

1 AN ACT

2 relating to the operation and continuation of the law authorizing
3 the issuance of oversize or overweight vehicle permits by certain
4 port authorities.

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

6 ARTICLE 1. AMENDMENT OF SUBCHAPTER K, CHAPTER 623, BEFORE

7 EXPIRATION

8 SECTION 1.01. Subsection (b), Section 623.214,
9 Transportation Code, is amended to read as follows:

10 (b) Fees collected under Subsection (a), less
11 administrative costs, shall be used solely to provide funds for the
12 maintenance and improvement of state highways subject to this
13 subchapter. The [payments provided for under Section 623.213 less]
14 administrative costs, which may ~~[shall]~~ not exceed 15 percent of
15 the fees collected, may be retained by the port authority. The
16 ~~[Such]~~ fees, less administrative costs, shall be deposited in the
17 State Highway Fund ~~[6]~~.

18 SECTION 1.02. Subsection (a), Section 623.215,
19 Transportation Code, is amended to read as follows:

20 (a) A permit issued under this subchapter must include:
21 (1) the name of the applicant;
22 (2) the date of issuance;
23 (3) the signature of the director of the port
24 authority;

1 (4) a statement of the kind of cargo being transported
2 under the permit [~~over State Highways 48 and 4 between the Gateway~~
3 ~~International Bridge and the entrance to the Port of Brownsville,~~
4 ~~or over State Highways 48 and 4 and United States Highways 77 and 83~~
5 ~~between Veterans International Bridge at Los Tomates and the~~
6 ~~entrance to the Port of Brownsville)], the maximum weight and
7 dimensions of the equipment, and the kind and weight of each
8 commodity to be transported provided the gross weight of such
9 equipment and commodities shall not exceed 125,000 pounds;~~

10 (5) a statement of any condition on which the permit is
11 issued;

12 (6) a statement of the route designated under Section
13 623.219 [~~that the cargo shall be transported over the most direct~~
14 ~~route from the Gateway International Bridge or the Veterans~~
15 ~~International Bridge at Los Tomates to the entrance of the Port of~~
16 ~~Brownsville using State Highways 48 and 4 or United States Highways~~
17 ~~77 and 83)];~~

18 (7) the name of the driver of the vehicle in which the
19 cargo is to be transported; and

20 (8) the location where the cargo was loaded.

21 SECTION 1.03. Section 623.219, Transportation Code, is
22 amended to read as follows:

23 Sec. 623.219. ROUTE DESIGNATION [~~EXPIRATION~~]. (a) The
24 commission shall, with the consent of the port authority, designate
25 the most direct route from the Gateway International Bridge or the
26 Veterans International Bridge at Los Tomates to the entrance of the
27 Port of Brownsville using State Highways 48 and 4 or United States

1 Highways 77 and 83 or using United States Highway 77 and United
2 States Highway 83, East Loop Corridor, and State Highway 4.

3 (b) If the commission designates a route or changes the
4 route designated under this section, the commission shall notify
5 the port authority of the route not later than the 60th day before
6 the date that the designation takes effect [~~This subchapter expires~~
7 ~~June 1, 2009~~].

8 SECTION 1.04. Section 623.213, Transportation Code, is
9 repealed.

10 ARTICLE 2. REENACTMENT AND AMENDMENT OF SUBCHAPTER K,
11 CHAPTER 623, AFTER EXPIRATION

12 SECTION 2.01. Subchapter K, Chapter 623, Transportation
13 Code, is reenacted and amended to read as follows:

14 SUBCHAPTER K. PORT AUTHORITY PERMITS

15 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides
16 an optional procedure for the issuance of a permit for the movement
17 of oversize or overweight vehicles carrying cargo on state highways
18 located in counties contiguous to the Gulf of Mexico or a bay or
19 inlet opening into the gulf and bordering the United Mexican
20 States.

21 Sec. 623.211. DEFINITION. In this subchapter, "port
22 authority" means a port authority created or operating under
23 Section 52, Article III, or Section 59, Article XVI, Texas
24 Constitution.

25 Sec. 623.212. PERMITS BY PORT AUTHORITY. The department
26 may authorize a port authority to issue permits for the movement of
27 oversize or overweight vehicles carrying cargo on state highways

1 located in counties contiguous to the Gulf of Mexico or a bay or
2 inlet opening into the gulf and bordering the United Mexican
3 States.

