

BILL ANALYSIS

Senate Research Center

H.B. 2612
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2612 amends the Transportation Code to authorize a road supervisor, in addition to prohibiting the use of a road or a section of a road under the supervisor's control by any vehicle that will unduly damage the road under certain circumstances, to restrict the use of such a road. The bill makes that authority to prohibit or restrict the use of a road contingent on an alternative, more suitable road being available within the county at the time. The bill requires the road supervisor, before prohibiting or restricting road use, to post notices that, rather than stating the maximum load permitted and the time the use of the road is prohibited, instead state the road and the expected duration of the prohibition or restriction and that identify the alternate route. The bill prohibits the road supervisor from restricting, in addition to prohibiting, the use of a road until a detour has been provided. The bill authorizes an owner or operator of a vehicle that is restricted from using a road who is aggrieved by the restriction to file a written complaint with the county judge of the applicable county in the same manner as such a person aggrieved by a prohibition against using such a road. The bill requires the county judge to give written notice of the date and purpose of each hearing on such a complaint to the county engineer and the commissioners court, in addition to the road supervisor.

H.B. 2612 authorizes a commissioners court to identify an alternate route to a road and to require heavy vehicles to travel the alternate route in order to prevent excessive damage to the road due to the volume of traffic by heavy vehicles. The bill requires an alternate route to be of sufficient strength and design to withstand the weight of the vehicles traveling the alternate route, including any bridges or culverts along the road, and to be located within the same county as the original road. The bill requires the applicable road supervisor to post notices of the prohibition that state the road and the expected duration of the prohibition or restriction and that identify the alternate route. The bill grants a person who is required to operate or move a vehicle or other object on an alternate route identified by a commissioners court immunity from liability for damage sustained by the road, including a bridge, as a result of the operation or movement of the vehicle or other object, unless the act, error, or omission resulting in the damage constitutes wanton, wilful, and intentional misconduct, or gross negligence.

H.B. 2612 amends current law relating to prohibitions and restrictions on using county roads in certain circumstances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 251.157, Transportation Code, to read as follows:

Sec. 251.157. PROHIBITING OR RESTRICTING USE OF ROAD.

SECTION 2. Amends Sections 251.157(b), (c), (e), and (f), Transportation Code, as follows:

(b) Authorizes a road supervisor to prohibit or restrict, if an alternative, more suitable road is available within the county at the time, the use of a road or a section of a road

under the supervisor's control by any vehicle that will unduly damage the road when certain conditions are met.

(c) Requires the road supervisor, before prohibiting or restricting the use of a road under this section, to post notices that state the road and the expected duration of the prohibition or restriction, and identify the alternate route, rather than state the maximum load permitted and the time the use of the road is prohibited.

(e) Authorizes the person, if the owner or operator of a vehicle that is prohibited or restricted from using a road under this section is aggrieved by the prohibition or restriction, to file with the county judge of the county in which the restricted road is located a written complaint that sets forth the nature of the grievance. Requires the county judge, on the filing of the complaint, to promptly set the issue for a hearing to be held not later than the third day after the date on which the complaint is filed. Requires the county judge to give the road supervisor, the county engineer, and the commissioners court written notice of the date and purpose of each hearing.

(f) Requires the county judge to hear testimony offered by the parties. Requires the county judge, on conclusion of the hearing, to sustain, revoke, or modify the road supervisor's decision on the prohibition or restriction.

SECTION 3. Amends Subchapter E, Chapter 251, Transportation Code, by adding Section 251.1575, as follows:

Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN VEHICLES. (a) Authorizes a commissioners court to identify an alternate route to a road and require heavy vehicles to travel the alternate route in order to prevent excessive damage to the road due to the volume of traffic by heavy vehicles. Requires that an alternate route identified under this subsection be of sufficient strength and design to withstand the weight of the vehicles traveling the alternate route, including any bridges or culverts along the road and located within the same county as the road described by this subsection.

(b) Requires that notice of the prohibition be provided in the same manner as for a prohibition or restriction under Section 251.157.

(c) Provides that a person who is required to operate or move a vehicle or other object on an alternate route identified under this section is not liable for damage sustained by the road, including a bridge, as a result of the operation or movement of the vehicle or other object, unless the act, error, or omission resulting in the damage constitutes wanton, wilful, and intentional misconduct or gross negligence.

SECTION 4. Effective date: upon passage or September 1, 2013.