway permits issued by the port authority to be used solely for the construction and maintenance of port authority roadways, whereas the original requires use of those fees solely to provide funds for the required maintenance payments to TxDOT and for the port authority's administrative costs. The substitute removes a provision in the original requiring fees from oversize and overweight vehicle permits to be deposited in the state highway fund and exempting the fees from the application of provisions regarding the use of dedicated revenue for budgeted certification purposes. The substitute differs from the original by requiring the roadway permit issued by the port authority to include, in addition to other information, the signature of the manager of transportation of the port authority, rather than of the director of the port authority as in the original and a statement that the cargo may only be transported on roadways owned and maintained by the port authority and located in San Patricio County or Nueces County, rather than a statement that the cargo may only be transported to and from the port authority's terminal on the La Quinta Channel in San Patricio County using a state highway in that county or in Nueces County that has been approved for use as in the original. The substitute removes a provision in the original requiring the port authority to report to TxDOT all oversize and overweight vehicle permits issued.

C.S.H.B. 2604 adds provisions not in the original providing for an optional procedure for the issuance of a special freight corridor permit by the port authority for the movement of oversize or overweight vehicles carrying cargo on a state highway special freight corridor located in San Patricio County, and setting forth provisions regarding the issuance of special freight corridor permits, the maintenance of contracts with TxDOT, permit fees, permit requirements, the authorized time of movement for a permitted vehicle, the maximum speed limit for a permitted vehicle, enforcement of special freight corridor permit provisions by the Department of Public Safety, adoption of rules by the Texas Transportation Commission necessary to implement those provisions, and provisions that define "port authority" and "special freight corridor."