

BILL ANALYSIS

C.S.H.B. 3854
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the significant increase in shipping from Texas ports and through international ports of entry has in turn increased the need for a more comprehensive effort to coordinate the overweight shipment of sealed containers from production facilities proximate to the ports of entry. C.S.H.B. 3854 seeks to address this issue by providing for the issuance of a permit authorizing the movement of a sealed intermodal shipping container moving in international transportation not more than 30 miles from an applicable port of entry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles and the Department of Public Safety in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 3854 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination with specified configurations that has six total axles with a maximum gross weight of 93,000 pounds or by a truck-tractor and semitrailer combination with specified configurations that has seven total axles with a maximum gross weight of 100,000 pounds each of which are equipped with a roll stability support safety system and truck blind spot systems. The bill sets out the conditions under which such an intermodal shipping containers permit may be issued and prohibits the governing body of a municipality from regulating the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under the permit because of weight.

C.S.H.B. 3854 requires an applicant for the permit to designate each county and municipality in which the permit will be used and establishes that a permit is not valid in a county or municipality that is not designated in the permit application. The bill requires an application for such a permit to be accompanied by a \$5,000 permit fee of which 60 percent must be deposited to the credit of the state highway fund, 35 percent must be equally divided among and distributed to each county designated in the permit application, and five percent must be equally divided among and distributed to each municipality designated in the permit application. The bill requires the comptroller of public accounts, at least once each fiscal year, to send the amount due to each county to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund. The bill requires the comptroller, at least once

each fiscal year, to send the amount due to each municipality to the office performing the function of treasurer for the municipality. The bill restricts the use of such funds received by a municipality to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

C.S.H.B. 3854 establishes that an intermodal shipping containers permit does not authorize the operation of a truck-tractor and semitrailer combination on the national system of interstate and defense highways or load-restricted roads or bridges. The bill establishes that a permit authorizes the operation of truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation (TxDOT).

C.S.H.B. 3854 requires the transportation of a sealed intermodal shipping container under the permit to begin or end at a port of entry that is located in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf or located between Texas and the United Mexican States and to be on TxDOT approved highways or roads. The bill prohibits such transportation from exceeding 30 miles from the port of entry. The bill requires the intermodal shipping container to be continuously sealed from the point of origin to the point of destination with a seal that is required by the U.S. Customs and Border Protection, the U.S. Food and Drug Administration, or federal law or regulation. The bill establishes that the permit expressly does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the U.S. secretary of transportation and does not authorize the transportation of a sealed intermodal shipping container in a county that borders New Mexico and the United Mexican States.

C.S.H.B. 3854 requires TxDMV, when it issues the permit, to issue a sticker to be placed on the front windshield of the truck-tractor. The bill requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits and requires the sticker to indicate the expiration date of the permit and to be removed from the truck-tractor when the permit for operation of the truck-tractor expires, a lease of the truck-tractor expires, or the truck-tractor is sold. The bill requires the permit to be carried in the truck-tractor for which the permit is issued and requires a copy of the weight record in the form prescribed by TxDMV to contain required weight record information and to be carried in the truck-tractor if the truck-tractor is on a public highway or road and transporting an intermodal shipping container that contains cargo. The bill requires the copy of the weight record to be presented, on request, to an officer authorized to enforce provisions on vehicle size and weight, regardless of whether a weight record is required for certain enforcement purposes.

C.S.H.B. 3854 creates a Class C misdemeanor offense for a person who fails to display the permit sticker in the manner required, carry the permit as required, or carry or present the required weight record. The bill requires TxDMV to adopt rules necessary to implement the bill's provisions relating to intermodal shipping containers and requires the Department of Public Safety to adopt rules requiring additional safety and driver training for permits issued under those bill provisions. The bill requires TxDOT to provide TxDMV with all routing information necessary to complete the permit and includes the permit among permits to which prohibitions against certain actions of a commissioners court apply. The bill changes the condition under which such commissioners court actions apply from a vehicle having an applicable permit to a vehicle being operated in compliance with the applicable permit. The bill exempts the transportation of an intermodal shipping container regardless of whether the container is sealed or unsealed from statutory provisions relating to permits issued for the movement of heavy equipment. The bill requires an officer's motor vehicle accident report, if the applicable accident involved a combination of vehicles operating under an intermodal shipping containers permit, to include the weight and the number of axles of the vehicle combination.

