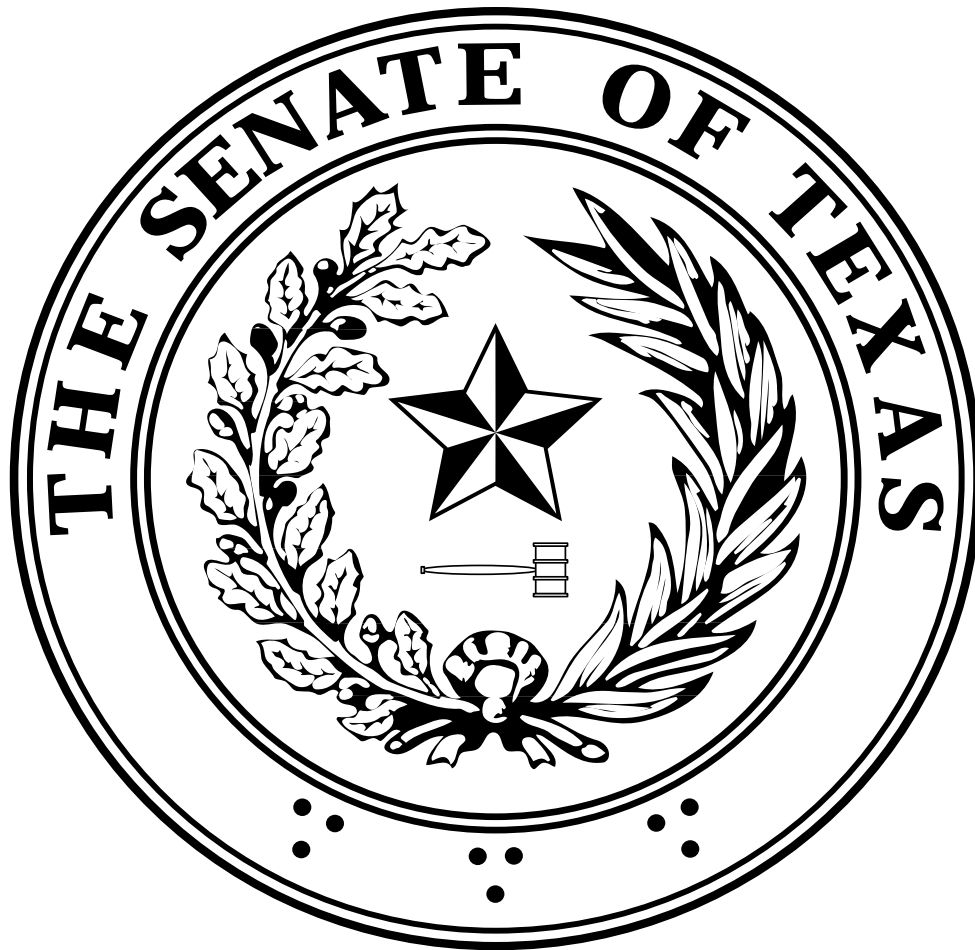


Senate Committee on State Affairs
Report to the 77th Legislature



Charge 3

Commercial Truck Safety

ACKNOWLEDGMENTS

The Senate Committee on State Affairs would like to thank the following for their contribution to this interim report:

Texas Department of Transportation
Texas Department of Public Safety
Texas Comptroller of Public Accounts
County Judges and Commissioners Association of Texas
Texas Motor Transportation Association
City of Houston
Houston Police Department
Harris County Sheriff's Department
Dallas Police Department
Dallas County Sheriff's Department
Richardson Police Department
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Executive Summary

Charge:

Evaluate the safety of the state's commercial trucking industry, including the safety of roads and bridges; enforcement of truck safety regulations by the Department of Public Safety and other law enforcement entities; the effectiveness of current laws relating to oversize and overweight vehicles; and the adequacy of the fee structure designed to compensate county governments for road repair.

Findings:

The movement of goods on our surface transportation infrastructure is an important factor in the economic health of the state, and truck shipping productivity is the key element in this movement. However, overweight trucks cause extensive damage to the public roads and bridges, especially the off highway system infrastructure that is maintained by counties and municipalities using limited financial resources. The fee structure designed to compensate county and municipal governments for road repair often falls short of the necessary amounts needed by those entities to perform adequate construction and maintenance. In addition, Texas' statutes do not allow for an adequate number of law enforcement officers to enforce federal motor carrier safety regulations.

Recommendations:

(See pages 20, 26, and 32 for specific recommendations.)

The legislature should take steps to:

- increase the number of law enforcement officers authorized to enforce federal Motor Carrier Safety Regulation
- amend current commercial weight and safety regulations to maximize enforcement of these provisions;
- prohibit permitted, overweight vehicles from traveling over load-posted bridges; and
- explore options for increasing the amount of funds available to local governmental entities for constructing and maintaining off-system roads and bridges.

Senate Committee on State Affairs

Lieutenant Governor Rick Perry charged the Senate Committee on State Affairs to “[e]valuate the safety of the state’s commercial trucking industry, including the safety of roads and bridges; enforcement of truck safety regulations by the Department of Public Safety and other law enforcement entities; the effectiveness of current laws relating to oversize and overweight vehicles; and the adequacy of the fee structure designed to compensate county governments for road repair.”¹

The committee held public hearings in Houston, Texas, on April 12, and Austin, Texas, on June 12, 2000. The committee received testimony from representatives of the trucking industry, the Department of Public Safety (DPS), local law enforcement entities, county representatives, the Texas Department of Transportation (TxDOT), and citizens who travel on Texas’ busy roadways everyday. This report summarizes the testimony received at those public hearings and contains the findings and recommendations of the committee.

Introduction

The combination of large commercial trucks and surface infrastructure safety is not a new issue, nor is it easy to understand and resolve. The accessibility of and the relatively inexpensive costs associated with shipping via commercial trucks make it a vital instrument in the movement of goods throughout the state and the entire nation. The savings realized by producers and manufacturers result in cheaper goods for all citizens. While the use of commercial trucks has proven to be an invaluable factor in the economic well-being of the state, the impact these vehicles have on our roadways and the perceived danger they pose to other motorists make this an issue that affects all citizens.

Texas’ burgeoning population coupled with the explosion of North American Free Trade Agreement (NAFTA) related trade has resulted in a massive movement of commercial trucks and passenger vehicles on our public roadways. From 1990 to 1998, the population in Texas increased 16.3 percent, from 16,986,335 to

¹ Letter from Lieutenant Governor Rick Perry to the Senate Committee on State Affairs, September 7, 1999.

19,759,614, with projections indicating that the population will be 24,534,525 by 2010.² Since its inception in 1994, NAFTA has profoundly impacted our economy and highway system. Reports show that in 1997, nearly 80 percent of all trucks crossing the U.S. - Mexico border did so through Texas ports of entry,³ comprising 16.5 percent of all truck traffic on Texas highways that year.⁴

Government's Role

Two agencies of the U.S. Department of Transportation (U.S.DOT) oversee commercial truck safety: the National Highway Traffic Safety Administration and the newly created Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration sets standards for new truck equipment. The Federal Motor Carrier Safety Administration, created in December of 1999, by the federal Motor Carrier Safety Improvement Act, focuses on motor carrier safety, overseeing the safety of commercial vehicles in interstate commerce, including equipment, licensing, hours of service, and vehicle inspections and maintenance.⁵ This relatively new agency provides for improvements in the commercial driver's license system, ensures newly formed motor carrier companies meet safety standards, levies sanctions against foreign carriers who operate illegally in the U.S., and helps conduct inspections of vehicles, drivers, and carriers. The goal of this agency is to reduce commercial vehicle related traffic fatalities by 50 percent within the next ten years.⁶

State officials regulate intrastate trucks. TxDOT is responsible for registering motor carriers and issuing permits, including oversize/overweight permits for motor carriers. The Department of Public Safety is responsible for enforcing state

² Spring 1999 State Forecast. Bernard L. Weinstein, Director, Center for Economic Development and Research, University of North Texas, testimony presented to the Senate State Affairs Committee, November 19, 1999.

³ TxDOT's "Border Trade Transportation Task Force Report," October 28, 1999.

⁴ Ibid.

⁵ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁶ Carlos Lopez, P.E., Director, Traffic Operations Division, TxDOT, testimony presented to the Senate State Affairs Committee, April 12, 2000.

and federal motor carrier safety and weight laws.⁷

Federal law requires states to file annually with the Federal Highway Administration a Size and Weight Enforcement Plan (Plan) and a Size and Weight Enforcement Certification (Certification).⁸ (See Appendix for a copy of each.) TxDOT has been designated by the governor as the agency in Texas responsible for developing the Plan and Certification (in coordination with the Texas Department of Public Safety). Failure to submit the Certification or failure to adequately enforce both federal and state size and weight laws as determined by the secretary of transportation can result in a 10 percent reduction of Federal Aid highway funds.⁹

In order to receive a motor carrier registration, a registrant must file proof of an appropriate level of insurance and provide a list of vehicles. During FY 99, TxDOT issued registrations for approximately 32,000 intrastate motor carriers and 287,000 intrastate vehicles (commercial trucks). Additionally, Texas participates in the Single State Registration program along with 37 other states, which allows carriers to register in their home state and select other states for interstate travel. The issuing state disburses revenue to the other states selected. It is estimated that over 500,000 vehicles annually operate in Texas under the Single State Registration program. Texas registers approximately 60,000 of these vehicles per year.¹⁰

Safety Concerns

Two safety issues must be addressed when discussing the commercial trucking industry: the personal safety of those who use the highway system, and the safety concern associated with the deterioration of roads and bridges due to the sheer size

⁷ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁸ 23 CFR, Part 657.

⁹ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

¹⁰ Ibid.

and weight of commercial trucks.

Driver Safety

Despite there being more trucks on the roads, the likelihood of being in a fatal collision with a commercial vehicle has declined steadily since 1975 in the United States.¹¹ While the number of people nationwide who are killed in truck-related road accidents has hovered around the 5,000 mark,¹² the fatal crash rate for truck-related accidents has shrunk dramatically (fatal crash rate is determined by the number of deaths per 100 million vehicle miles traveled). In 1975, 4,483 people died in truck-related accidents, a fatality rate of 4.6 deaths for each 100 million vehicle miles traveled.¹³ The rate was 2.4 deaths for each 100 million vehicle miles traveled in 1997, which totaled 5,398 deaths).¹⁴ Among the 5,398 highway deaths recorded that year were 717 occupants of large trucks, those with a gross vehicle weight rating of 10,000 pounds or more. That same year, the more than seven million registered large trucks coursing through the nation's arteries accounted for just 3.7 percent of the vehicles involved in traffic accidents, with the two top categories being passenger cars at 66.5 percent and light trucks at 28.7 percent.¹⁵

Texas had the highest number of deaths in crashes involving large trucks in 1997 with 455, or eight percent of the national total.¹⁶ It is important to note, though, that Texas has the second largest highway system in the nation and had the largest number of highway miles traveled by large trucks for that year. Of the fatalities that resulted from crashes involving large commercial trucks (gross vehicle weight

¹¹ Barnes, David. "It's Trend vs. Numbers in Fatality Debate." *Transport Topics* September 6, 1999: 14.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

rating greater than 10,000 pounds), 78 percent were occupants of another vehicle, eight percent were non-occupants, and 13 percent were occupants of a large truck. The committee also learned that in 1997, passenger vehicles were at fault in 68 percent of the fatal accidents that involved commercial trucks.¹⁷

