

By: Lucio

S.B. No. 1373

Substitute the following for S.B. No. 1373:

By: Pickett

C.S.S.B. No. 1373

A BILL TO BE ENTITLED

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. Section 623.214(b), Transportation Code, is  
9 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. Section 623.215(a), Transportation Code, is  
19 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 permit  
20 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  
10 623.219 [~~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 Section 623.215(a)(6),  
23 Transportation Code, as that section existed immediately before the  
24 effective date of this Act, and that section continues in effect for  
25 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.