4 Sec. 623.213. [~~MAINTENANCE CONTRACTS. A port authority~~
5 ~~issuing permits under this subchapter shall make payments to the~~
6 ~~department to provide funds for the maintenance of state highways~~
7 ~~subject to this subchapter.~~

8 [~~Sec. 623.214.~~] PERMIT FEES. (a) A port authority may
9 collect a fee for permits issued under this subchapter. The [~~Such~~]
10 fees may [~~shall~~] not exceed \$80 per trip.

11 (b) Fees collected under Subsection (a), less
12 administrative costs, shall be used solely to provide funds for the
13 maintenance and improvement of state highways subject to this
14 chapter. The [~~payments provided for under Section 623.213 less~~]
15 administrative costs, which may [~~shall~~] not exceed 15 percent of
16 the fees collected, may be retained by the port authority. The
17 [~~Such~~] fees, less administrative costs, shall be deposited in the
18 State Highway Fund [~~6~~].

19 Sec. 623.214 [~~623.215~~]. PERMIT REQUIREMENTS. (a) A
20 permit issued under this subchapter must include:

- 21 (1) the name of the applicant;
- 22 (2) the date of issuance;
- 23 (3) the signature of the director of the port
24 authority;
- 25 (4) a statement of the kind of cargo being transported
26 under the permit [~~over State Highways 48 and 4 between the Gateway~~
27 ~~International Bridge and the entrance to the Port of Brownsville,~~

1 ~~or over State Highways 48 and 4 and United States Highways 77 and 83~~
2 ~~between Veterans International Bridge at Los Tomates and the~~
3 ~~entrance to the Port of Brownsville],~~ the maximum weight and
4 dimensions of the equipment, and the kind and weight of each
5 commodity to be transported provided the gross weight of such
6 equipment and commodities shall not exceed 125,000 pounds;

7 (5) a statement of any condition on which the permit is
8 issued;

9 (6) a statement of the route designated under Section
10 623.218 [~~that the cargo shall be transported over the most direct~~
11 ~~route from the Gateway International Bridge or the Veterans~~
12 ~~International Bridge at Los Tomates to the entrance of the Port of~~
13 ~~Brownsville using State Highways 48 and 4 or United States Highways~~
14 ~~77 and 83]~~;

15 (7) the name of the driver of the vehicle in which the
16 cargo is to be transported; and

17 (8) the location where the cargo was loaded.

18 (b) A port authority shall report to the department all
19 permits issued under this subchapter.

20 Sec. 623.215 [~~623.216~~]. TIME OF MOVEMENT. A permit issued
21 under this subchapter shall specify the time in which movement
22 authorized by the permit is allowed.

23 Sec. 623.216 [~~623.217~~]. SPEED LIMIT. Movement authorized
24 by a permit issued under this subchapter shall not exceed the posted
25 speed limit or 55 miles per hour, whichever is less. Violation of
26 this provision shall constitute a moving violation.

27 Sec. 623.217 [~~623.218~~]. ENFORCEMENT. The Department of

1 Public Safety shall have authority to enforce the provisions of
2 this subchapter.

3 Sec. 623.218 [~~623.219~~]. ROUTE DESIGNATION [~~EXPIRATION~~].

4 (a) The commission shall, with the consent of the port authority,
5 designate the most direct route from the Gateway International
6 Bridge or the Veterans International Bridge at Los Tomates to the
7 entrance of the Port of Brownsville using State Highways 48 and 4 or
8 United States Highways 77 and 83 or using United States Highway 77
9 and United States Highway 83, East Loop Corridor, and State Highway
10 4.

11 (b) If the commission designates a route or changes the
12 route designated under this section, the commission shall notify
13 the port authority of the route not later than the 60th day before
14 the date that the designation takes effect [~~This subchapter expires~~
15 ~~June 1, 2009~~].

16 ARTICLE 3. TRANSITION AND EFFECTIVE

17 DATE PROVISIONS

18 SECTION 3.01. A vehicle for which a permit is issued under
19 Subchapter K, Chapter 623, Transportation Code, before the date
20 that a route designated by the Texas Transportation Commission
21 under Section 623.219, Transportation Code, as amended by this Act,
22 takes effect must use the route specified in Subdivision (6),
23 Subsection (a), Section 623.215, Transportation Code, as that
24 section existed immediately before the effective date of this Act,
25 and that section continues in effect for that purpose.

26 SECTION 3.02. (a) Article 1 of this Act takes effect only
27 if this Act takes effect before June 1, 2009.

1 (b) Subchapter K, Chapter 623, Transportation Code, as
2 reenacted and amended by Article 2 of this Act, takes effect only if
3 this Act takes effect on or after June 1, 2009.

4 SECTION 3.03. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1373 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 8, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1373 passed the House, with amendment, on May 5, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor