

BILL ANALYSIS

Senate Research Center

H.B. 711
By: Cuellar (Truan)
State Affairs
4-28-97
Committee Report (Amended)

DIGEST

Currently, Article 6675d, V.T.C.S., requires the Department of Public Safety (DPS) to adopt rules regulating the safe transportation of hazardous materials and to regulate the operation of commercial motor vehicles in the state. In September 1995, the director of DPS was authorized to approve all new routing of non-radioactive materials with the stipulation that the proposed routes must meet the criteria of Title 49, Code of Federal Regulations, Part 397, Subpart C. This bill gives the Texas Department of Transportation the authority to designate routes for non-radioactive hazardous materials.

PURPOSE

As proposed, H.B. 711 sets forth procedures for the highway route designations for non-radioactive hazardous materials.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Transportation Commission in SECTION 1 (Sec. 3A, Article 6675d, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 6675d, V.T.C.S., by adding Section 3A, as follows:

Sec. 3A. ROUTING OF NON-RADIOACTIVE HAZARDOUS MATERIALS. Requires the Texas Transportation Commission (commission) to adopt rules under this article consistent with 49 C.F.R. Part 397 for the routing of non-radioactive hazardous materials. Authorizes certain rules to impose more stringent requirements than provided in 49 C.F.R. Part 397. Requires the rules to provide for consultation with a political subdivision when a route is being proposed within its jurisdiction. Authorizes a political subdivision of the state or a state agency to designate a route for the transportation of non-radioactive hazardous materials over a public road or highway in this state only if the Texas Department of Transportation approved this route. Authorizes the commission to designate a transportation route for non-radioactive hazardous materials over any public road or highway in this state. Authorizes the designation to include a road or highway that is not part of the state highway system under certain conditions. Requires the Department of Public Safety (department) to provide signs for a designated route over a road or highway this is not part of the state highway system. Authorizes the department to use funds from the state highway fund to pay for the signs. Requires the political subdivision that maintains the road or highway to bear the costs for installation and maintenance of the signs.

SECTION 2. Requires the Department of Public Safety and the Texas Department of Transportation to enter a memorandum of understanding for the transition of the authority for designating routes for transportation of non-radioactive hazardous materials, before the effective date of Section 3A, Article 6675d, V.T.C.S.

SECTION 3. Effective date for SECTION 1: January 1, 1998.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 8, between "rules" and "consistent" insert "under this article."