

BILL ANALYSIS

C.S.H.B. 3061

By: Anchia

International Trade & Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern that, despite Texas being home to one of the largest ports in the country, the state's regulations relating to maximum vehicle weight do not adequately account for the transportation of heavy shipping containers to and from ports. The parties note that, although many coastal states issue a permit for the movement of overweight ocean shipping containers on roadways, such permits are not currently issued in Texas. As a result, the parties contend, many truck shipments that service Texas ports meet vehicle weight limits with space remaining in the container, which can result in financial challenges. C.S.H.B. 3061 seeks to address this issue and ensure the continued prosperity of Texas and its ports.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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 in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3061 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit for the movement of a sealed ocean cargo shipping container moving in overseas international commerce on a trailer or semitrailer with three axles that, when combined with vehicles transporting the container, has a gross weight exceeding the limits allowed by law to be transported over a state highway, if the combination of vehicles transporting the container has a single axle weight of not more than 20,000 pounds, a tandem axle weight of not more than 40,000 pounds, a tri-axle weight of not more than 60,000 pounds, and a gross weight of not more than 97,000 pounds. The bill requires TxDMV to set the fee for the annual permit at an amount not to exceed \$7,000, of which 90 percent is required to be deposited to the credit of the state highway fund and 10 percent to the credit of the Texas Department of Motor Vehicles fund.

C.S.H.B. 3061 requires TxDMV to restrict vehicles operating under the permit to routes that end at a facility in Texas at which the sealed container will be loaded on a ship or train in the course of overseas international shipment and that do not include roadways or bridges that TxDMV determines through sound engineering principles should not be used for overweight vehicles, or federal highways on TxDMV determination that the operation of a vehicle under the permit on those highways would result in the loss of federal highway funding. The bill requires TxDMV to adopt rules necessary to implement the bill's provisions, including rules governing application for the permit and requiring additional safety and driver training.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3061 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

SECTION 1. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. OCEAN CARGO SHIPPING CONTAINERS. (a) In this section, "ocean cargo shipping container" means an enclosed, standardized, reusable container that:

- (1) is used to pack, ship, move, or transport freight articles, goods, or commodities;
- (2) is designed to be carried on a trailer and loaded onto a vessel for ocean-borne transportation; and
- (3) exceeds the weight limitations of this chapter.

(b) The department may issue an annual permit for the movement of ocean cargo shipping containers on a trailer with three axles if the combination of vehicles transporting the containers has:

- (1) a single axle weight of not more than 20,000 pounds;
- (2) a tandem axle weight of not more than 40,000 pounds;
- (3) a tri-axle weight of not more than 60,000 pounds; and
- (4) a gross weight of not more than 97,000 pounds.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. OCEAN CARGO SHIPPING CONTAINERS. (a) In this section, "ocean cargo shipping container" means an enclosed, standardized, reusable container that:

- (1) is used to pack, ship, move, or transport cargo;
- (2) is designed to be carried on a trailer or semitrailer and loaded onto a vessel for ocean-borne transportation; and
- (3) when combined with vehicles transporting the container, has a gross weight that exceeds the limits allowed by law to be transported over a state highway.

(b) The department may issue an annual permit for the movement of a sealed ocean cargo shipping container moving in overseas international commerce on a trailer or semitrailer with three axles if the combination of vehicles transporting the container has:

- (1) a single axle weight of not more than 20,000 pounds;
- (2) a tandem axle weight of not more than 40,000 pounds;
- (3) a tri-axle weight of not more than 60,000 pounds; and
- (4) a gross weight of not more than 97,000 pounds.

(c) The department shall restrict vehicles operating under a permit under this section to routes that:

- (1) do not include:
 - (A) roadways or bridges that the department determines through sound engineering principles should not be used for overweight vehicles; or
 - (B) federal highways, if the department

determines that the operation of a vehicle under a permit under this section on those highways would result in the loss of federal highway funding; and

(2) end at a facility in this state at which the sealed container will be loaded on a ship or train in the course of overseas international shipment.

(d) The department may adopt rules necessary to implement this section, including rules:

(1) governing application for a permit under this section; and

(2) requiring additional safety and driver training.

(c) The amount of the fee for an annual permit issued under this section is \$1,000.

(e) The department shall set the amount of the fee for an annual permit issued under this section in an amount not to exceed \$7,000, of which:

(1) 90 percent shall be deposited to the credit of the state highway fund; and

(2) 10 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. This Act takes effect January 1, 2016.