

SUBJECT: Overweight trucks bridge-travel restrictions and enforcement enhancement

COMMITTEE: Transportation — committee substitute recommended

VOTE: 5 ayes — Alexander, Hawley, Hamric, Hill, Pickett
0 nays
4 absent — Y. Davis, Edwards, Noriega, Swinford

SENATE VOTE: On final passage, March 6 — voice vote

WITNESSES: For — James Allison, County Judges and Commissioners Association of Texas; Bob Currie, Texas Logging Council/Texas Forestry Association; Les Findeisen, Texas Motor Transportation Association; Fred Heldenfels, Associated General Contractors of Texas; Gary Joiner, Texas Farm Bureau; Gary Lindsey, Dallas County Sheriff Jim Bowles; Craig Pardue, Dallas County; Bill J. Stevens, Texas Alliance of Energy Producers; Michael K. Stewart, Texas Aggregates and Concrete Association; *Registered but did not testify:* John Denholm, Harris County Sheriff Tommy Thomas; Jack Harris, Brazoria County; Donald Lee, Texas Conference of Urban Counties; Randy Sims, Brazos County Commissioners Court/County Judges and Commissioners Association of Texas

Against — None

On — Coy Clanton, Texas Department of Public Safety; Mary Lou Ralls, Texas Department of Transportation; *Registered but did not testify:* Lawrance Smith, Texas Department of Transportation

BACKGROUND: Transportation Code, ch. 621 specifies weight and load limits for commercial trucks. Chapter 623 delineates permit procedures for the Texas Department of Transportation (TxDOT) and requirements for overweight and oversize truck operations and provides penalties for violations of restrictions.

DIGEST: CSSB 220 would restrict travel by overweight trucks on load-posted bridges and enhance enforcement capabilities.

Permitted overweight trucks could not cross weight-restricted bridges if the trucks exceeded the bridges' maximum weight and load limits posted by the county commissioners court or the Texas Transportation Commission. The only exception would be where a bridge provided the only means of vehicular access from a permit-holder's point of origin or to a destination. State permits would not authorize trucks to travel on interstate highways if their weights exceeded federal limits.

Counties that set load limits for roads and bridges would have to obtain TxDOT concurrence and submit supporting documentation reviewed by a licensed engineer. Absent a response, concurrence automatically would occur 30 days after submission, but TxDOT subsequently could review limits and withdraw concurrence.

Department of Public Safety (DPS) troopers would be allowed to enforce weight and load limit laws on any public roadway in the state. The bill would remove language restricting their enforcement authority inside city limits and on non-state roads.

Police officers in cities located in Dallas County and sheriffs and deputies in Harris, Dallas, and counties along the Texas-Mexico border could be trained and certified to enforce weight and load limit laws and inspect trucks for compliance with commercial vehicle safety standards. Certified sheriffs or deputies could detain trucks in their counties on highways or at ports of entry.

All peace officers enforcing the standards would have to attend continuing education courses on traffic and highway law enforcement and radar usage.

Each fiscal year, counties could retain from fines collected for violations not more than 110 percent of their actual enforcement costs in the preceding fiscal year as determined through an audit review by the comptroller. The comptroller could estimate actual expenses if there were none. Any fine revenue exceeding costs would go to TxDOT.

Operators would have to maintain for 180 days written weight records including cargo origin, weight, composition, and dates of loading or unloading; shipper names and addresses; the total number of axles per vehicle; and vehicle identification numbers. Records would have to be made available for inspection and copying by weight enforcement officers on demand. Failure to maintain weight records would be a class C misdemeanor (maximum fine of \$500).

Weight records, bills of lading, freight bills, weight certifications, or similar documents issued by persons consigning cargo for shipment or engaged in cargo transportation would be admissible as relevant evidence in proceedings to determine violations. The documents would have to state gross vehicle weight exceeding a statutory weight restriction or a gross cargo weight exceeding a statutory weight restriction when combined with an empty vehicle weight.

