

Chapter 475

H.B. No. 2319

AN ACT

relating to the operation of certain overweight vehicles on highways; imposing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 621.101, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding any other provision of this section, a vehicle or combination of vehicles that is powered by an engine fueled primarily by natural gas may exceed any weight limitation under this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system, provided that the maximum gross weight of the vehicle or combination of vehicles may not exceed 82,000 pounds.

SECTION 2. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. PERMIT FOR INTERMODAL SHIPPING CONTAINER.

(a) In this section, "intermodal shipping container" means an enclosed, standardized, reusable container that:

(1) is used to pack, ship, move, or transport cargo;

(2) is designed to be carried on a semitrailer and loaded onto or unloaded from:

(A) a ship or vessel for international

1 transportation; or

2 (B) a rail system for international
3 transportation; and

4 (3) when combined with vehicles transporting the
5 container, has a gross weight or axle weight that exceeds the limits
6 allowed by law to be transported over a state highway or county or
7 municipal road.

8 (b) The department shall issue an annual permit for the
9 international transportation of an intermodal shipping container
10 moving by a truck-tractor and semitrailer combination that has six
11 total axles and is equipped with a roll stability support safety
12 system and truck blind spot systems only if:

13 (1) the gross weight of the combination does not
14 exceed 93,000 pounds;

15 (2) the distance between the front axle of the
16 truck-tractor and the last axle of the semitrailer, measured
17 longitudinally, is approximately 647 inches;

18 (3) the truck-tractor is configured as follows:

19 (A) one single axle that does not exceed 13,000
20 pounds;

21 (B) one two-axle group that does not exceed
22 37,000 pounds, in which no axle in the group exceeds 18,500 pounds;
23 and

24 (C) the distance between the individual axles on
25 the two-axle group of the truck-tractor, measured longitudinally,
26 is not less than 51 inches and not more than 52 inches; and

27 (4) the semitrailer is configured as follows:

1 (A) one three-axle group that does not exceed
2 49,195 pounds, in which no axle in the group exceeds 16,400 pounds;
3 and

4 (B) the distance between the individual axles in
5 the three-axle group of the semitrailer, measured longitudinally,
6 is 60 inches.

7 (c) The department shall restrict vehicles operating under
8 a permit issued under this section to routes that are:

9 (1) located in a county with a population of more than
10 90,000;

11 (2) on highways in the state highway system; and

12 (3) not more than five miles from the border between
13 this state and Arkansas.

14 (d) An intermodal shipping container being moved under a
15 permit issued under this section must be continuously sealed from
16 the point of origin to the point of destination with a seal that is
17 required by:

18 (1) the United States Customs and Border Protection;

19 (2) the United States Food and Drug Administration; or

20 (3) federal law or regulation.

21 (e) A permit issued under this section does not authorize
22 the operation of a vehicle combination described by Subsection (b)
23 on:

24 (1) load-restricted roads or bridges, including a road
25 or bridge for which a maximum weight and load limit has been
26 established and posted by the Texas Department of Transportation
27 under Section 621.102; or

1 (2) routes for which the Texas Department of
2 Transportation has not authorized the operation of a vehicle
3 combination described by Subsection (b).

4 (f) A permit issued under this subchapter does not authorize
5 the transportation of a material designated as of January 1, 2017,
6 as a hazardous material by the United States secretary of
7 transportation under 49 U.S.C. Section 5103(a).

8 (g) An applicant for a permit under this section must
9 designate each Texas Department of Transportation district in which
10 the permit will be used.

11 (h) The department shall initially set the fee for a permit
12 issued under this section in an amount not to exceed \$2,000.
13 Beginning in 2022, on September 1 of each even-numbered year the
14 department shall set the fee for a permit issued under this section
15 in an amount based on a reasonable estimate of the costs associated
16 with the operation of vehicles issued a permit under this section
17 over routes described by Subsection (c), including any increase in
18 the costs necessary to maintain or repair those highways. The
19 estimate shall be based on the results of the study conducted under
20 Subsection (1).

21 (i) Of the fee collected under this section for a permit:

22 (1) 90 percent shall be deposited to the credit of the
23 state highway fund;

24 (2) 5 percent shall be deposited to the credit of the
25 Texas Department of Motor Vehicles fund; and

26 (3) 5 percent shall be deposited to the appropriate
27 county road and bridge fund.

1 (j) A fee deposited under Subsection (i)(1) may only be used
2 for transportation projects in the Texas Department of
3 Transportation district designated in the permit application for
4 which the fee was assessed.

5 (k) The department may suspend a permit issued under this
6 section if the department receives notice from the Federal Highway
7 Administration that the operation of a vehicle under a permit
8 authorized by this section would result in the loss of federal
9 highway funding.

10 (l) Beginning in 2022, not later than September 1 of each
11 even-numbered year, the Texas Department of Transportation shall
12 conduct a study concerning vehicles operating under a permit issued
13 under this section and publish the results of the study. In
14 conducting the study, the Texas Department of Transportation shall
15 collect and examine the following information:

16 (1) the weight and configuration of vehicles operating
17 under a permit under this section that are involved in a motor
18 vehicle accident;

19 (2) the types of vehicles operating under a permit
20 issued under this section;

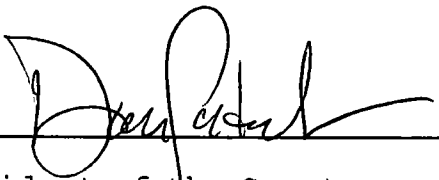
21 (3) traffic volumes and variations of vehicles
22 operating under a permit issued under this section;

23 (4) weigh-in-motion data for highways located in and
24 around the area described by Subsection (c);

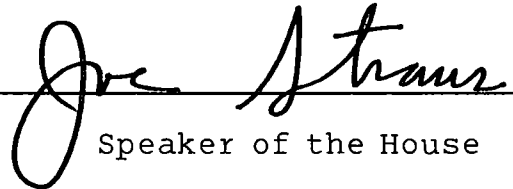
25 (5) impacts to state and local bridges, including
26 long-term bridge performance, for bridges located in and around the
27 area described by Subsection (c); and

1 (6) impacts to state and local roads, including
2 changes in pavement design standards, construction specification
3 details, maintenance frequency and types, and properties of
4 pavement and underlying soils resulting from or necessitated by
5 vehicles operating under a permit issued under this section.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.

