

BILL ANALYSIS

C.S.H.B. 422
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a consolidated oversize and overweight permit is not issued to a motor carrier to transport multiple loads of the same commodity if all loads are traveling between the same general locations. C.S.H.B. 422 allows the Texas Transportation Commission to authorize the Texas Department of Transportation to issue such a permit under certain reasonable conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 422 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles, that exceeds the maximum weight limit as set by TxDOT due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if TxDOT finds that such an exemption would reduce nitrogen oxide emissions.

C.S.H.B. 422 authorizes the Texas Transportation Commission, by rule, to authorize the Texas Department of Transportation to issue a permit to a motor carrier, as defined in motor carrier registration provisions, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations. The bill prohibits the commission from authorizing the issuance of a permit that would allow a vehicle to violate federal regulations on size and weight requirements or transport equipment that could reasonably be dismantled for transportation as separate loads. The bill requires the commission rules to require TxDOT, before TxDOT issues such a permit, to determine that the state will benefit from the consolidated permitting process and complete a route and engineering study that considers the estimated number of loads to be transported by the motor carrier under the permit, the size and weight of the commodity, available routes that can accommodate the size and weight of the vehicle and load to be transported, the potential roadway damage caused by repeated use of the road by the permitted vehicle, any disruption caused by the movement of the permitted vehicle, and the safety of the traveling public. The bill authorizes the commission rules to authorize TxDOT to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway. The bill authorizes such a permit to provide multiple routes to minimize damage to the roadways.

C.S.H.B. 422 requires the Texas Transportation Commission to require the motor carrier to file a bond in an amount set by the commission, payable to the Texas Department of Transportation and conditioned on the motor carrier paying to TxDOT any damage that is sustained to a state highway because of the operation of a vehicle under a permit authorized by the bill's provisions.

The bill requires an application for such a permit to be accompanied by the permit fee established by the commission for the permit, not to exceed \$7,000. The bill requires TxDOT to send each fee to the comptroller of public accounts for deposit to the credit of the state highway fund. The bill authorizes the executive director of TxDOT or the executive director's designee to suspend such a permit or alter a designated route because of a change in pavement conditions, a change in traffic conditions, a geometric change in roadway configuration, construction or maintenance activity, or emergency or incident management. The bill makes a violation of such a permit subject to the administrative sanctions described in certain provisions relating to permits for oversize or overweight vehicles. The bill defines "commission" for purposes of these provisions as the Texas Transportation Commission. The bill authorizes TxDOT to issue to a person a single trip permit that allows the person to operate over a state highway superheavy or oversize equipment that exceeds 12 feet in width, 14 feet in height, 110 feet in length, or 120,000 pounds gross weight and that may be used in conjunction with an annual permit to allow the movement of certain heavy equipment if on completion of a route and engineering study TxDOT determines that the additional length can be transported safely.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 422 contains a provision not in the original authorizing the Texas Department of Transportation to issue a permit under certain conditions relating to the reduction of nitrogen oxide emissions for certain vehicles that exceed the maximum weight limit.