

By: Flynn

H.B. No. 2612

Substitute the following for H.B. No. 2612:

By: Phillips

C.S.H.B. No. 2612

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions and restrictions on using county roads in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 251.157, Transportation Code, is amended to read as follows:

Sec. 251.157. PROHIBITING OR RESTRICTING USE OF ROAD.

SECTION 2. Sections 251.157(b), (c), (e), and (f), Transportation Code, are amended to read as follows:

(b) A road supervisor may 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:

(1) because of wet weather or recent construction or repairs, the road cannot be safely used without probable serious damage to it; or

(2) a bridge or culvert on the road is unsafe.

(c) Before prohibiting or restricting the use of a road under this section, the road supervisor shall post notices that state the road and the expected duration of the prohibition or restriction, and identify the alternate route [~~maximum load permitted and the time the use of the road is prohibited~~]. The notices must be posted at locations that enable drivers to detour to

1 avoid the restricted road.

2 (e) If the owner or operator of a vehicle that is prohibited
3 or restricted from using a road under this section is aggrieved by
4 the prohibition or restriction, the person may file with the county
5 judge of the county in which the restricted road is located a
6 written complaint that sets forth the nature of the grievance. On
7 the filing of the complaint the county judge promptly shall set the
8 issue for a hearing to be held not later than the third day after the
9 date on which the complaint is filed. The county judge shall give
10 [~~to~~] the road supervisor, the county engineer, and the
11 commissioners court written notice of the date and purpose of each
12 hearing.

13 (f) The county judge shall hear testimony offered by the
14 parties. On conclusion of the hearing, the county judge shall
15 sustain, revoke, or modify the road supervisor's decision on the
16 prohibition or restriction. The county judge's judgment is final
17 as to the issues raised.

18 SECTION 3. Subchapter E, Chapter 251, Transportation Code,
19 is amended by adding Section 251.1575 to read as follows:

20 Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN
21 VEHICLES. (a) A commissioners court may identify an alternate
22 route to a road and require heavy vehicles to travel the alternate
23 route in order to prevent excessive damage to the road due to the
24 volume of traffic by heavy vehicles. An alternate route identified
25 under this subsection must be:

26 (1) of sufficient strength and design to withstand the
27 weight of the vehicles travelling the alternate route, including

1 any bridges or culverts along the road; and

2 (2) located within the same county as the road
3 described by this subsection.

4 (b) Notice of the prohibition must be provided in the same
5 manner as for a prohibition or restriction under Section 251.157.

6 (c) A person who is required to operate or move a vehicle or
7 other object on an alternate route identified under this section is
8 not liable for damage sustained by the road, including a bridge, as
9 a result of the operation or movement of the vehicle or other
10 object, unless the act, error, or omission resulting in the damage
11 constitutes:

12 (1) wanton, willful, and intentional misconduct; or

13 (2) gross negligence.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.