Impacted Roads

While NAFTA has drastically increased the number of trucks on Texas' public roadways, these trucks have the greatest impact on non-state-maintained, or 'off-system,' roads. 49 percent of NAFTA traffic uses two corridors that comprise only six percent of the state highway system. Interstate Highway 35 is the major corridor for North-South trips, carrying 31.6 percent of all NAFTA truck traffic and Interstate Highway 10 is the major facility carrying East-West traffic, receiving a total of 17.3 percent of all NAFTA traffic.¹⁸ Other facilities that carry significant portions of NAFTA freight include Interstate Highway 20 with 8.5 percent, US-77 with 8.1 percent, and US-59 with 6.1 percent.¹⁹ Thirteen highway corridors carry almost 90 percent of all trucks moving NAFTA freight on the Texas highway system. These highways comprise 18.9 percent of the roadway mileage of the system.²⁰

As the committee began looking into the deterioration of Texas' surface transportation infrastructure, it was determined that most of the state maintained, or 'on-system,' roads are designed to handle the heavy loads carried by most commercial trucks. It is the 'off-system' roads, those maintained by counties and municipalities, many of which were built in the 1940's and 1950's,²¹ that were not designed to handle such heavy burdens. Therefore this report will focus on the

¹⁷ Bill Webb, President, Texas Motor Transportation Association, testimony presented to the Senate State Affairs Committee, April 12, 2000.

¹⁸ TxDOT's "Effect of the North American Free Trade Agreement on the Highway System," December 1998.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

impact commercial trucks have on ‘off-system’ road conditions and the funding structure designed to assist local governmental entities in constructing and maintaining their roads and bridges.

Impact to Off-System Bridges

There are approximately 7,250 deficient bridges on off-system roads in Texas.²² TxDOT currently administers programs to repair or replace bridges both on and off the state system. Over the next four years, \$509 million has been allocated for the on-system bridge program and \$200 million for the off-system program.²³ A recent increase in funding for the off-system program should increase the number of bridges replaced or rehabilitated under that program to about 225 annually. In 1996, the Texas Transportation Commission decreased the amount of local contribution required for the off-system program from 20 percent to 10 percent. Under the commission’s Economically Disadvantaged County Program, a local match can be reduced or waived. Even with the above initiatives, at present funding levels and practices and assuming no more bridges become deficient in the interim, it will take almost 80 years to address the current deficient off-system bridges.²⁴

²² Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

²³ Ibid.

²⁴ Ibid.

Overweight Vehicles

State and federal laws restrict the weight of commercial motor vehicles in order to enhance the safety of all who use public roadways and to protect the infrastructure from the negative impact of heavy trucks. Overweight loads accelerate damage to the pavement, which causes premature failures and requires the pavement to be shut down for repair, rehabilitation or reconstruction sooner than anticipated. Pavement closures increase construction and maintenance costs and impact the traveling public due to construction traffic delays.²⁵ Additionally, according to the University of Michigan Transportation Research Institute (UMTRI) there is a strong statistical link between higher weights and a greater risk of fatalities. As weights go up from 65,000 to 80,000 pounds, the risk of an accident involving a fatality goes up 50 percent.²⁶

While most of the roads and bridges that are being built using today's design standards are able to withstand current legal load limits (80,000 pounds), many roads and bridges were built under design standards based on lower legal limits in effect at the time those roads and bridges were built. For example, construction of the Farm-to-Market Road System, which began in the late 1940's and continued into the 1950's, used design standards based on legal limits of 48,000 pounds, which was the limit during that time. While some of these roads and bridges have been upgraded to current standards, a significant portion have not. TxDOT estimates that there are over 17,000 miles of load-posted roadways in Texas. In addition, there are approximately 4,000 bridges on the state system that were built to standards less than 58,420 pounds.²⁷

Like all who intend to operate a motor vehicle on Texas' public roads, commercial

²⁵ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

²⁶ U.S. DOT's "Comprehensive Truck Size and Weight Study, Phase 1, Working Paper 1 & 2," 1997, p. 37.

²⁷ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

truck drivers are required to register their vehicles with TxDOT.²⁸ The registration receipt must be carried on the vehicle and certify the gross weight for which the vehicle is registered. The registration receipt must be presented to an officer authorized to enforce weight provisions upon request.²⁹

The U.S.DOT and TxDOT use two weight specifications when registering the legal weight of a commercial motor vehicle: axle weight (or the amount authorized to be carried per axle), and gross weight (the maximum allowable weight for the entire vehicle including load).³⁰ Federal law restricts loads to 20,000 lbs. carried on any one axle, including enforcement tolerances, a tandem axle weight of 34,000 lbs., including enforcement tolerances, and a gross weight of at least 80,000 lbs for vehicle combinations of five axles or more.³¹

While the corresponding state statute³² has the same restrictions as the federal regulations on gross weight and tandem axle weight, state law restricts a single axle weight to 16,000 pounds on high-pressure tires and 20,000 pounds on low-pressure tires. Texas is the only state that employs this antiquated system.³³ Federal motor carrier safety officers and most other states use the tire rating specified and marked on the sidewall of tires in order to verify the allowable weight of a particular vehicle.³⁴

The Texas Transportation Commission and county commissioners courts may establish alternate weight restrictions that cannot exceed the federal or state

²⁸ Section 502.178, Transportation Code.

²⁹ Section 621.002, Transportation Code.

³⁰ Section 621.101, Transportation Code.

³¹ 23 U.S.C. Section 127.

³² Section 621.101, Transportation Code.

³³ Lt. Gary Albus, License and Weight Service of the Texas Dept. of Public Safety, testimony presented to the Senate State Affairs Committee, April 12, 2000.

³⁴ Ibid.

restrictions.³⁵ The commission is only authorized to lower the maximum allowable weight on loads that may be moved over a state highway or farm or ranch to market road “if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge or culvert along the road.”³⁶ A county commissioners court may establish load limits for any county road or bridge. It is important to note that neither the limits set by the commission nor a commissioners court may “affect a law that authorizes or provides for special permits for a weight heavier than the maximum weight provided by law.”³⁷ It is also important to remember that none of these exempted load restrictions or permits are applicable on the Dwight D. Eisenhower System of Interstate and Defense Highways.

