

By: VanDeaver

H.B. No. 3460

Substitute the following for H.B. No. 3460:

By: White

C.S.H.B. No. 3460

A BILL TO BE ENTITLED

AN ACT

relating to the movement of vehicles transporting sealed ocean cargo shipping containers; authorizing a fee.

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

SECTION 1. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. SEALED OCEAN CARGO SHIPPING CONTAINERS. (a)

In this section, "sealed ocean cargo 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 trailer or semitrailer and loaded onto or unloaded from:

(A) a vessel for international transportation;

or

(B) a rail system for international transportation; and

(3) when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by this subtitle.

(b) Except as provided by Subsection (k), the department shall issue an annual permit for the movement of a sealed ocean cargo shipping container moving in international commerce on a trailer or semitrailer with three axles if the combination of vehicles transporting the container is equipped with a roll

1 stability support safety system and truck blind spot systems and
2 has:

3 (1) a single axle weight of not more than 20,000
4 pounds;

5 (2) a tandem axle weight of not more than 34,000
6 pounds;

7 (3) a tri-axle weight of not more than 51,000 pounds;
8 and

9 (4) a gross weight of not more than 95,000 pounds.

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

12 (1) located in a county with a population of more than
13 90,000;

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

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

17 (d) A sealed ocean cargo shipping container being moved
18 under a permit issued under this section must be continuously
19 sealed from the point of origin to the point of destination with a
20 seal that is required by:

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

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

23 (3) federal law or regulation.

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

27 (1) load-restricted roads or bridges, including a road

1 or bridge for which a maximum weight and load limit has been
2 established and posted by the Texas Department of Transportation
3 under Section 621.102; or

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

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

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

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

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

25 (1) 85 percent shall be deposited to the credit of the
26 state highway fund;

27 (2) 10 percent shall be deposited to the credit of the

1 Texas Department of Motor Vehicles fund; and

2 (3) 5 percent shall be deposited to the general
3 revenue fund.

4 (j) A fee deposited under Subsection (i)(1) may only be used
5 for transportation projects in the Texas Department of
6 Transportation district designated in the permit application for
7 which the fee was assessed. A fee deposited under Subsection (i)(3)
8 may only be used to offset the cost of the study conducted under
9 Subsection (l).

10 (k) The department may suspend a permit issued under this
11 section if the department receives notice from the Federal Highway
12 Administration that the operation of a vehicle under a permit
13 authorized by this section would result in the loss of federal
14 highway funding.

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

21 (1) the weight and configuration of vehicles operating
22 under a permit under this section that are involved in a motor
23 vehicle accident;

24 (2) the types of vehicles operating under a permit
25 issued under this section;

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

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

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

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

11 SECTION 2. This Act takes effect September 1, 2017.