

By: Wilson

H.B. No. 3469

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study by the Texas Department of Transportation on the
3 feasibility of charging a pavement consumption fee for the
4 operation of certain motor vehicles on public highways.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Governmental entity" means:

8 (A) a board, commission, department, office, or
9 other agency in the executive branch of state government; or

10 (B) a political subdivision of this state.

11 (2) "Highway" has the meaning assigned by Section
12 [366.003](#), Transportation Code.

13 (3) "Department" means the Texas Department of
14 Transportation.

15 SECTION 2. STUDY AND REPORT; PROTOTYPE SOFTWARE. (a) The
16 department, in consultation with The University of Texas Center for
17 Transportation Research and the Texas A&M Transportation
18 Institute, shall conduct a study on the feasibility of:

19 (1) charging a pavement consumption fee in the amount
20 of the reasonable cost to repair damage to the pavement of a highway
21 caused by the normal operation of a vehicle operating on a highway
22 in this state:

23 (A) that is subject to the federal electronic
24 logging device requirements of 49 C.F.R. Part 395; or

1 (B) operating only in intrastate commerce that
2 would be subject to the federal electronic logging device
3 requirements of 49 C.F.R. Part 395 if operating in interstate or
4 international commerce; and

5 (2) adjusting or eliminating registration or permit
6 fees that are wholly or partly used for the maintenance of a highway
7 by a governmental entity and imposed on commercial motor vehicles
8 subject to the pavement consumption fee.

9 (b) In conducting the study, the department shall:

10 (1) in consultation with trucking industry
11 representatives, develop a system to:

12 (A) determine the governmental entity
13 responsible for the maintenance of each section of a highway on
14 which a commercial motor vehicle subject to the pavement
15 consumption fee is operated;

16 (B) establish rates for the pavement consumption
17 fee that reflect the cost per mile to repair damage to the pavement
18 of each section of highway caused by the normal operation of a
19 commercial motor vehicle subject to the fee; and

20 (C) calculate the total amount of the fee due for
21 a reporting period from the operator of a commercial motor vehicle
22 subject to the pavement consumption fee;

23 (2) recommend rules to:

24 (A) administer, collect, and enforce the
25 pavement consumption fee; and

26 (B) distribute the fee to the governmental entity
27 responsible for maintaining a section of a highway on which a

1 commercial motor vehicle subject to the pavement consumption fee is
2 operated; and

3 (3) identify any registration or permit fee that is
4 wholly or partly used for the maintenance of a highway by a
5 governmental entity and imposed on a commercial motor vehicle
6 subject to the pavement consumption fee.

7 (c) The department shall, in consultation with trucking
8 industry representatives, develop a prototype of any software
9 required for a system developed under Subsection (b)(1).

10 (d) Not later than November 1, 2020, the department shall
11 submit to the governor, the lieutenant governor, and the
12 legislature a written report on the findings of the study. The
13 report must include recommendations for policy and statutory
14 changes, including any proposed legislation, that are based on the
15 results of the study.

16 SECTION 3. EXPIRATION. This Act expires May 1, 2020.

17 SECTION 4. EFFECTIVE DATE. This Act takes effect September
18 1, 2019.