Permits

TxDOT is authorized by state statute to issue special permits that allow certain vehicles to operate above the aforementioned weight restrictions. TxDOT issues approximately 485,000 non-divisible load permits and approximately 15,000 weight tolerance permits annually.³⁸

Oversize/Overweight Non-Divisible Load Permits

Of the approximately 485,000 non-divisible load permits, the majority are for single trips and can be broken down into two primary categories: 365,000 for oversize permits and 120,000 for overweight permits.³⁹ All non-divisible load permits are restricted to travel on state maintained roadways. Non-divisible loads consist of items such as large construction equipment, manufactured housing, and other items that cannot be easily dismantled. Non-divisible load permits are

³⁵ Sections 621.102 and 621.301, Transportation Code.

³⁶ Ibid.

³⁷ Sections 621.102 and 621.301, Transportation Code.

³⁸ Michael W. Behrens, P.E., Assistant Executive Director for Engineering Operations, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

³⁹ Ibid.

issued by TxDOT in a more controlled environment than the weight tolerance permits, providing a specific route for a non-divisible load that takes into account load posted bridges.⁴⁰

The fee structure for non-divisible load permits are as follows. Base fees collected for this permit are deposited in the general revenue fund and fees for over 80,000 pounds are deposited in the state highway fund.

\$30 - Single Trip Permit

Additional fee for over 80,000 lbs. (single trip only)

80,001 - 120,000 lbs = \$50

120,001 - 160,000 lbs = \$75

160,001 - 200,000 lbs = \$100

200,001 - above = \$125

\$60 - 30 day permit

\$90 - 60 day permit

\$120 - 90 day permit

Annual Implement of Husbandry - \$130

Annual Envelope - \$2000

Weight Tolerance (2060) Permits

An annual weight tolerance permit is required in order to carry weights in excess of state and federal restrictions. The minimum fee of \$205 allows a truck to travel in up to 20 counties [the amount of the fee corresponds to the number of counties through which a truck will traverse]; the maximum fee of \$2,080 annually, allows travel in 101-254 counties. The permit fee includes a base amount of \$75 which is divided as follows: the state highway fund (Fund 006) receives \$25, of which \$5 is given to TxDOT to administer the permits, and the remaining \$50 is divided among all 254 counties based on total county road miles in each county.⁴¹ All counties listed on a particular permit receive another portion of the extra cost based on a formula utilizing total county road miles. For a more in depth

⁴⁰ Michael W. Behrens, P.E., Assistant Executive Director for Engineering Operations, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

⁴¹ Section 623.0111, Transportation Code.

discussion on the fee structure used to construct and maintain county roads and bridges, please see the section of this report entitled Off-System Fee Structure.

Weight Tolerance / 2060 Permit Fee Structure Chart

Number of Counties	Admin. Fee -to TxDOT	Base Fee -allocated to all counties	County Fee -allocated to each county on permit	Total
1-20	\$5	\$75	\$125	\$205
21-40	\$5	\$75	\$345	\$425
41-60	\$5	\$75	\$565	\$645
61-80	\$5	\$75	\$785	\$865
81-100	\$5	\$75	\$1005	\$1085
101-254	\$5	\$75	\$2000	\$2080

Weight tolerance permits, or 2060 permits as they are more commonly known, authorize the operation of a vehicle at a weight that exceeds the allowable axle weight of that vehicle by a tolerance allowance of 10 percent and exceeds the allowable gross weight by a tolerance allowance of five percent. Due to the fact that many roadways, especially non-state-maintained roads, were built with a design standard far less than permitted trucks may weigh today, many questioned exactly what was authorized by the 2060 enabling legislation. Specifically, Brazos County Attorney James M. Kuboviak requested an attorney general’s opinion, regarding “whether a permit issued under section 5B (formerly of article 6701-d-11 V.T.C.S.) should authorize a vehicle to operate at five percent over its maximum allowable gross weight, or should limit a vehicle to a maximum of five percent above the load limit of a particular road or bridge.”⁴² The attorney general responded that permitted trucks may in fact travel over load-posted roads and bridges at five percent in excess of their allowable gross weight.⁴³ However, allowing trucks to carry weights in excess of that for which a road or bridge was

⁴² Tex. Att’y Gen. RQ-0041-DM (1991).

⁴³ Op. Tex. Att’y Gen. No. DM-28 (1991)

designed hastens the need for repair or replacement. As truck weights increase, damage also increases, but not in a linear relationship. As loads increase, damage increases exponentially. This is referred to as the ‘fourth power law.’⁴⁴ For example, increasing a truck axle-load from 18,000 pounds to 36,000 pounds produces 16 times the damage even though the weight was only doubled.⁴⁵ It has also been brought to the attention of the committee that the design procedures used by the American Association of State Highway and Transportation Officials (AASHTO) indicates that the effect of the 2060 permits would be a five fold increase in pavement damage.⁴⁶

Despite the availability of weight tolerance permits, trucker drivers have no incentive to operate overloaded trucks.⁴⁷ Trucking industry representatives testified that most trucking companies get paid by the mile or by the trip, not by the weight of the load.⁴⁸ Overloading results in increased fuel costs and increased wear and tear on equipment with no increase in revenue. Shippers receive the benefits, including lower transportation costs and reduced equipment needs, and have virtually no exposure to fines or penalties.⁴⁹

Trucking industry representatives also testified that circumstances exist in which shippers overload a truck unbeknownst to the drivers. It is a violation to load a commercial truck to exceed the allowable axle or gross weight by 15 percent or

⁴⁴ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁴⁵ Michael W. Behrens, P.E., Assistant Executive Director for Engineering Operations, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

⁴⁶ Crockford, William W. “Weight Tolerance Permits, Research Report 1323-2F,” Texas Transportation Institute, 1993: Summary.

