

## **BILL ANALYSIS**

S.B. 1939  
By: Hughes  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the current permitting process for oversize and overweight vehicles does not account for intermodal shipping containers moving in international commerce, which these parties assert leaves some Texas employers at a significant competitive disadvantage with no way to get full, inspected containers to their destination. S.B. 1939 seeks to address this issue by creating a permit for the movement of intermodal shipping containers.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1939 amends the Transportation Code to require the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit for the international transportation of an intermodal shipping container moving 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. The bill restricts issuance of the permit to a truck-tractor and semitrailer combination that meets the following criteria:

- the gross weight of the combination does not exceed 93,000 pounds;
- the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;
- the truck-tractor is configured with one single axle that does not exceed 13,000 pounds, one two-axle group that does not exceed 37,000 pounds in which no axle in the group exceeds 18,500 pounds, and the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 and not more than 52 inches; and
- the semitrailer is configured with one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds, and the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

The bill defines "intermodal shipping container" as an enclosed, standardized, reusable container that is used to pack, ship, move, or transport cargo; is designed to be carried on a semitrailer and loaded onto or unloaded from a ship or vessel for international transportation or a rail system for

international transportation; and when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by law to be transported over a state highway or county or municipal road.

S.B. 1939 requires TxDMV to restrict vehicles operating under the permit to routes that are located in a county with a population of more than 90,000, on highways in the state highway system, and not more than five miles from the border between Texas and Arkansas. The bill requires an intermodal shipping container being moved under the permit 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 does not authorize the operation of a vehicle combination described by the bill on load-restricted roads or bridges or on routes for which the Texas Department of Transportation (TxDOT) has not authorized the operation of such a vehicle combination. The bill establishes that certain permits for oversize or overweight vehicles do not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation.

S.B. 1939 requires an applicant for a permit under the bill's provisions to designate each TxDOT district in which the permit will be used and requires TxDMV to initially set the fee for the permit in an amount not to exceed \$2,000. The bill requires TxDOT, not later than September 1 of each even-numbered year beginning in 2022, to conduct a study concerning vehicles operating under the permit and to publish the results of the study. The bill sets out the information that TxDOT is required to collect and examine in conducting the study. The bill requires TxDMV, on September 1 of each even-numbered year beginning in 2022, to set the fee for the permit in an amount based on a reasonable estimate of the costs associated with the operation of vehicles issued the permit over the routes authorized under the bill's provisions, including any increase in the costs necessary to maintain or repair those highways. The bill requires the estimate to be based on the results of the required study.

S.B. 1939 provides for the allocation of the fee for the permit as follows: 90 percent is required to be deposited to the credit of the state highway fund, 5 percent is required to be deposited to the credit of the TxDMV fund, and 5 percent is required to be deposited to the appropriate county road and bridge fund. The bill restricts use of such a fee deposited to the state highway fund to transportation projects in the TxDOT district designated in the permit application for which the fee was assessed. The bill authorizes TxDMV to suspend a permit issued under the bill's provisions if TxDMV receives notice from the Federal Highway Administration that the operation of a vehicle under such a permit would result in the loss of federal highway funding.

#### **EFFECTIVE DATE**

September 1, 2017.