

House Bill 2612
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 avoid the restricted road.

(e) 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, the person may 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. On the filing of the complaint the county judge promptly shall set the issue for a hearing to be held not later than the third day after the date on which the complaint is

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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filed. The county judge shall give [tø] the road supervisor, the county engineer, and the commissioners court written notice of the date and purpose of each hearing.

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

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

Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN VEHICLES. (a) A commissioners court may 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. An alternate route identified under this subsection must be:

(1) 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

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

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

(c) 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

SENATE VERSION (IE)

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

Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN VEHICLES. (a) A commissioners court may identify an alternate route to a road and require heavy vehicles having a gross weight of more than 60,000 pounds to travel the alternate route in order to prevent excessive damage to the road due to the volume of traffic by such heavy vehicles. An alternate route identified under this subsection must be:
[FA1]

(1) 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

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

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

(c) 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

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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:

- (1) wanton, wilful, and intentional misconduct; or
- (2) gross negligence.

SECTION 4. 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.

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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:

- (1) wanton, wilful, and intentional misconduct; or
- (2) gross negligence.

SECTION 4. Same as House version.

CONFERENCE