⁴⁷ Bill Webb, President, Texas Motor Transportation Association, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁴⁸ Ibid.

⁴⁹ Ibid.

more.⁵⁰ However, in order to enforce penalties against the unlawful loading of a truck, an authorized weight enforcement officer must catch the truck being operated over its allowable weight and show that the violation was committed by the shipper / loader and not the commercial truck driver. In order to stop similar violations, the Minnesota Legislature passed a bill in 1980, known as the “Relative Evidence Law or Civil Weight Enforcement.” The Relative Evidence Law requires all businesses that weigh goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure, to keep a written record of the bill of lading for a period of 30 days. The record is required to be open to inspection and copying by a state law enforcement officer on demand.

The Relative Evidence Law provides that bills of lading, weight tickets, volume documents and other records that reveal (directly or indirectly) a vehicle’s weight can be used as evidence in establishing that a weight violation has taken place.⁵¹ “A document evidencing the receipts of goods issued by the person consigning the goods for shipment of a person engaged in the business of transporting or forwarding goods, which states a gross weight of the vehicle and load or the weight of the load when combined with the empty weight of the vehicle that is in excess of the prescribed maximum weight limitation permitted is relevant evidence that the weight of the vehicle and load is unlawful.”⁵² This law provides for a civil penalty, in which the driver, the shipper, the owner, and the lessee can each be assessed all or part of the fine depending on the involvement of each in causing the overweight movement.

TxDOT’s Bridge Rehabilitation Initiative

During the course of this interim study, TxDOT announced a new bridge rehabilitation initiative in an effort to accelerate off-system bridge upgrades. Traditionally, in order to upgrade an off-system bridge, local entities were required to fund 10 percent, the state funded 10 percent, and federal funds

⁵⁰ Section 621.503, Transportation Code.

⁵¹ Sections 169.851, 169.871, and 169.872, Minnesota Statutes.

⁵² *Ibid.*

constituted the remaining 80 percent of the project. Under TxDOT's new initiative the state provides the local 10 percent and the state's 10 percent match, and allows local officials to use their 10 percent on another acceptable bridge rehabilitation project. The initiative provides the local entity three years to spend their 10 percent. Across the state, this initiative will enable TxDOT to improve as many as 300 bridges per year as opposed to the 70 - 90 bridges the department currently upgrades.⁵³

It has also been brought to the attention of the committee that TxDOT is currently updating its information resource database in order to provide to the public county maps indicating the location of structurally deficient off-system bridges. This information is to be made available via TxDOT's website in December of 2000 and will enable commercial motor carriers to plan a route that will not take them over a load-posted bridge for which their truck is too heavy.

Exemptions

In addition to the permits that authorize a commercial truck driver to operate a vehicle above the allowable axle and gross weights, Texas' statutes contain many exemptions for certain commercial vehicles.

- Vehicles delivering grocery and farm products do not have to adhere to the maximum weight set under Section 621.301, Transportation Code (county authority to set weight limits).⁵⁴
- Ready-mixed concrete trucks may be operated on a public highway with a tandem axle load of 46,000 pounds or less and a single axle load that is 23,000 pounds or less. These vehicles may also be operated at a weight that exceeds the maximum single axle or tandem axle weight by 10 percent or less, if the gross load is 69,000 pounds or less.⁵⁵

⁵³ TxDOT Press Conference, May 23, 2000.

⁵⁴ Section 621.302, Transportation Code.

⁵⁵ Section 622.011, Transportation Code.

- Vehicles transporting milk may be operated with a load carried on any group of axles, so long as the load is 68,000 pounds or less and the distance from the front wheel of the forward tandem axle and the rear wheel of the rear tandem axle is 28 feet or more.⁵⁶
- For vehicles transporting timber or timber products, the distance between axles on a vehicle may be shortened up to 12 feet for gross weight determinations.⁵⁷
- Vehicles transporting recyclable materials may be operated on a public highway only if the tandem axle load is 44,000 pounds or less, a single axle load is 21,000 pounds or less, and the gross load is 64,000 pounds or less.⁵⁸
- Vehicles transporting solid waste may be operated on a public highway only if the tandem axle load is 44,000 pounds or less, the single axle load is 21,000 pounds or less, and the gross load is 64,000 pounds or less.⁵⁹
- Highway Crossing Exceptions:
 - Vehicles transporting grain, sand, or another commodity or product may be moved across a highway from private property to other private property, provided the vehicle's gross weight is 110,000 pounds or less.⁶⁰ A surety bond and agreement are required for such movement.
 - An unlicensed vehicle may transport sand, gravel, stones, rock, caliche, or a similar commodity across a highway from private

⁵⁶ Section 622.017, Transportation Code.

⁵⁷ Section 622.0435, Transportation Code.

⁵⁸ Section 622.133, Transportation Code.

⁵⁹ Section 623.162, Transportation Code.

⁶⁰ Section 623.052, Transportation Code.

property to other private property, regardless of weight.⁶¹ A surety bond and agreement are required for such movement.

- **Miscellaneous Weight Exceptions:**
 - The limitation relating to a vehicle's total gross weight or a vehicle's axle or group of axles does not apply to a motor vehicle that is used exclusively for transporting fixed load oil field service equipment used in connection with servicing oil and gas wells that are 50 highway miles or less from the equipment's point of origin. The total gross weight of a vehicle hauling oil field service equipment may not exceed 58,000 pounds.⁶²
 - Publicly owned fire department vehicles are not required to meet the axle and gross weight limitations⁶³ of the Transportation Code.⁶⁴
 - Vehicles transporting seed cotton modules are not required to meet the axle and gross weight limitations⁶⁵ of the Transportation Code, provided that the overall gross weight of these vehicles does not exceed 59,400 pounds.⁶⁶

Enforcement

In Texas, the following are the only law enforcement officers currently authorized to enforce the state's weight provisions:⁶⁷

⁶¹ Section 623.052, Transportation Code.

