

House Bill 474
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 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;

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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) 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 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 Trinity Road;

(D) Trinity Road between its intersection with Farm-to-Market Road 1016 and its intersection with Farm-to-Market Road 396;

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

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(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-Reynosa 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

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

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

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

(I) Doffin Canal Road between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29; 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. Beginning September 1, 2013, the maximum amount of the fee may not exceed \$80 per trip. On September 1 of each subsequent year, the authority 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 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

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provide 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 agricultural products were loaded.

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

Sec. 623.325. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Sec. 623.326. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Sec. 623.327. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Sec. 623.328. RULES. The commission may adopt rules necessary to implement this subchapter.

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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 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:

(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 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.

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Sec. 623.326. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

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

SECTION 2. Same as House version.