

SUBJECT: Permitting overweight vehicles to transport cargo to Port of Brownsville

COMMITTEE: Transportation— favorable, without amendment

VOTE: 5 ayes — Alexander, Siebert, Finnell, Hawley, Pickett
0 nays
4 absent — Edwards, Hartnett, Hill, Uher

SENATE VOTE: On final passage, April 24 — 30-0

WITNESSES: *(On House companion, HB 2781)*
For — Raul A. Besteiro, Jr., and James C. Kruse, Brownsville Navigation District; Craig Elkins, Brownsville Navigation District Lessees Association; John W. Fainter, Jr., Port of Brownsville; Frank Parker, Jr., Brownsville Custom Brokers Association

Against — Les Findeisen, Texas Motor Transportation Association

On — William G. Burnett, Texas Department of Transportation; Lester Mills, Texas Department of Public Safety

DIGEST: SB 1276 would authorize the Port Authority of Brownsville to issue special permits to allow oversize or overweight vehicles to carry cargo on State Highway 48 from the Gateway International Bridge leading from Matamoros, Mexico, to the entrance to the Port of Brownsville. Total weight of the vehicle and its cargo could not exceed 125,000 pounds.

The authority would collect a fee of up to \$80 for each permit. The authority would keep 10 percent of the fees to cover administrative costs and forward the rest to the Texas Department of Transportation (TxDOT) for highway maintenance.

The permit would specify the kind of cargo being transported, the maximum weight and dimension of the equipment, and operating conditions and times. Permitted vehicles could not exceed the posted speed limit or 55 miles per hour, whichever was lower.

The Department of Public Safety would enforce all provisions.

SB 1276 would take effect September 1, 1997, and expire March 1, 2001.

**SUPPORTERS
SAY:**

SB 1276 would help the Port of Brownsville remain competitive as a transportation hub for the movement of goods between the U.S. and Mexico.

Mexican carriers are allowed to haul far heavier loads on their highways; if they enter the U.S., they must either drop part of their load or risk the possibility of being fined. Many of these carriers have opted instead to re-route their trucks to other ports such as Vera Cruz, resulting in a revenue loss to the South Texas area. Construction plans are in the works for a larger bridge that will allow these loads to be safely transported from the Mexican border directly to the Port of Brownsville; this should relieve the need to use Texas Highway 48 as the main conduit to the port. In the meantime, SB 1276 would ensure the Port of Brownsville remained open to carriers.

SB 1276 will not relax any trucking standard currently imposed upon Mexican carriers. These carriers would still be required to comply with state trucking safety, insurance, and weight standards. Furthermore, the carriers would have to comply with strict permitting requirements in order to enjoy the privilege of using State Highway 48, and would have to pay a hefty \$80 fee. Carriers would not be allowed to use any other Texas roadway and could not exceed specific weight limits or speeds.

The maximum permit fee of \$80 per trip should be more than enough to cover any possible road repair cost. Economic development in this area of Texas should be encouraged, given the high unemployment and poverty levels present, this bill would help to do that. The demands on the highway would only be temporary, and the bill would reflect this by expiring in four years. SB 1276 would help Brownsville to make a smoother transition to the time when the access provided by the major international bridge project will be in place.

OPPONENTS
SAY:

SB 1276 would provide a direct benefit to the Port of Brownsville not enjoyed by other Texas ports, and make unfair and unnecessary concessions to Mexican trucking carriers. SB 1276 would allow Mexican oversized and overweight trucks to operate at a permit cost equivalent to fee levels paid by in-state or American transport carriers, but without complying with other requirements imposed on those carriers. There is no mention in this bill of standard limitations on axle weight, safety equipment, weather restrictions on movement, and other transport standards for dividing loads in order to minimize road stress. SB 1276 would set a bad precedent by allowing exceptions to transport safety requirements, even for such a limited stretch of highway. This segment of the road would not be limited to carrier use; passengers cars and truck would be sharing the road with these potentially dangerous vehicles, with a strong possibility of tragic results.

SB 1276 would impose a permit fee, but there is no accurate estimate of what costs would be necessary to maintain the highway to a level adequate to meet the increased traffic and weight demands. Furthermore, the Port Authority could decide to set the fees far below \$80 in order to maintain a competitive advantage and undercut other ports. In addition, there is no assurance that all funds sent to TxDOT would be devoted to the maintenance of that specific highway. TxDOT recently completed work on that very stretch of highway, spending some \$3 million dollars to repair and renovate damage done by current vehicle traffic.

Increasing the demands upon the road by allowing these overweight vehicles could result in far higher costs that any current estimate can predict. The bill should at least require the Port Authority of Brownsville to make up any possible shortfall in needed funds for highway repair or maintenance.