CSSB 220 would replace maximum load weight restrictions expressed in terms of axle loads on high or low pressure tires with a single axle weight limit of 20,000 pounds. The bill would add a restriction limiting trucks to the weights specified on their tires, unless they were being operated under a special permit. It would repeal tire weight limits based on tire width and wheel load limits based on high or low pressure tires. The bill also would redefine single and tandem axles.

DPS would have to develop and maintain a database on roadside vehicle inspection reports, including citations, for defects in intermodal equipment (shipping containers interchangeable from vessels or trains to trucks).

The bill would take effect September 1, 2001, except for the provision making failure to maintain weight records a misdemeanor, which would take effect October 1, 2001.

**SUPPORTERS
SAY:**

CSSB 220 would provide compromise solutions to many of the problems caused by overweight trucks. The Dallas County Sheriff's Department reports that 98 percent of the trucks it stops are overweight, and 70 percent violate safety standards. Yet local lawmen have no authority to take a truck off the road unless they arrest the driver. And once a truck passes inspection it is considered in compliance for 90 days.

These trucks no longer could traverse load-posted bridges, even if carrying overweight permits, unless that route were the only one available from their point of origin or to their destination. Counties would have to get engineering input and TxDOT's concurrence to prevent the setting of arbitrary limits. TxDOT's Internet site on load-posted bridges should help reduce truck travel over them. Load postings on bridges on routes to "land-locked" areas should decline once TxDOT spends a projected \$250 million over the next five years to upgrade deficient bridges.

CSSB 220 would increase enforcement by allowing DPS to inspect trucks anywhere in Texas. More police and sheriff's deputies would be patrolling for overweight trucks with authority to detain violators. Lawmen also would have a better paper trail to document violations and make them stand up in court. Failure to maintain weight records would be a crime.

Continuing education requirements would assure truckers that local lawmen were well-versed in safety standards. Local governments could not use their new authority to create "cash cows" because excess revenue above costs would be sent to the state. And instead of general revenue, it would go into the State Highway Fund dedicated to highway-related projects and enforcement.

The new intermodal database would allow authorities to determine whether owners of interchangeable shipping containers were properly maintaining them. This data would help determine future regulatory policy on liability.

OPPONENTS
SAY:

This bill would not solve the state's persistent problems with road damage caused by overweight trucks. Texas remains the only state allowing overweight trucks to traverse load-posted bridges. This policy should end, along with allowing overweight trucks on load-posted roads. One semi-tractor trailer weighing 80,000 pounds or more can do as much damage to roadways as more than 9,000 cars. The problem only is going to get worse as new rules stemming from the North American Free Trade Agreement bring more trucks into Texas from Mexico.

Fine, bond, and permit amounts should be increased to more accurately reflect trucks' share of the cost of road repairs. Current levels are woefully

inadequate. A \$15,000 surety bond does not go far toward county road repairs, which can average up to \$70,000 per mile.

OTHER
OPPONENTS
SAY:

Truckers should have to notify county officials after traversing load-posted bridges in overweight vehicles. This would allow inspection for possible damage and help prevent catastrophes. Drivers' identities could be shielded through use of anonymous hotlines.

Officers should have to obtain warrants to compel production of weight records. Businesses should be protected against unlawful search and seizure.

NOTES:

The Senate-passed version would require truck drivers to notify county officials at least 24 hours before traversing load-posted bridges and states that warrants were not required to obtain weight records.

Under like the House committee substitute, the Senate version would not:

- ! require licensed engineer review of county bridge weight limit postings;
- ! allocate excess fine collections TxDOT;
- ! authorize sheriffs or deputies in Harris and Dallas counties to obtain enforcement certification; or
- ! require sheriffs, deputies or police to receive continuing education.

The substitute modified the effective date of the provision on weight record violations.

SB 886 by Ogden, also scheduled on today's General State Calendar, makes mostly similar changes to sec. 621.101.