

SENATE AMENDMENTS

2nd Printing

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 B, Chapter 623, Transportation Code, is amended by adding Section 623.0181 to read as follows:

Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The department may 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 the department due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if the department finds that such an exemption would reduce nitrogen oxide emissions.

SECTION 2. 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 (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.

ADOPTED

MAY 25 2011

Adair Lewis
Secretary of the Senate

By: Williams

H.B. No. 422

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

By: Ullmer

C.S. H.B. No. 422

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6 is amended by adding Section 623.0181 to read as follows:

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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 \$9,000. The department shall send each fee to
8 the comptroller for deposit to the credit of the state highway fund.

9 (h) In addition to the fee established under Subsection (g),
10 the commission rules must authorize the department to collect a
11 consolidated permit payment for a permit under this section in an
12 amount not to exceed 15 percent of the fee established under
13 Subsection (g), to be deposited to the credit of the state highway
14 fund.

15 (i) The executive director of the department or the
16 executive director's designee may suspend a permit issued under
17 this section or alter a designated route because of:

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

23 (j) A violation of a permit issued under this section is
24 subject to the administrative sanctions of Subchapter N.

25 (k) In this section, "commission" means the Texas
26 Transportation Commission.

27 SECTION 3. Section 623.071, Transportation Code, is amended

1 by adding Subsection (h) to read as follows:

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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.), **Committee Report 2nd House, Substituted**

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, KJG, MW, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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 Engrossed**

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 \$7,000, which would be deposited in the State Highway Fund. 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, KJG, MW, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 15, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

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.), **Committee Report 1st House, Substituted**

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 \$7,000, which would be deposited in the State Highway Fund. A violation of a permit issued under the provisions of the bill would be subject to administrative sanctions.

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

LBB Staff: JOB, KJG, MW, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 28, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

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 Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow the Texas Transportation Commission (TTC) by rule to authorize the Texas Department of Transportation (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 \$7,000, which would be deposited in the State Highway Fund. A violation of a permit issued under the provisions of the bill would be subject to administrative sanctions.

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LBB Staff: JOB, KJG, MW, TG