

BILL ANALYSIS

C.S.H.B. 474
By: Muñoz, Jr.
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Observers note that differences in truck weight-limit regulations between Texas and Mexico are requiring some produce companies located in the Rio Grande Valley to unload their shipments before crossing the border and to divide shipments into multiple trucks before driving on international bridges. Interested parties assert that the stop in Mexico is especially inefficient because produce companies often stop again in Hidalgo County to split the produce for distribution throughout Texas, and they contend that these produce companies, the cities in which the companies are located, and economic development corporations support the designation of an overweight vehicle corridor to avoid the additional stop. These parties also contend that produce companies support the corridor and, due to their cargo's perishability, would be willing to pay a fee to avoid the extra stop in Mexico.

Recent legislation has designated overweight vehicle corridors in other areas of Texas, which interested parties say have been instrumental in moving cargo more efficiently. C.S.H.B. 474 seeks to allow a more efficient transport of commerce, including perishable fresh produce, through a portion of Hidalgo County.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 474 amends the Transportation Code to provide an optional procedure for the issuance of a permit by a governmental entity for the movement of oversize or overweight vehicles carrying agricultural products on certain roads located in Hidalgo County. The bill authorizes the Texas Transportation Commission to authorize a governmental entity to issue permits for the movement of oversize or overweight vehicles carrying agricultural products in Hidalgo County on specific segments of U.S. Highway 281, State Highway 336, Spur 29, Doffin Canal Road, and Farm-to-Market Roads 1016, 396, and 2061 or on another route designated by the commission in consultation with the entity. The bill requires the permit-issuing governmental entity to serve the same geographic location as the roads over which the permit is valid.

C.S.H.B. 474 authorizes the governmental entity to collect a fee for the permits for the movement of oversize or overweight vehicles carrying agricultural products on the specified Hidalgo County roads. The bill, beginning September 1, 2013, caps the fee at \$80 per trip. The bill authorizes the entity, on September 1 of each subsequent year, to adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function. The bill restricts the use of the fees to the construction and maintenance of the specific roads described by or designated under the bill's provisions and to the payment of the entity's administrative costs, which are capped at 15 percent of the fees collected. The bill requires the entity to make payments to the

Texas Department of Transportation to provide funds for the maintenance of the specified roads and highways subject to the bill's provisions.

C.S.H.B. 474 sets out content requirements for the specific information to be included on such a permit and requires the governmental entity to report to the Texas Department of Motor Vehicles all permits issued under the bill's provisions. The bill requires such a permit to specify the time during which movement authorized by the permit is allowed. The bill prohibits movement authorized by such a permit from exceeding the posted speed limit or 55 miles per hour, whichever is less, and specifies that a violation of this prohibition constitutes a moving violation.

C.S.H.B. 474 grants the Department of Public Safety the authority to enforce the bill's provisions and authorizes the commission to adopt rules necessary to implement those provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 474 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

SUBCHAPTER Q. REGIONAL MOBILITY AUTHORITY PERMITS

Sec. 623.320. OPTIONAL PROCEDURE.

This subchapter provides an optional procedure for the issuance of a permit by a regional mobility authority for the movement of oversize or overweight vehicles carrying cargo on certain roads located in Hidalgo County.

Sec. 623.321. DEFINITION. In this subchapter, "authority" means the regional mobility authority authorized to issue permits under Section 623.322.

Sec. 623.322. ISSUANCE OF PERMITS.

(a) The commission may authorize a regional mobility authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County on:

(1) the following roads:

(A) United States Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its

HOUSE COMMITTEE SUBSTITUTE

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

SUBCHAPTER Q. CERTAIN PERMITS FOR AGRICULTURAL PRODUCTS

Sec. 623.320. OPTIONAL PROCEDURE.

This subchapter provides an optional procedure for the issuance of a permit by a governmental entity for the movement of oversize or overweight vehicles carrying agricultural products on certain roads located in Hidalgo County.

Sec. 623.321. DEFINITION. In this subchapter, "governmental entity" means a governmental entity that agrees to issue permits under Section 623.322.

Sec. 623.322. ISSUANCE OF PERMITS.

(a) The commission may authorize a governmental entity to issue permits for the movement of oversize or overweight vehicles carrying agricultural products in Hidalgo County on:

(1) the following roads:

(A) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its

intersection with United States Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Farm-to-Market Road 396; and

(D) Farm-to-Market Road 396 between its intersection with Farm-to-Market Road 1016 and its intersection with the Anzalduas International Bridge; or

(2) another route designated by the commission in consultation with the authority.

(b) The authority authorized under this section must serve the same geographic location as the roads over which the permit is valid.

Sec. 623.323. PERMIT FEES. (a) The authority may collect a fee for permits issued under this subchapter. The fee may not exceed \$80 per trip.

(b) Fees collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.322 and for the authority's administrative costs, which may not exceed 15 percent of the fees collected. The authority shall make payments to the Texas Department of Transportation to provide funds for the

intersection with U.S. Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Farm-to-Market Road 396;

(D) Farm-to-Market Road 396 between its intersection with Farm-to-Market Road 1016 and its intersection with the Anzalduas International Bridge;

(E) Farm-to-Market Road 2061 between its intersection with Farm-to-Market Road 3072 and its intersection with U.S. Highway 281;

(F) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(G) Spur 29 between its intersection with U.S. Highway 281 and its intersection with Doffin Canal Road; and

(H) Doffin Canal Road between its intersection with the Pharr International Bridge and its intersection with Spur 29; or

(2) another route designated by the commission in consultation with the governmental entity.

(b) The governmental entity authorized under this section must serve the same geographic location as the roads over which the permit is valid.

Sec. 623.323. PERMIT FEES. (a) The governmental entity may collect a fee for permits issued under this subchapter. Beginning September 1, 2013, the maximum amount of the fee may not exceed \$80 per trip. On September 1 of each subsequent year, the governmental entity may adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Fees collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.322 and for the governmental entity's administrative costs, which may not exceed 15 percent of the fees collected. The governmental entity shall make payments to the Texas Department of Transportation to provide

maintenance of state highways subject to this subchapter.

Sec. 623.324. PERMIT REQUIREMENTS.

(a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the authority;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;
- (5) a statement of any condition on which the permit is issued;

(6) a statement that the cargo may be transported in Hidalgo County only over the roads described by or designated under Section 623.322; and

(7) the location where the cargo was loaded.

(b) The authority shall report to the department all permits issued under this subchapter.

Sec. 623.325. TIME OF MOVEMENT.

Sec. 623.326. SPEED LIMIT.

Sec. 623.327. ENFORCEMENT.

Sec. 623.328. RULES.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

funds for the maintenance of roads and highways subject to this subchapter.

Sec. 623.324. PERMIT REQUIREMENTS.

(a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the governmental entity;
- (4) a statement of the weight and dimensions of the vehicle and the kind and weight of each agricultural product to be transported;

(5) a statement:

(A) that the gross weight of the vehicle for which a permit is issued may not exceed 125,000 pounds; and

(B) of any other condition on which the permit is issued;

(6) a statement that the agricultural products may be transported in Hidalgo County only over the roads described by or designated under Section 623.322; and

(7) the location where the agriculture products were loaded.

(b) The governmental entity shall report to the department all permits issued under this subchapter.

Same as introduced version.

Same as introduced version.

Same as introduced version.

Same as introduced version.

SECTION 2. This Act takes effect September 1, 2013.