87R2896 BEE-D

By:  Schwertner S.B. No. 2107

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  DEFINITIONS. In this Act:

(1)  "Department" means the Texas Department of Transportation.

(2)  "Governmental entity" means:

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

(B)  a political subdivision of this state.

(3)  "Highway" has the meaning assigned by Section 366.003, Transportation Code.

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

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

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

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

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

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

(1)  develop a system to:

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

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

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

(2)  recommend rules to:

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

(B)  distribute the fee to the governmental entity responsible for maintaining a section of a highway on which a commercial motor vehicle subject to the pavement consumption fee is operated; and

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

(c)  The department shall develop a prototype of any software required for a system developed under Subsection (b)(1) of this section.

(d)  Not later than November 1, 2022, the department shall submit to the governor, the lieutenant governor, and the legislature a written report on the findings of the study. The report must include recommendations for policy and statutory changes, including any proposed legislation, that are based on the results of the study.

SECTION 3.  EXPIRATION. This Act expires May 1, 2023.

SECTION 4.  EFFECTIVE DATE. This Act takes effect September 1, 2021.