EFFECTIVE DATE

January 1, 2018.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3854 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 621.303, Transportation Code, is amended.

SECTION 2. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

Sec. 623.401. DEFINITION.

Sec. 623.402. ISSUANCE OF PERMIT.

(a) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation via a truck-tractor and semitrailer combination that has six total axles that is equipped with Roll Stability Support Safety System and truck Blind Spot Systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the rear axle of the truck-tractor and the front axle of the semitrailer, measured longitudinally, is approximately 322 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 15,000 pounds;

(B) one two-axle group that does not exceed 36,250 pounds, in which no axle in the group exceeds 18,200 pounds;

(C) the distance between the individual axles on the two-axle group of the truck-

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 550.062, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the motor vehicle accident involved a combination of vehicles operating under a permit issued under Section 623.402, the report required by Subsection (a) must include the weight and the number of axles of the vehicle combination.

SECTION 2. Same as introduced version.

SECTION 3. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

Sec. 623.401. DEFINITION.

Sec. 623.402. ISSUANCE OF PERMIT.

(a) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-

tractor, measured longitudinally, is 52 inches; and

(D) the distance between the single axle on the truck-tractor and the nearest axle of the two-axle group on the truck-tractor, measured longitudinally, is approximately 154 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation via a truck-tractor and semitrailer combination that has seven total axles that is equipped with Roll Stability Support Safety System and truck Blind Spot Systems only if:

(1) the gross weight of the combination does not exceed 100,000 pounds;

(2) the distance between the rear axle of the truck-tractor and the front axle of the semitrailer, measured longitudinally, is approximately 256 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 15,000 pounds;

(B) one three-axle group that does not exceed 44,500 pounds, in which no axle in the group exceeds 14,900 pounds;

(C) the distance between the individual axles on the three-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(D) the distance between the single axle on the truck-tractor and the nearest axle of the three-axle group on the truck-tractor, measured longitudinally, is 135 inches or greater; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 46,200 pounds, in which no axle in the group exceeds 15,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(c) For purposes of Subsections (a) and (b),

tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 100,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 15,000 pounds;

(B) one three-axle group that does not exceed 44,500 pounds, in which no axle in the group exceeds 14,900 pounds; and

(C) the distance between the individual axles on the three-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 46,200 pounds, in which no axle in the group exceeds 15,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(c) For purposes of Subsections (a) and (b),

the gross weight, group weights, and axle weights listed in those subsections include all enforcement tolerances.

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION.

Sec. 623.404. PERMIT FEE. (a) An application for a permit under Section 623.402(a) or (b) must be accompanied by a permit fee of \$5,000, of which:

- (1) 60 percent shall be deposited to the credit of the state highway fund;
- (2) 35 percent shall be equally divided among and distributed to each county designated in the permit application; and
- (3) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.405. ROUTE RESTRICTIONS.

A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on:

- (1) the national system of interstate and defense highways;
- (2) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102 or the commissioners court of a county under Section 621.301; or
- (3) routes for which the Texas Department of Transportation has not authorized the operation of truck-tractor and semitrailer combinations.

Sec. 623.406. PERMIT CONDITIONS. (a) In this section, "port of entry" has the

the gross weight, group weights, and axle weights listed in those subsections include all enforcement tolerances.

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION.

