

1-1 By: Nichols S.B. No. 1524
1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
1-3 first time and referred to Committee on Transportation;
1-4 April 3, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 2; April 3, 2017,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Nichols	X			
1-10	Hall	X			
1-11	Creighton	X			
1-12	Garcia		X		
1-13	Hancock	X			
1-14	Hinojosa	X			
1-15	Kolkhorst	X			
1-16	Perry	X			
1-17	Rodríguez		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1524 By: Nichols

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the movement of certain vehicles transporting an
1-22 intermodal shipping container; authorizing a fee; creating an
1-23 offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 621.303, Transportation Code, is amended
1-26 to read as follows:

1-27 Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.
1-28 (a) The governing body of any municipality may regulate the
1-29 movement and operation on a public road, other than a state highway
1-30 in the territory of the municipality, of:

1-31 (1) an overweight, oversize, or overlength commodity
1-32 that cannot reasonably be dismantled; and

1-33 (2) superheavy or oversize equipment for the
1-34 transportation of an overweight, oversize, or overlength commodity
1-35 that cannot be reasonably dismantled.

1-36 (b) The governing body of a municipality may not, because of
1-37 weight, regulate the movement and operation on a state highway or
1-38 county or municipal road of a combination of vehicles operating
1-39 under a permit issued under Section 623.402.

1-40 SECTION 2. Chapter 623, Transportation Code, is amended by
1-41 adding Subchapter U to read as follows:

1-42 SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

1-43 Sec. 623.401. DEFINITION. In this subchapter, "intermodal
1-44 shipping container" means an enclosed, standardized, reusable
1-45 container that:

1-46 (1) is used to pack, ship, move, or transport cargo;

1-47 (2) is designed to be carried on a semitrailer and
1-48 loaded onto or unloaded from:

1-49 (A) a ship or vessel for international
1-50 transportation; or

1-51 (B) a rail system for international
1-52 transportation; and

1-53 (3) when combined with vehicles transporting the
1-54 container, has a gross weight or axle weight that exceeds the limits
1-55 allowed by law to be transported over a state highway or county or
1-56 municipal road.

1-57 Sec. 623.402. ISSUANCE OF PERMIT. (a) The department may
1-58 issue an annual permit authorizing the movement of a sealed
1-59 intermodal shipping container moving in international
1-60 transportation by a truck-tractor and semitrailer combination that

has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

(2) the distance between the rear axle of the truck-tractor and the front axle of the semitrailer, measured longitudinally, is 322 inches or greater;

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

(A) one single axle that does not exceed 15,000 pounds;

(B) one two-axle group that does not exceed 36,250 pounds, in which no axle in the group exceeds 18,200 pounds;

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

(D) the distance between the single axle on the truck-tractor and the nearest axle of the two-axle group on the truck-tractor, measured longitudinally, is 154 inches or greater; and

(4) the semitrailer is configured as follows:

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

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

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 100,000 pounds;

(2) the distance between the rear axle of the truck-tractor and the front axle of the semitrailer, measured longitudinally, is 256 inches or greater;

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

(A) one single axle that does not exceed 15,000 pounds;

(B) one three-axle group that does not exceed 44,500 pounds, in which no axle in the group exceeds 14,900 pounds;

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

(D) the distance between the single axle on the truck-tractor and the nearest axle of the three-axle group on the truck-tractor, measured longitudinally, is 135 inches or greater; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 46,200 pounds, in which no axle in the group exceeds 15,400 pounds; and

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

(c) For purposes of Subsections (a) and (b), the gross weight, group weights, and axle weights listed in those subsections include all enforcement tolerances.

Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION. (a) An applicant for a permit under this subchapter must designate each county and municipality in which the permit will be used.

(b) A permit issued under this subchapter is not valid in a county or municipality that is not designated in the permit application.

Sec. 623.404. PERMIT FEE. (a) An application for a permit under Section 623.402(a) or (b) must be accompanied by a permit fee of \$5,000, of which:

(1) 60 percent shall be deposited to the credit of the state highway fund;

(2) 35 percent shall be equally divided among and distributed to each county designated in the permit application; and

(3) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.405. ROUTE RESTRICTIONS. (a) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on:

(1) the national system of interstate and defense highways; or

(2) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102 or the commissioners court of a county under Section 621.301.

(b) Subject to Section 623.406, a permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

Sec. 623.406. PERMIT CONDITIONS. (a) In this section, "port of entry" has the meaning assigned by Section 621.001.

(b) The transportation of a sealed intermodal shipping container under a permit issued under this subchapter:

(1) must begin or end at a port of entry that is located:

(A) in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf; or

(B) between this state and the United Mexican States; and

(2) may not exceed a 30-mile radius from the port of entry and must be on a highway or road described by Section 623.405(b).

(c) In addition to the requirements of Subsection (b), the intermodal shipping container must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

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

(3) federal law or regulation.

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

Sec. 623.407. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the truck-tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits.

(b) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the truck-tractor when:

(A) the permit for operation of the truck-tractor expires;

(B) a lease of the truck-tractor expires; or

(C) the truck-tractor is sold.

Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS. (a) A permit issued under this subchapter must be carried in the truck-tractor for which the permit is issued.

(b) A copy of the weight record in the form prescribed by the department must contain the information required by Section 621.410(c) and must be:

(1) carried in the truck-tractor if the truck-tractor is:

(A) on a public highway or road; and
 (B) transporting an intermodal shipping container that contains cargo; and

(2) presented, on request, to an officer authorized to enforce this subtitle, regardless of whether a weight record is required under Section 621.410.

Sec. 623.409. OFFENSE. (a) A person commits an offense if the person fails to:

(1) display the sticker described by Section 623.407(a) in the manner required by that section;

(2) carry a permit issued under this subchapter as required by Section 623.408(a); or

(3) carry or present a weight record as required by Section 623.408(b).

(b) An offense under this section is a Class C misdemeanor.

Sec. 623.410. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

(b) The Department of Public Safety shall adopt rules requiring additional safety and driver training for permits issued under this subchapter.

SECTION 3. Section 623.003(b), Transportation Code, is amended to read as follows:

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, [~~or~~] 623.192, or 623.402.

SECTION 4. Section 623.018(d), Transportation Code, is amended to read as follows:

(d) If a vehicle has a permit issued under Section 623.011 or 623.402, a commissioners court may not:

(1) issue a permit under this section or charge an additional fee for or otherwise regulate or restrict the operation of the vehicle because of weight; or

(2) require the owner or operator to:
 (A) execute or comply with a road use agreement or indemnity agreement;

(B) [~~to~~] make a filing or application; or

(C) [~~or to~~] provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 for a vehicle issued a permit under Section 623.011.

SECTION 5. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.070 to read as follows:

Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to the transportation of an intermodal shipping container as defined by Section 623.401, regardless of whether the container is sealed or unsealed.

SECTION 6. This Act takes effect January 1, 2018.

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