

By: Guillen

H.B. No. 422

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.0711 to read as follows:

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

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

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

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

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

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

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

(A) the estimated number of loads to be

1 transported by the motor carrier under the permit;

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

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

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

7 (E) any disruption caused by the movement of the
8 permitted vehicle; and

9 (F) the safety of the traveling public.

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

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

16 (f) The commission shall require the motor carrier to file a
17 bond in an amount set by the commission, payable to the department
18 and conditioned on the motor carrier paying to the department any
19 damage that is sustained to a state highway because of the operation
20 of a vehicle under a permit issued under this section.

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

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

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

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

8 (j) In this section, "commission" means the Texas
9 Transportation Commission.

10 SECTION 2. Section 623.071, Transportation Code, is amended
11 by adding Subsection (h) to read as follows:

12 (h) If on completion of a route and engineering study the
13 department determines that the additional length can be transported
14 safely, the department may issue to a person a single trip permit
15 that allows the person to operate over a highway in this state
16 superheavy or oversize equipment exceeding the length limitation
17 established by Subsection (c) and that may be used in conjunction
18 with an annual permit issued under that subsection.

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