

## **BILL ANALYSIS**

Senate Research Center  
81R21469 TRH-F

C.S.S.B. 1571  
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Transportation & Homeland Security  
4/16/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Port of Corpus Christi Authority of Nueces County (PCCA) has no ability to issue permits for the movement of oversize or overweight cargo on any roads it owns and maintains in Nueces County and San Patricio County. PCCA also has no ability to enter into an agreement with the Texas Department of Transportation (TxDOT) to issue similar permits on a proposed special freight corridor to be built in San Patricio County.

Without the authority to issue permits, PCCA has no ability to regulate when these trucks may move through the port, determine what kind or size of cargo is being carried, or specify which route they must take. This creates problems for the efficient operation of the port and its customers.

Further, this limits the port's ability to efficiently handle the cargo of prospective customers that may wish to move this type of cargo through the port.

C.S.S.B. 1571 amends current law relating to authorizing the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the port authority that is located in San Patricio County or Nueces County.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Sections 623.288 and 623.310, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 623, Transportation Code, by adding Subchapters O and P, as follows:

#### **SUBCHAPTER O. PORT OF CORPUS CHRISTI AUTHORITY ROADWAY PERMITS**

Sec. 623.280. OPTIONAL PROCEDURE. Provides that this subchapter provides an optional procedure for the issuance of a permit by the Port of Corpus Christi Authority (port authority) for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the port authority that is located in San Patricio County or Nueces County.

Sec. 623.281. DEFINITION. Defines "port authority."

Sec. 623.282. ISSUANCE OF PERMITS. Authorizes the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the port authority that is located in San Patricio County or Nueces County. Provides that a permit issued under this subchapter is in addition to other permits required by law.

Sec. 623.283. PERMIT FEES. (a) Authorizes the port authority to collect a fee for permits issued under this subchapter. Prohibits the fees from exceeding \$80 per trip.

(b) Requires that the fees collected under Subsection (a) be used solely to provide for the construction and maintenance of port authority roadways.

Sec. 623.284. PERMIT REQUIREMENTS. Requires that a permit issued under this subchapter include the name of the applicant; the date of issuance; the signature of the manager of transportation of the port authority; a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment and the kind and weight of each commodity to be transported; a statement of any condition on which the permit is issued; a statement that the cargo is only authorized to be transported on roadways that are owned and maintained by the port authority and located in San Patricio County or Nueces County; and the location where the cargo was loaded.

Sec. 623.285. TIME OF MOVEMENT. Requires a permit issued under this subchapter to specify the time in which movement authorized by the permit is allowed.

Sec. 623.286. SPEED LIMIT. Prohibits movement authorized by a permit issued under this subchapter from exceeding the posted speed limit or 55 miles per hour, whichever is less. Requires that violation of this provision constitutes a moving violation.

Sec. 623.287. ENFORCEMENT. Requires the Department of Public Safety to have authority to enforce the provisions of this subchapter.

Sec. 623.288. RULES. Authorizes the Texas Transportation Commission (TTC) to adopt rules necessary to implement this subchapter.

#### SUBCHAPTER P. PORT OF CORPUS CHRISTI AUTHORITY SPECIAL FREIGHT CORRIDOR PERMITS

Sec. 623.301. OPTIONAL PROCEDURE. Provides that this subchapter provides an optional procedure for the issuance of a permit by the port authority for the movement of oversize or overweight vehicles carrying cargo on a state highway special freight corridor located in San Patricio County.

Sec. 623.302. DEFINITIONS. Defines "port authority" and "special freight corridor."

Sec. 623.303. ISSUANCE OF PERMITS. Authorizes TTC to authorize the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highway special freight corridors located in San Patricio County. Authorizes the port authority to issue a permit under this subchapter only if the cargo being transported weighs 125,000 pounds or less.

Sec. 623.304. MAINTENANCE CONTRACTS. Requires the port authority to make payments to the Texas Department of Transportation (TxDOT) to provide funds for the maintenance of state highways subject to this subchapter.

Sec. 623.305. PERMIT FEES. (a) Authorizes the port authority to collect a fee for permits issued under this subchapter. Prohibits the fees from exceeding \$80 per trip.

(b) Requires that fees collected under Subsection (a) be used solely to provide funds for the payments provided for under Section 623.304 and for the port authority's administrative costs, which may not exceed 15 percent of the fees collected. Requires that the fees be deposited in the state highway fund. Provides that fees deposited in the state highway fund under this section are exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 623.306. PERMIT REQUIREMENTS. (a) Requires that a permit issued under this subchapter include the name of the applicant; the date of issuance; the signature of the manager of transportation of the port authority; a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; a statement of any condition on which the permit is issued; a statement that the cargo is only authorized to be transported to and from the port authority's La Quinta terminal in San Patricio County using a state highway

special freight corridor in San Patricio County; and the location where the cargo was loaded.

(b) Requires the port authority to report to TxDOT all permits issued under this subchapter.

Sec. 623.307. TIME OF MOVEMENT. Requires that a permit issued under this subchapter specify the time in which movement authorized by the permit is allowed.

Sec. 623.308. SPEED LIMIT. Prohibits movement authorized by a permit issued under this subchapter from exceeding the posted speed limit or 55 miles per hour, whichever is less. Requires that violation of this provision constitute a moving violation.

Sec. 623.309. ENFORCEMENT. Authorizes the Department of Public Safety to enforce the provisions of this subchapter.

Sec. 623.310. RULES. Authorizes TTC to adopt rules necessary to implement this subchapter.

SECTION 2. Effective date: September 1, 2009.