⁶² Section 622.951, Transportation Code.

⁶³ Section 621.101, Transportation Code.

⁶⁴ Section 622.952, Transportation Code.

⁶⁵ Section 621.101, Transportation Code.

⁶⁶ Section 622.953, Transportation Code.

⁶⁷ Section 621.401, Transportation Code.

- license and weight inspectors of the DPS and DPS highway patrol officers (within the territory of a municipality, these officers may only enforce weight laws on state maintained highways);⁶⁸
- a sheriff or sheriff's deputy;
- municipal police officers in a municipality with a population of 100,000 or more (74,000 or more, if any part of the municipality is within a county with a population of 1.4 million or more);
- municipal police officers in a municipality with a population of 25,000 or more if any part of the municipality is within a county with a population of 2.4 million or more;⁶⁹ and
- municipal police officers in a municipality any part of which is located in a county bordering Mexico.⁷⁰

Overweight Penalties⁷¹

\$100 - \$150 for Axle Overweight
\$300 - \$500 for 5,000 - 10,000 lbs. Gross Overweight
\$500 - \$1,000 for 10,000 lbs. or more Gross Overweight
Gross weight fine amount is doubled if a second violation occurs within a 12 month period.
(((\$100 for 4,000 lb. overweight vehicle))

- For an overweight axle violation, a court may assess a fine less than

⁶⁸ Section 621.101, Transportation Code; Lt. Gary Albus, License and Weight Service of the Texas Department of Public Safety, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁶⁹ Section 644.101; Section 6, Article 6675d, Revised Statutes.

⁷⁰ Ibid.

⁷¹ Section 621.506, Transportation Code.

the statutory minimum, if the vehicle did not exceed the maximum gross weight for which the vehicle was registered.⁷²

- If a driver is operating a vehicle with an axle that is not more than 12 percent over weight and the vehicle is transporting timber, pulp wood, wood chips, cotton, or agricultural products in their natural state, the driver has an affirmative defense for the over axle violation.⁷³
- It is a violation to load a commercial truck to exceed the allowable axle or gross weight by 15 percent or more. This violation does not apply to the loading of an agricultural or a forestry commodity before the commodity is changed in processing from its natural state.⁷⁴

Findings:

(1) DPS weight enforcement officers are not permitted to weigh vehicles inside of municipalities on roadways that are not maintained by the state.

(2) Texas' weight enforcement regulations include pounds of pressure per inch of tire width in legal weight calculations. Texas is the only state that uses an antiquated system to measure weight.

(3) Currently, two sections within the Transportation Code address penalties for overweight violations, these include 'gross overweight' and 'over-axle' weight violations.

(4) Texas currently has 12,000 deficient 'off-system' bridges. Current law allows 'weight tolerance' permitted trucks, which may weigh as much as 84,000 pounds, to travel over all bridges within the state, many of which are posted for 50,000 pounds or less.

⁷² Section 621.506(c), Transportation Code.

⁷³ Section 621.508, Transportation Code.

⁷⁴ Section 621.503, Transportation Code.

* TxDOT is updating its website in order to provide commercial motor carriers with maps of counties indicating the location of structurally deficient bridges. The committee commends TxDOT for their efforts to publicize the location of unsafe bridges and allow motor carriers to plan accordingly.

(5) A commercial truck driver carrying a weight tolerance permit currently must file with TxDOT a blanket bond or irrevocable letter of credit, in order to cover damages to roadways due to the vehicle being overweight. The bond or letter of credit must be in the amount of \$15,000 payable to both TxDOT and the counties through which the driver is permitted to travel. The Office of the Attorney General is responsible for enforcing payment by drivers for damages caused, although collection is difficult due to an inability to link damage to a particular vehicle.

(6) The 76th Legislature passed Senate Concurrent Resolution 47 urging TxDOT to conduct a study on the factors that cause road damage and revise its funding formulas to reflect and address the damage caused by NAFTA truck traffic. The study, "Research Project Number 0-1810" is underway.

(7) Overloading a commercial vehicle results in increased fuel costs and increased wear and tear on equipment with no increase in revenue to the carrier. Shippers are often responsible for loading vehicles and receive the benefits, including lower transportation costs and reduced equipment needs, and have virtually no exposure to fines or penalties for violations.

Recommendations:

(1) The legislature should amend the current statute to allow DPS license and weight enforcement officers to inspect for weight violations on "any public highway."

(2) The legislature should amend the current statute to reflect the means by which federal motor carrier safety officers inspect proper weight in regards to tire pressure. Allowable weights for a given tire are specified and marked on the sidewall of the tire, and should be used by Texas' weight enforcement officers in lieu of measuring pounds of pressure per inch of tire width.

(3) The legislature should amend current statutes to establish one section for penalties on all overweight violations.

(4) The legislature should amend the current statute to remove authorization for any vehicle to travel over a bridge unless the vehicle's weight is at or below the posted weight of the bridge. TxDOT's bridge mapping project is an integral component of this safety effort. The department should aggressively publicize this project to the trucking community to insure its success.

- When an alternate route exists, the legislature should mandate that commercial motor carriers use such to avoid traveling over a bridge for which their load exceeds the posted weight.
- Further, the legislature should direct TxDOT to identify load-posted bridges for which no alternative route exists; these bridges should be prioritized under TxDOT's new bridge rehabilitation initiative in order to provide safe and efficient routes for commercial trucks.

(5) The committee recommends further study to find ways to successfully identify commercial truck drivers who cause damage to state or non-state maintained roads and enforce collection on the bonds that drivers who carry weight tolerance permits already maintain.

(6) The committee recommends that the legislature direct TxDOT to conduct a study on the factors that cause road damage and revise its funding formulas to give more consideration to truck volumes and pavement conditions as well as to reflect and address the damage caused by NAFTA related truck traffic.

