

BILL ANALYSIS

C.S.S.B. 1524
By: Nichols
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the significant increase in shipping from Texas ports and through international ports of entry has in turn increased the need for a more comprehensive effort to coordinate the overweight shipment of sealed containers from production facilities proximate to the ports of entry. C.S.S.B. 1524 seeks to address this issue by providing for the issuance of a permit authorizing the movement of a sealed intermodal shipping container moving in international transportation not more than 30 miles from an applicable port of entry

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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 and the Department of Public Safety in SECTION 3 of this bill.

ANALYSIS

C.S.S.B. 1524 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination with specified configurations that has six total axles with a maximum gross weight of 93,000 pounds or by a truck-tractor and semitrailer combination with specified configurations that has seven total axles with a maximum gross weight of 100,000 pounds each of which are equipped with a roll stability support safety system and truck blind spot systems. The bill sets out the conditions under which such an intermodal shipping containers permit may be issued and prohibits the governing body of a municipality from regulating the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under the permit because of weight.

C.S.S.B. 1524 requires an applicant for the permit to designate each county and municipality in which the permit will be used and establishes that a permit is not valid in a county or municipality that is not designated in the permit application. The bill requires an application for such a permit to be accompanied by a \$5,000 permit fee of which 60 percent must be deposited to the credit of the state highway fund, 35 percent must be equally divided among and distributed to each county designated in the permit application, and five percent must be equally divided among and distributed to each municipality designated in the permit application. The bill requires the comptroller of public accounts, at least once each fiscal year, to send the amount due to each county to the county treasurer or office performing the function of that office for deposit

to the credit of the county road and bridge fund. The bill requires the comptroller, at least once each fiscal year, to send the amount due to each municipality to the office performing the function of treasurer for the municipality. The bill restricts the use of such funds received by a municipality to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

C.S.S.B. 1524 establishes that an intermodal shipping containers permit does not authorize the operation of a truck-tractor and semitrailer combination on the national system of interstate and defense highways or load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by either the Texas Department of Transportation (TxDOT) or a county commissioners court under other law. The bill establishes that a permit authorizes the operation of truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation (TxDOT).

C.S.S.B. 1524 requires the transportation of a sealed intermodal shipping container under the permit to begin or end at a port of entry that is located in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf or located between Texas and the United Mexican States and to be on TxDOT approved highways or roads. The bill prohibits such transportation from exceeding 30 miles from the port of entry. The bill requires the intermodal shipping container to be continuously sealed from the point of origin to the point of destination with a seal that is required by the U.S. Customs and Border Protection, the U.S. Food and Drug Administration, or federal law or regulation. The bill establishes that the permit expressly does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the U.S. secretary of transportation and does not authorize the transportation of a sealed intermodal shipping container in a county that borders New Mexico and the United Mexican States.

C.S.S.B. 1524 requires TxDMV, when it issues the permit, to issue a sticker to be placed on the front windshield of the truck-tractor. The bill requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits and requires the sticker to indicate the expiration date of the permit and to be removed from the truck-tractor when the permit for operation of the truck-tractor expires, a lease of the truck-tractor expires, or the truck-tractor is sold. The bill requires the permit to be carried in the truck-tractor for which the permit is issued and requires a copy of the weight record in the form prescribed by TxDMV to contain required weight record information and to be carried in the truck-tractor if the truck-tractor is on a public highway or road and transporting an intermodal shipping container that contains cargo. The bill requires the copy of the weight record to be presented, on request, to an officer authorized to enforce provisions on vehicle size and weight, regardless of whether a weight record is required for certain enforcement purposes.

C.S.S.B. 1524 creates a Class C misdemeanor offense for a person who fails to display the permit sticker in the manner required, carry the permit as required, or carry or present the required weight record. The bill requires TxDMV to adopt rules necessary to implement the bill's provisions relating to intermodal shipping containers and requires the Department of Public Safety to adopt rules requiring additional safety and driver training for permits issued under those bill provisions. The bill requires TxDOT to provide TxDMV with all routing information necessary to complete the permit and includes the permit among permits to which prohibitions against certain actions of a commissioners court apply. The bill changes the condition under which such commissioners court actions apply from a vehicle having an applicable permit to a vehicle being operated in compliance with the applicable permit. The bill exempts the transportation of an intermodal shipping container regardless of whether the container is sealed or unsealed from statutory provisions relating to permits issued for the movement of heavy equipment. The bill requires an officer's motor vehicle accident report, if the applicable accident

involved a combination of vehicles operating under an intermodal shipping containers permit, to include the weight and the number of axles of the vehicle combination.

EFFECTIVE DATE

January 1, 2018.

COMPARISON OF ORIGINAL TO SUBSTITUTE **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1524 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 550.062, Transportation Code, is amended.

SECTION 2. Section 621.303, Transportation Code, is amended.

SECTION 3. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

Sec. 623.401. DEFINITION.

Sec. 623.402. ISSUANCE OF PERMIT.

(a) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

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

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

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

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

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. Same as engrossed version.

SECTION 3. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

Sec. 623.401. DEFINITION.

Sec. 623.402. ISSUANCE OF PERMIT.

(a) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

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

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

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

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in

the group exceeds 16,400 pounds; and
(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;

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

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

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

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

(4) the semitrailer is configured as follows:

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

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

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

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION.

Sec. 623.404. PERMIT FEE.

Sec. 623.405. ROUTE RESTRICTIONS.

Sec. 623.406. PERMIT CONDITIONS.

Sec. 623.407. PERMIT STICKER.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS.

Sec. 623.409. OFFENSE.

Sec. 623.410. RULES.

the group exceeds 16,400 pounds; and
(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;

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

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

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

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

(4) the semitrailer is configured as follows:

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

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

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

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION.

Sec. 623.404. PERMIT FEE.

Sec. 623.405. ROUTE RESTRICTIONS.

Sec. 623.406. PERMIT CONDITIONS.

Sec. 623.407. PERMIT STICKER.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS.

Sec. 623.409. OFFENSE.

Sec. 623.410. RULES.

SECTION 4. Section 623.003(b),
Transportation Code, is amended.

SECTION 4. Same as engrossed version.

SECTION 5. Section 623.018(d),
Transportation Code, is amended.

SECTION 5. Same as engrossed version.

SECTION 6. Subchapter D, Chapter 623,
Transportation Code, is amended.

SECTION 6. Same as engrossed version.

SECTION 7. This Act takes effect January
1, 2018.

SECTION 7. Same as engrossed version.