

By: Guillen

H.B. No. 422

Substitute the following for H.B. No. 422:

By: Phillips

C.S.H.B. No. 422

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain oversize and overweight permits issued by the  
3 Texas Department of Transportation.

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

5 SECTION 1. Subchapter B, Chapter 623, Transportation Code,  
6 is amended by adding Section 623.0181 to read as follows:

7 Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The  
8 department may issue a permit that authorizes the operation of a  
9 commercial motor vehicle, trailer, semitrailer, or combination of  
10 those vehicles, or a truck-tractor or combination of a  
11 truck-tractor and one or more other vehicles, that exceeds the  
12 maximum weight limit as set by the department due to the presence of  
13 an auxiliary power unit that allows the vehicle to operate on  
14 electricity or battery power if the department finds that such an  
15 exemption would reduce nitrogen oxide emissions.

16 SECTION 2. Subchapter D, Chapter 623, Transportation Code,  
17 is amended by adding Section 623.0711 to read as follows:

18 Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION. (a) The  
19 commission by rule may authorize the department to issue a permit to  
20 a motor carrier, as defined by Section 643.001, to transport  
21 multiple loads of the same commodity over a state highway if all of  
22 the loads are traveling between the same general locations.

23 (b) The commission may not authorize the issuance of a  
24 permit that would allow a vehicle to:

1           (1) violate federal regulations on size and weight  
2 requirements; or

3           (2) transport equipment that could reasonably be  
4 dismantled for transportation as separate loads.

5           (c) The commission rules must require that, before the  
6 department issues a permit under this section, the department:

7           (1) determine that the state will benefit from the  
8 consolidated permitting process; and

9           (2) complete a route and engineering study that  
10 considers:

11           (A) the estimated number of loads to be  
12 transported by the motor carrier under the permit;

13           (B) the size and weight of the commodity;

14           (C) available routes that can accommodate the  
15 size and weight of the vehicle and load to be transported;

16           (D) the potential roadway damage caused by  
17 repeated use of the road by the permitted vehicle;

18           (E) any disruption caused by the movement of the  
19 permitted vehicle; and

20           (F) the safety of the traveling public.

21           (d) The commission rules may authorize the department to  
22 impose on the motor carrier any condition regarding routing, time  
23 of travel, axle weight, and escort vehicles necessary to ensure  
24 safe operation and minimal damage to the roadway.

25           (e) A permit issued under this section may provide multiple  
26 routes to minimize damage to the roadways.

27           (f) The commission shall require the motor carrier to file a

1 bond in an amount set by the commission, payable to the department  
2 and conditioned on the motor carrier paying to the department any  
3 damage that is sustained to a state highway because of the operation  
4 of a vehicle under a permit issued under this section.

5 (g) An application for a permit under this section must be  
6 accompanied by the permit fee established by the commission for the  
7 permit, not to exceed \$7,000. The department shall send each fee to  
8 the comptroller for deposit to the credit of the state highway fund.

9 (h) The executive director of the department or the  
10 executive director's designee may suspend a permit issued under  
11 this section or alter a designated route because of:

- 12 (1) a change in pavement conditions;  
13 (2) a change in traffic conditions;  
14 (3) a geometric change in roadway configuration;  
15 (4) construction or maintenance activity; or  
16 (5) emergency or incident management.

17 (i) A violation of a permit issued under this section is  
18 subject to the administrative sanctions of Subchapter N.

19 (j) In this section, "commission" means the Texas  
20 Transportation Commission.

21 SECTION 3. Section 623.071, Transportation Code, is amended  
22 by adding Subsection (h) to read as follows:

23 (h) If on completion of a route and engineering study the  
24 department determines that the additional length can be transported  
25 safely, the department may issue to a person a single trip permit  
26 that allows the person to operate over a highway in this state  
27 superheavy or oversize equipment exceeding the length limitation

1 established by Subsection (c) and that may be used in conjunction  
2 with an annual permit issued under that subsection.

3 SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2011.