(7) The committee recommends that the legislature implement a law similar to Minnesota's Relative Evidence Law in order to increase weight enforcement opportunities as well as to hold responsible those who actually cause a commercial vehicle to be operated over its allowable weight.

Motor Carrier Safety Regulations

Motor carrier safety regulations are federally mandated, however, the majority of commercial vehicle inspections are performed by state and city police officers. It is important to note that sheriffs and sheriff's deputies may not perform commercial vehicle safety inspections; DPS troopers and officers of the following municipalities are the only law enforcement personnel authorized to perform such inspections:⁷⁵

- (1) a municipality with a population of 100,000 or more;
- (2) a municipality with a population of 25,000 or more any part of which is located in a county with a population of 2.4 million or more; or
- (3) a municipality any part of which is located in a county bordering the United Mexican States.

Roadside inspections performed under the Motor Carrier Safety Assistance Program (MCSAP) are conducted in accordance with the North American Standard (NAS) developed by the Commercial Vehicle Safety Alliance (CVSA) in cooperation with the Federal Highway Department.⁷⁶ These standards establish uniform inspection procedures and out-of-service (OOS) criteria for removing unsafe vehicles and drivers from the roadways.⁷⁷ The OOS violations encompassed within the NAS preclude operation of a commercial motor vehicle by its driver for a specified period of time or until a particular defect is corrected or a condition is met.

⁷⁵ Section 644.101, Transportation Code.

⁷⁶ Sgt. C.J. Klausner, Houston Police Department, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁷⁷ U.S.DOT, Office of Motor Carriers' "MCSAFE" Newsletter, Vol. 3, No.1.

The five different types of inspections included within the NAS are:⁷⁸

- **Level 1, North American Standard:** The most complete and thorough of the standardized inspections. It includes extensive vehicle checks, including the measurement of brake performance and inspection of driver qualifications and licensing, and hours of service.
- **Level 2, Walk Around Driver / Vehicle:** Covers both driver and vehicle aspects, but is conducted without inspecting underneath the vehicle.
- **Level 3, Driver Only Insertion:** A primary on-highway examination of all driver-related aspects of the NAS (i.e. a driver's commercial drivers license (CDL), medical certification and waiver, etc.).
- **Level 4, Special Inspection:** Includes a one-time examination of a particular item and is normally performed in support of a study or to verify or refute a suspected trend.
- **Level 5, Terminal Inspection:** An inspection of a vehicle at a carrier's terminal facility.

Once an inspection has been completed and each vehicle (bus, truck, truck-trailer, semitrailer, trailer etc.) used singularly or in combination has passed the examination, a Commercial Vehicle Safety Alliance (CVSA) decal is applied to the vehicle / vehicles. The CVSA decal is valid for 90 days after the inspection. A "Pass Inspection" decal means that during a Level 1 or Level V inspection no regulatory violations or defects were found regarding the following critical vehicle inspection items: brake system, coupling devices, exhaust system, frame, fuel system, turn signals, brake lamps, tail lamps, head lamps, lamps on projecting loads, safe loading, steering mechanism, suspension, tires, van and open-top trailer bodies, wheels and rims, windshield wipers, and emergency exits for buses.⁷⁹

⁷⁸ U.S.DOT, Office of Motor Carriers' "MCSAFE" Newsletter, Vol. 3, No.1.

⁷⁹ Ibid.

While DPS officers fundamentally bear the burden of enforcing state and federal weight restrictions, their numbers are so limited that to rely upon them solely would create great gaps in enforcement. In fact, there are only 123 DPS license and weight officers for all 254 counties in Texas.⁸⁰

The issue of allowing more municipal and county peace officers to enforce safety regulations received great debate during the 76th Session of the Texas Legislature. The need for more officers was acknowledged; however, due to reservations that local enforcement without statewide oversight would result in revenue generators similar to speed traps, the restrictions limiting enforcement of safety regulations were left unchanged. During the interim following the 76th Session, the Texas Motor Transportation Association (TMTA), a leading advocate for the trucking industry, began working with DPS and local law enforcement officers to establish uniform inspection procedures.

The Houston Police Department (HPD), with the cooperation of TMTA, began a truck enforcement task force on October 18th, 1999, for the purpose of cracking down on potentially dangerous trucks; on that date, HPD in conjunction with DPS pulled over 55 commercial vehicles and put 32 of those out of service.⁸¹ HPD Sgt. C.J. Klausner explained, “that means about 58 percent of the trucks we inspected today were not allowed to drive away until repairs were made. The national average is 28 to 29 percent.”⁸²

The TMTA testified that they would like to see DPS granted full authority to oversee commercial traffic enforcement in Texas. If a local jurisdiction wants the authority for local commercial vehicle enforcement, DPS would not only train those officers but also have some official oversight on the overall program.⁸³ “The

⁸⁰ Lt. Gary Albus, DPS’ License and Weight Division, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁸¹ Asher, Ed. “HPD cracks down on trucks.” *Houston Chronicle* October 19, 1999.

⁸² Ibid.

⁸³ Ibid.

bottom line with respect to local enforcement is the need for consistency throughout the state.”⁸⁴

Trucking industry representatives also testified that “most intermodal equipment (i.e. trailers or containers) that is being used on our streets and highways is not maintained to safety standards. This equipment is owned, for the most part, by international ship lines. The problem stems from the fact that these ship lines do not own any trucks and are not considered a “motor carrier” subject to the federal or state motor carrier safety laws. Thus, the trucking industry that pulls this equipment is constantly being fined for the equipment’s unsafe condition.”⁸⁵

In order to address the need for owners of intermodal equipment to maintain such in a safe and proper manner, several other port states have passed legislation to insure that proper preventative maintenance is performed before the equipment is transported over the roadways by a motor carrier. Legislation passed in Louisiana in particular⁸⁶ could directly affect Texas; “it could mean that more of the unsafe equipment that was being used there will be transferred to Texas for use here.”⁸⁷

Findings:

(8) Texas’ statutory restrictions prevent many law enforcement entities and their officers from performing commercial vehicle safety inspections. The Transportation Code authorizes the following law enforcement officers to perform safety inspections: DPS troopers; municipal police officers in a municipality with a population of 100,000 or more, or 25,000 or more if the municipality is located in a county with a population of 2.4 million or more; or a municipality located in a

⁸⁴ Bill Webb, President, Texas Motor Transportation Association, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁸⁵ Bill Webb, President, Texas Motor Transportation Association, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁸⁶ R.S. 32:1314, Louisiana Revised Statutes.

