

1-1 By: Guillen (Senate Sponsor - Williams) H.B. No. 422
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 13, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 9, Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 422 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain oversize and overweight permits issued by the
1-11 Texas Department of Transportation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 623, Transportation Code,
1-14 is amended by adding Section 623.0181 to read as follows:

1-15 Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The
1-16 department may issue a permit that authorizes the operation of a
1-17 commercial motor vehicle, trailer, semitrailer, or combination of
1-18 those vehicles, or a truck-tractor or combination of a
1-19 truck-tractor and one or more other vehicles, that exceeds the
1-20 maximum weight limit as set by the department due to the presence of
1-21 an auxiliary power unit that allows the vehicle to operate on
1-22 electricity or battery power if the department finds that such an
1-23 exemption would reduce nitrogen oxide emissions.

1-24 SECTION 2. Subchapter D, Chapter 623, Transportation Code,
1-25 is amended by adding Section 623.0711 to read as follows:

1-26 Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION. (a) The
1-27 commission by rule may authorize the department to issue a permit to
1-28 a motor carrier, as defined by Section 643.001, to transport
1-29 multiple loads of the same commodity over a state highway if all of
1-30 the loads are traveling between the same general locations.

1-31 (b) The commission may not authorize the issuance of a
1-32 permit that would allow a vehicle to:

1-33 (1) violate federal regulations on size and weight
1-34 requirements; or

1-35 (2) transport equipment that could reasonably be
1-36 dismantled for transportation as separate loads.

1-37 (c) The commission rules must require that, before the
1-38 department issues a permit under this section, the department:

1-39 (1) determine that the state will benefit from the
1-40 consolidated permitting process; and

1-41 (2) complete a route and engineering study that
1-42 considers:

1-43 (A) the estimated number of loads to be
1-44 transported by the motor carrier under the permit;

1-45 (B) the size and weight of the commodity;

1-46 (C) available routes that can accommodate the
1-47 size and weight of the vehicle and load to be transported;

1-48 (D) the potential roadway damage caused by
1-49 repeated use of the road by the permitted vehicle;

1-50 (E) any disruption caused by the movement of the
1-51 permitted vehicle; and

1-52 (F) the safety of the traveling public.

1-53 (d) The commission rules may authorize the department to
1-54 impose on the motor carrier any condition regarding routing, time
1-55 of travel, axle weight, and escort vehicles necessary to ensure
1-56 safe operation and minimal damage to the roadway.

1-57 (e) A permit issued under this section may provide multiple
1-58 routes to minimize damage to the roadways.

1-59 (f) The commission shall require the motor carrier to file a
1-60 bond in an amount set by the commission, payable to the department
1-61 and conditioned on the motor carrier paying to the department any
1-62 damage that is sustained to a state highway because of the operation
1-63 of a vehicle under a permit issued under this section.

