

SUBJECT: Standards for transporting loose materials on commercial vehicles

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Callegari, Casteel, Hamric, Hill, West

0 nays

2 absent — Deshotel, Flores

WITNESSES: For — Robin Schneider, Texas Campaign for the Environment

Against — None

BACKGROUND: Transportation Code, sec. 725.021 outlines requirements concerning the transport of loose materials on vehicle beds. The law specifies that vehicles transporting loose materials must not contain holes or openings through which loose materials may escape. Also, loose materials being transported on vehicle beds must be enclosed on both sides and at the rear. Section 725.001 of the Transportation Code defines loose materials to include dirt, sand, gravel, wood chips, and any other material that can be spilled from a vehicle as a result of movement or weather.

Loose materials must be covered with a covering that is firmly secured at the front and the back of the load, unless the loose materials are entirely enclosed by a compartment or do not spill over the top of the compartment in which they are contained.

Sec. 725.003 makes it a misdemeanor offense with a fine of not less than \$25 and not more than \$200 for a first offense related to the transport of loose materials. A second or subsequent offense, also a misdemeanor, may result in a fine of not less than \$200 and not more than \$500.

DIGEST: HB 754 would require that commercial vehicles carrying dirt, sand, gravel or refuse completely cover such loose materials and ensure that they were firmly secured at the front and back unless they were completely enclosed in a container. The bill would define 'commercial vehicle' as a motor vehicle, trailer or semi trailer that is principally in the business of transporting property.

HB 754 also would attach a fine of not less than \$25 and not more than \$500 for a misdemeanor associated with the improper transport of loose materials. This would lower the minimum fine from \$200 to \$25 for second or subsequent convictions and raise the maximum fine from \$200 to \$500 for first offenses.

The bill would take effect on September 1, 2005.

**SUPPORTERS
SAY:**

HB 754 would promote safety on Texas roads and highways. Transporting loose materials without a proper covering creates a safety hazard for other vehicles on the road. Motorists traveling behind trucks carrying dirt, sand gravel, or refuse without tarps are at risk from loose materials falling off of the truck and onto their vehicles or directly into their driving paths. HB 754 would help prevent obstructions on the road, as well as collisions, by ensuring that commercial vehicles used tarps when transporting loose materials.

Citizens around the state have complained about refuse falling off trucks that are traveling to landfills. In a recent incident in Williamson County, a commode fell off the back of a landfill truck and ended up on the highway. Highway 290 has become notorious for trash falling onto the road from landfill trucks traveling to the two landfills near Giles Road. Commercial vehicles, including landfill trucks, should be required to cover loose materials with tarps in order to prevent such spillage.

It is impossible adequately to secure certain loose materials without covering them with a tarp. For example, sand or pieces of rock cannot properly be secured onto the bed of a vehicle with a rope or any other securing device that does not entirely cover the loose materials. Despite claims that loose materials are secure when not covered, covering such materials with a tarp remains the best way to ensure that materials do not fall from the beds of vehicles.

HB 754 simply would require that existing tarps be used for their intended purpose. Manufacturers have placed tarps on certain vehicles in recognition of the fact that tarps are necessary to prevent loose materials from falling from a vehicle. Drivers of vehicles equipped with tarps should take the time to pull the tarps over their loads when transporting loose materials.

Existing regulations governing the transport of loose materials cannot

adequately be enforced. Under current law, a law enforcement officer is not able to assess a penalty for the hazardous transport of loose materials unless the officer directly witnessed loose material falling from a vehicle. HB 754 would help law enforcement by requiring that certain loose materials on commercial vehicles be covered by tarps.

**OPPONENTS
SAY:**

Existing law already provides adequate regulations on the covering of loose materials. Transportation Code, sec. 725.021 contains strict guidelines concerning the transport of loose materials, including regulations on how they must be covered. A load containing loose materials must be covered and firmly secured in some instances, and existing law provides a penalty if loose materials fall from a vehicle bed.

HB 754 would require the covering of materials that are not at risk of falling off a vehicle. Dirt, sand, gravel, and refuse, when properly secured on the bed of a vehicle, do not need to be covered by a tarp. It would be excessive to impose unnecessary restrictions in situations where it would not be beneficial.

NOTES:

The companion bill, SB 456 by Fraser, has been referred to the Senate Transportation and Homeland Security Committee.