

By: Schwertner

S.B. No. 2107

A BILL TO BE ENTITLED

1 AN ACT

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) "Department" means the Texas Department of  
8 Transportation.

9 (2) "Governmental entity" means:

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

12 (B) a political subdivision of this state.

13 (3) "Highway" has the meaning assigned by Section  
14 [366.003](#), Transportation Code.

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) if operating only in intrastate commerce,  
2 that 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) develop a system to:

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

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

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

22           (2) recommend rules to:

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

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

1 operated; and

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

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

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

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

16 SECTION 4. EFFECTIVE DATE. This Act takes effect September  
17 1, 2021.