

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB422 by Guillen (Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow the Texas Department of Transportation (TxDOT) to issue a permit for the operation of certain commercial motor vehicles, truck-tractors, or combinations of vehicles that exceeds the maximum weight limit 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. The bill would amend the Transportation Code to allow the Texas Transportation Commission (TTC) by rule to authorize the TxDOT to issue a permit to a motor carrier to transport multiple loads of the same commodity over a state highway if all of the loads are to be traveling between the same general locations. The bill would require TxDOT to determine that the state would benefit from the consolidated permitting process, and complete a route and engineering study before a permit could be issued. The rules established by TTC could authorize TxDOT to impose conditions necessary to ensure safe operation and minimal damage to roadways. The bill would authorize TxDOT to issue a single trip permit for superheavy or oversize equipment exceeding the current statutory 110 foot limit if on completion of a route and engineering study the department determines that the additional length can be transported safely. The bill would require TTC to require a motor carrier to file a bond in an amount set by TTC and payable to TxDOT for damage sustained to a state highway by a vehicle operating under a permit authorized by the bill. The bill would require a permit application to be accompanied by a fee in an amount set by the commission, not to exceed \$9,000, which would be deposited in the State Highway Fund. The bill would require TTC to authorize TxDOT to collect a consolidated permit payment in an amount not to exceed 15 percent of the permit fee established under the provisions of the bill. A violation of a permit issued under the provisions of the bill would be subject to administrative sanctions.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources and any fees assessed under the provisions of the bill would not result in a significant impact to State Highway Fund revenues.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 304 Comptroller of Public Accounts

LBB Staff: JOB, SD, KJG, MW, TG