

- SUBJECT:** Allowing certain counties to enforce commercial truck safety rules
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 8 ayes — B. Turner, Keel, Berman, Carter, Driver, Gutierrez, P. King, Najera
0 nays
1 absent — Hupp
- WITNESSES:** For — John Denholm, Harris County Sheriff's Department; Gary Lindsay, Dallas County Sheriff's Department; Rider Scott, Denton County; Larry Zacharias, City of Richardson
Against — Bill Webb, Texas Motor Transportation Association
- BACKGROUND:** The Texas Department of Public Safety (DPS) enforces federal and state regulations on motor carrier safety and hazardous materials. Under current law, certain local law enforcement officials in addition to state troopers may enforce these regulations. Peace officers in cities with a population of 100,000 or more, or in a city of 25,000 or more in a county of 2.4 million or more, or in a city in a county bordering Mexico may detain commercial motor vehicles on highways within the municipality.
- DIGEST:** CSHB 1087 would authorize certain county sheriff's departments to enforce commercial vehicle safety standards. Sheriffs and their deputies in the 12 counties with a population of 270,000 or more would be eligible for DPS certification to enforce these standards. The bill would authorize certified sheriffs and deputies to detain commercial motor vehicles on highways within the county. Counties would have to adopt DPS uniform standards of enforcement before they could begin enforcing these standards.

The bill would amend the current reference to cities with a population of 25,000 or more to restrict these cities to those in counties with 1.8 million or more residents, rather than 2.4 million or more.

**SUPPORTERS
SAY:**

CSHB 1087 would improve safety on the state's highways by allowing local law enforcement officials to supplement state highway patrols' efforts to enforce regulations on motor carrier safety and hazardous materials.

Fewer than one out of every 1,000 trucks on Texas roads are inspected. More than 1 million commercial trucks operate in Texas, yet only 371 DPS troopers are assigned to truck safety inspections. One out of every three trucks that is inspected has safety defects such as bad breaks, bald tires, or loads that are not secured properly. One out of every six is driven by a person who is not certified to drive big rigs. These conditions present potentially fatal hazards to Texas motorists. In 1997, 454 people were killed, including 66 children, and 11,276 people were injured in accidents involving large trucks.

CSHB 1087 would allow some of the state's most populous counties to enforce state and federal safety regulations on county and farm-to-market roads. In these counties, commercial trucks use these roads to avoid state highway patrols along interstate and U.S. highways.

The bill would not create multiple systems of inspections by different jurisdictions. It would require any participating county to adopt uniform standards of enforcement established by DPS. Officers would be trained adequately before certification. The process has worked well with municipal peace officers, so expansion to certain county law enforcement officials should pose no adverse consequences for law-abiding commercial truckers.

**OPPONENTS
SAY:**

CSHB 1087 would go too far too fast. Before the Legislature expands authority to more municipal officers and the sheriff's departments of several counties, it should ensure that DPS has oversight responsibilities in addition to certification. Uniform rules by themselves are not enough to ensure that trucks would not be treated differently in different cities and counties. An interim study should be conducted, with recommendations made to the next Legislature, examining ways of giving DPS oversight and recommending statutory language to codify the uniform rules of enforcement.

NOTES:

The committee substitute lowered to 270,000 from 500,000 the minimum population that a county would have to have for its sheriffs and deputies to be certified. It lowered to 1.8 million from 2.4 million the minimum population that a county would have to have for municipal peace officers to be certified.

The substitute also added the provision that would require counties to adopt uniform standards of enforcement.

The companion bill, SB 162 by Carona, has been referred to the Infrastructure Subcommittee of the Senate State Affairs Committee.