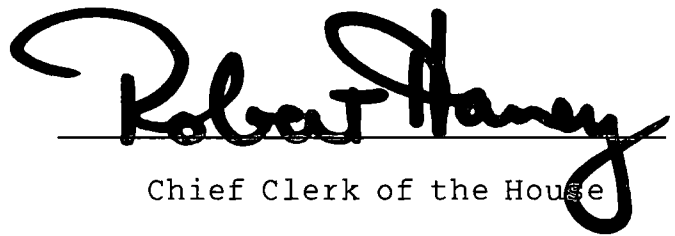


President of the Senate



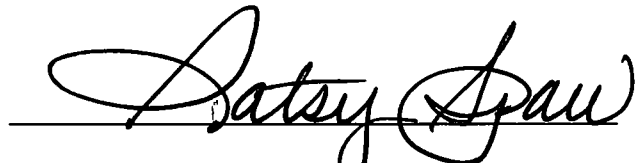
Speaker of the House

I certify that H.B. No. 2319 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2319 on May 25, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2319 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 31, Nays 0.




Secretary of the Senate

APPROVED: 6-7-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 PM O'CLOCK



Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2319 by Paddie (Relating to weight limitations for natural gas motor vehicles.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a vehicle or combination of vehicles powered by an engine fueled primarily by natural gas to exceed any weight limitation under Transportation Code §621.101 by an amount equal to the difference between the weight attributable to the vehicle's natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system, provided that the gross weight of the vehicle or combination of vehicles does not exceed 82,000 pounds.

The bill would amend the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue an annual permit for the international transportation of intermodal shipping containers moving by a truck-tractor and semitrailer combination that has six axles, is equipped with certain safety systems, and is within certain gross weight and axle weight limits as specified by the bill. The bill would require TxDMV to restrict vehicles operating under this permit to routes that are located in a county with a population of more than 90,000, on the state highway system, and are not more than five miles from the border between Texas and Arkansas. The bill would require TxDMV to set the amount of the permit fee in an initial amount not to exceed \$2,000; of which 90 percent would be deposited to the State Highway Fund (SHF), five percent deposited to the TxDMV Fund, and five percent to the appropriate county road and bridge fund. Beginning in 2022, on September 1 of each even-numbered year, TxDMV would be required to set the permit fee in an amount based on a reasonable estimate of the costs associated with the operation of the permitted vehicles over the authorized routes, including any increase in highway maintenance costs based on a study to be conducted by the Texas Department of Transportation (TxDOT). The bill would specify that permit fees deposited to the SHF may only be used for transportation projects in the TxDOT districts designated on the permit applications. The bill would take effect on September 1, 2017.

Based on LBB's analysis of the information provided by TxDMV and the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources. TxDMV indicates that the issuance of permits under the provisions of the bill would not result in a significant revenue gain to the SHF and TxDMV Fund.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the

Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation, 608 Department of Motor Vehicles

LBB Staff: UP, AG, EH, TG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2319 by Paddie (Relating to weight limitations for natural gas motor vehicles.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a vehicle or combination of vehicles powered by an engine fueled primarily by natural gas to exceed any weight limitation under Transportation Code §621.101 by an amount equal to the difference between the weight attributable to the vehicle's natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system, provided that the gross weight of the vehicle or combination of vehicles does not exceed 82,000 pounds.

Based on the information provided by the Texas Department of Motor Vehicles and the Texas Department of Transportation, it is assumed the provisions of the bill would not result in a significant fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation, 608 Department of Motor Vehicles

LBB Staff: UP, AG, EH, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable Geanie W. Morrison, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2319 by Paddie (Relating to weight limitations for natural gas motor vehicles.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a vehicle or combination of vehicles powered by an engine fueled primarily by natural gas to exceed any weight limitation under Transportation Code §621.101 by an amount equal to the difference between the weight attributable to the vehicle's natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system, provided that the gross weight of the vehicle or combination of vehicles does not exceed 82,000 pounds.

Based on the information provided by the Texas Department of Motor Vehicles and the Texas Department of Transportation, it is assumed the provisions of the bill would not result in a significant fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation, 608
Department of Motor Vehicles

LBB Staff: UP, AG, EH, TG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 29, 2017

TO: Honorable Geanie W. Morrison, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2319 by Paddie (Relating to weight limitations for natural gas motor vehicles.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a vehicle or combination of vehicles powered by an engine fueled primarily by natural gas to exceed any weight limitation under Transportation Code §621.101 by an amount equal to the difference between the weight attributable to the vehicle's natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system, provided that the gross vehicle weight does not exceed 82,000 pounds.

Based on the information provided by the Texas Department of Motor Vehicles and the Texas Department of Transportation, it is assumed the provisions of the bill would not result in a significant fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation, 608 Department of Motor Vehicles

LBB Staff: UP, AG, EH, TG