

By: Morrison

H.B. No. 3854

A BILL TO BE ENTITLED

AN ACT

relating to the movement of certain vehicles transporting an intermodal shipping container; authorizing a fee; creating an offense.

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

SECTION 1. Section 621.303, Transportation Code, is amended to read as follows:

Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.

(a) The governing body of any municipality may regulate the movement and operation on a public road, other than a state highway in the territory of the municipality, of:

(1) an overweight, oversize, or overlength commodity that cannot reasonably be dismantled; and

(2) superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled.

(b) The governing body of a municipality may not, because of weight, regulate the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under a permit issued under Section 623.402.

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. In this subchapter, "intermodal

1 shipping container" means an enclosed, standardized, reusable
2 container that:

3 (1) is used to pack, ship, move, or transport cargo;

4 (2) is designed to be carried on a semitrailer and
5 loaded onto or unloaded from:

6 (A) a ship or vessel for international
7 transportation; or

8 (B) a rail system for international
9 transportation; and

10 (3) when combined with vehicles transporting the
11 container, has a gross weight or axle weight that exceeds the limits
12 allowed by law to be transported over a state highway or county or
13 municipal road.

14 Sec. 623.402. ISSUANCE OF PERMIT. (a) The department may
15 issue an annual permit authorizing the movement of a sealed
16 intermodal shipping container moving in international
17 transportation via a truck-tractor and semitrailer combination
18 that has six total axles that is equipped with Roll Stability
19 Support Safety System and truck Blind Spot Systems only if:

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

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

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

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

1 (B) one two-axle group that does not exceed
2 36,250 pounds, in which no axle in the group exceeds 18,200 pounds;

3 (C) the distance between the individual axles on
4 the two-axle group of the truck-tractor, measured longitudinally,
5 is 52 inches; and

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

10 (4) the semitrailer is configured as follows:

11 (A) one three-axle group that does not exceed
12 49,195 pounds, in which no axle in the group exceeds 16,400 pounds;
13 and

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

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

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

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

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

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

4 (B) one three-axle group that does not exceed
5 44,500 pounds, in which no axle in the group exceeds 14,900 pounds;

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

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

14 (4) the semitrailer is configured as follows:

15 (A) one three-axle group that does not exceed
16 46,200 pounds, in which no axle in the group exceeds 15,400 pounds;
17 and

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

21 (c) For purposes of Subsections (a) and (b), the gross
22 weight, group weights, and axle weights listed in those subsections
23 include all enforcement tolerances.

24 Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION. (a) An
25 applicant for a permit under this subchapter must designate each
26 county and municipality in which the permit will be used.

27 (b) A permit issued under this subchapter is not valid in a

1 county or municipality that is not designated in the permit
2 application.

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

6 (1) 60 percent shall be deposited to the credit of the
7 state highway fund;

8 (2) 35 percent shall be equally divided among and
9 distributed to each county designated in the permit application;
10 and

11 (3) 5 percent shall be deposited to the credit of the
12 Texas Department of Motor Vehicles fund.

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

17 Sec. 623.405. ROUTE RESTRICTIONS. A permit issued under
18 this subchapter does not authorize the operation of a truck-tractor
19 and semitrailer combination on:

20 (1) the national system of interstate and defense
21 highways;

22 (2) load-restricted roads or bridges, including a road
23 or bridge for which a maximum weight and load limit has been
24 established and posted by the Texas Department of Transportation
25 under Section 621.102 or the commissioners court of a county under
26 Section 621.301; or

27 (3) routes for which the Texas Department of

1 Transportation has not authorized the operation of truck-tractor
2 and semitrailer combinations.

3 Sec. 623.406. PERMIT CONDITIONS. (a) In this section,
4 "port of entry" has the meaning assigned by Section 621.001.

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

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

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

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

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

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

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

22 (1) the United States Customs and Border Protection;

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

24 (3) federal law or regulation.

25 (d) A permit issued under this subchapter does not authorize
26 the transportation of a material designated as of January 1, 2017,
27 as a hazardous material by the United States secretary of

1 transportation under 49 U.S.C. Section 5103(a).

2 Sec. 623.407. PERMIT STICKER. (a) When the department
3 issues a permit under this subchapter, the department shall issue a
4 sticker to be placed on the front windshield of the truck-tractor.
5 The department shall design the form of the sticker to aid in the
6 enforcement of weight limits.

7 (b) The sticker must:

8 (1) indicate the expiration date of the permit; and

9 (2) be removed from the truck-tractor when:

10 (A) the permit for operation of the truck-tractor
11 expires;

12 (B) a lease of the truck-tractor expires; or

13 (C) the truck-tractor is sold.

14 Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS. (a) A
15 permit issued under this subchapter must be carried in the
16 truck-tractor for which the permit is issued.

17 (b) A copy of the weight record in the form prescribed by the
18 department must contain the information required by Section
19 621.410(c) and must be:

20 (1) carried in the truck-tractor if the truck-tractor
21 is:

22 (A) on a public highway or road; and

23 (B) transporting an intermodal shipping
24 container that contains cargo; and

25 (2) presented, on request, to an officer authorized to
26 enforce this subtitle, regardless of whether a weight record is
27 required under Section 621.410.

1 Sec. 623.409. OFFENSE. (a) A person commits an offense if
2 the person fails to:

3 (1) display the sticker described by Section
4 623.407(a) in the manner required by that section;

5 (2) carry a permit issued under this subchapter as
6 required by Section 623.408(a); or

7 (3) carry or present a weight record as required by
8 Section 623.408(b).

9 (b) An offense under this section is a Class C misdemeanor.

10 Sec. 623.410. RULES. (a) The department shall adopt rules
11 necessary to implement this subchapter, including rules governing
12 the application for a permit under this subchapter.

13 (b) The Department of Public Safety shall adopt rules
14 requiring additional safety and driver training for permits issued
15 under this subchapter.

16 SECTION 3. Section 623.003(b), Transportation Code, is
17 amended to read as follows:

18 (b) The Texas Department of Transportation shall provide
19 the department with all routing information necessary to complete a
20 permit issued under Section 623.071, 623.121, 623.142, [~~or~~]
21 623.192, or 623.402.

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

24 (d) If a vehicle has a permit issued under Section 623.011
25 or 623.402, a commissioners court may not:

26 (1) issue a permit under this section or charge an
27 additional fee for or otherwise regulate or restrict the operation

1 of the vehicle because of weight; or

2 (2) require the owner or operator to:

3 (A) execute or comply with a road use agreement
4 or indemnity agreement;

5 (B) [~~to~~] make a filing or application; or

6 (C) [~~or to~~] provide a bond or letter of credit,
7 other than the bond or letter of credit prescribed by Section
8 623.012 for a vehicle issued a permit under Section 623.011.

9 SECTION 5. Subchapter D, Chapter 623, Transportation Code,
10 is amended by adding Section 623.070 to read as follows:

11 Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER. This
12 subchapter does not apply to the transportation of an intermodal
13 shipping container as defined by Section 623.401, regardless of
14 whether the container is sealed or unsealed.

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