Sec. 623.404. PERMIT FEE. (a) An application for a permit under Section 623.402(a) or (b) must be accompanied by a permit fee of \$5,000, of which:

- (1) 60 percent shall be deposited to the credit of the state highway fund;
- (2) 35 percent shall be equally divided among and distributed to each county designated in the permit application; and
- (3) 5 percent shall be equally divided among and distributed to each municipality designated in the permit application.

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.

(c) At least once each fiscal year, the comptroller shall send the amount due each municipality under Subsection (a) to the office performing the function of treasurer for the municipality. A municipality may use funds received under this subsection only to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

Sec. 623.405. ROUTE RESTRICTIONS.

(a) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on:

- (1) the national system of interstate and defense highways; or
- (2) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102 or the commissioners court of a county under Section 621.301.

(b) Subject to Section 623.406, a permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

Sec. 623.406. PERMIT CONDITIONS. (a) In this section, "port of entry" has the

meaning assigned by Section 621.001.

(b) The transportation of a sealed intermodal shipping container under a permit issued under this subchapter:

(1) must begin or end at a port of entry that is located:

(A) in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf; or

(B) between this state and the United Mexican States;

(2) may not exceed a 30-mile radius from the port of entry; and

(3) may occur only on a route for which the Texas Department of Transportation has authorized the transportation of intermodal shipping containers.

(c) In addition to the requirements of Subsection (b), the intermodal shipping container must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

(2) the United States Food and Drug Administration; or

(3) federal law or regulation.

(d) A permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation under 49 U.S.C. Section 5103(a).

Sec. 623.407. PERMIT STICKER.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS.

Sec. 623.409. OFFENSE.

Sec. 623.410. RULES.

SECTION 3. Section 623.003(b), Transportation Code, is amended.

SECTION 4. Section 623.018(d), Transportation Code, is amended to read as follows:

(d) If a vehicle has a permit issued under

meaning assigned by Section 621.001.

(b) The transportation of a sealed intermodal shipping container under a permit issued under this subchapter:

(1) must begin or end at a port of entry that is located:

(A) in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf; or

(B) between this state and the United Mexican States; and

(2) may not exceed 30 miles from the port of entry and must be on a highway or road described by Section 623.405(b).

(c) In addition to the requirements of Subsection (b), the intermodal shipping container must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

(2) the United States Food and Drug Administration; or

(3) federal law or regulation.

(d) A permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation under 49 U.S.C. Section 5103(a).

(e) A permit issued under this subchapter does not authorize the transportation of a sealed intermodal shipping container in a county that borders New Mexico and the United Mexican States.

Sec. 623.407. PERMIT STICKER.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS.

Sec. 623.409. OFFENSE.

Sec. 623.410. RULES.

SECTION 4. Same as introduced version.

SECTION 5. Section 623.018(d), Transportation Code, is amended to read as follows:

(d) If a vehicle is being operated in

Section 623.011 or 623.402, a commissioners court may not:

- (1) issue a permit under this section or charge an additional fee for or otherwise regulate or restrict the operation of the vehicle because of weight; or
- (2) require the owner or operator to:
 - (A) execute or comply with a road use agreement or indemnity agreement;
 - (B) ~~[-;to]~~ make a filing or application; or
 - (C) ~~[-;or to]~~ provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 for a vehicle issued a permit under Section 623.011.

SECTION 5. Subchapter D, Chapter 623, Transportation Code, is amended.

SECTION 6. This Act takes effect September 1, 2017.

compliance with ~~has~~ a permit issued under Section 623.011 or 623.402, a commissioners court may not:

- (1) issue a permit under this section or charge an additional fee for or otherwise regulate or restrict the operation of the vehicle because of weight; or
- (2) require the owner or operator to:
 - (A) execute or comply with a road use agreement or indemnity agreement;
 - (B) ~~[-;to]~~ make a filing or application; or
 - (C) ~~[-;or to]~~ provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 for a vehicle issued a permit under Section 623.011.

SECTION 6. Same as introduced version.

SECTION 7. This Act takes effect January 1, 2018.