⁸⁷ Bill Webb, President, Texas Motor Transportation Association, testimony presented to the Senate State Affairs Committee, April 12, 2000.

county bordering Mexico. No sheriffs may perform these inspections.

(9) The effects of NAFTA and the healthy economy have led to an increase in commercial truck traffic in Texas. In many metropolitan areas across the state, large vehicles are traveling along with passenger vehicles on highly congested roadways. This situation is becoming increasingly more dangerous for both the commercial trucks and passenger vehicles on the road.

(10) Many shipping companies require commercial motor carriers to use the shipping company's equipment. Because shippers are not usually considered 'motor carriers,' and are thereby excluded from federal and state motor carrier safety laws, much of their intermodal equipment falls below safety standards. Several other port states, including Louisiana, have passed legislation to address the use of unsafe intermodal equipment on their roads.

Recommendations:

(8) The legislature should authorize additional, qualified municipal police officers and county sheriffs and their deputies to enforce commercial vehicle safety regulations. In granting wider enforcement authority, the legislature should also address certified training and judicial uniformity issues.

(9) The Texas Department of Transportation is currently assessing the viability of prohibiting trucks from certain lanes in Houston at the request of the Honorable Carrol Robinson, Houston City Council Member. The Senate State Affairs Committee recommends review of this study, once available, for viability and possible implementation in other metropolitan areas in order to separate commercial trucks and passenger vehicles whenever possible.

(10) The legislature should amend current statute to insure that proper preventative maintenance is performed on all intermodal equipment before being transported on the state's public roads.

Off-System Fee Structure

As previously mentioned, overweight commercial trucks cause an extensive amount of damage to Texas' surface transportation infrastructure. Testimony received by the committee regarding the deterioration of surface infrastructure indicated that most of the state highway system roads are designed to handle the heavy loads carried by most commercial trucks. It is the 'off-system' roads, those maintained by counties and municipalities, many of which were built in the 1940's and 1950's,⁸⁸ that were not designed to handle such heavy burdens.

There are several revenue sources from which political entities such as municipalities and counties fund 'off-system' infrastructure rehabilitation and construction projects; these sources include state assistance, federal funds, and local bonds or ad valorem taxes.

State and Federal Assistance for Off-System Roads

In Fiscal Year 1999, counties received over \$435 million from required or authorized state revenue sources,⁸⁹ including vehicle registration fees, the County and Road District Highway Fund, and the Optional Road and Bridge Fees. Even with this revenue, counties struggle to meet identified transportation needs.

- County and Road District Highway Fund.⁹⁰ The Texas Comptroller of Public Accounts is directed to allocate \$7.3 million annually in state gas tax revenue to counties through the following formula:⁹¹
 - 1/5 according to area;
 - 2/5 according to rural population; and
 - 2/5 according to lateral road mileage.

⁸⁸ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁸⁹ Ibid.

⁹⁰ Section 153.503, Tax Code.

⁹¹ Section 256.002, Transportation Code.

Each variable is determined by the ratio within the county to that of the entire state. A county may use the money it receives only for: purchasing right-of-way for lateral roads, farm-to-market roads, or state highways; constructing and maintaining lateral roads, including the hiring of labor and the purchase of materials, supplies, and equipment; or paying the principal, interest, and sinking fund requirements maturing during the fiscal year on bonds, warrants, or other legal obligations incurred to finance activities described above.⁹²

- **Vehicle Registration Fees:**⁹³ Under state law, counties retain registration fees equal to five percent of the vehicle sales tax from the previous fiscal year. This money is dedicated to the County and Road and District Highway Fund. In FY '99, counties retained \$184 million in vehicle registration fees.⁹⁴
- **Optional Road and Bridge Fee:**⁹⁵ Counties are authorized to assess and collect an optional road and bridge fee not to exceed \$10 for each vehicle registered in that county. 63 of Texas' 254 counties have yet to take full advantage of this law by charging less than or none of the allowable \$10.⁹⁶ This money is dedicated to the County and Road District Highway Fund of each county.⁹⁷ In FY '99, this fee provided a total revenue of \$150.6 million to counties.⁹⁸

⁹² Section 256.003, Transportation Code.

⁹³ Section 502.102, Transportation Code.

⁹⁴ James LeBas, Chief Revenue Estimator, Comptroller of Public Accounts, testimony presented to the Senate State Affairs Committee, June 12, 2000.

⁹⁵ Section 502.172, Transportation Code.

⁹⁶ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

⁹⁷ James Bass, Director, Finance Division, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

⁹⁸ Ibid.

- **Weight Tolerance (2060) Permits:**⁹⁹ In FY '99, TxDOT issued 15,970 weight tolerance permits, generating a total of \$3 million in revenue, an average of \$12,992 per county. This money is dedicated to the County and Road District Highway Fund. In FY '99, the \$25 portion of the base fee for the permit generated \$399,250 for the state highway fund.¹⁰⁰ The structure of the "2060" permits is as follows:¹⁰¹

Number of Counties	Admin. Fee -to TxDOT	Base Fee -allocated to all counties	County Fee -allocated to each county on permit	Total
1-20	\$5	\$75	\$125	\$205
21-40	\$5	\$75	\$345	\$425
41-60	\$5	\$75	\$565	\$645
61-80	\$5	\$75	\$785	\$865
81-100	\$5	\$75	\$1005	\$1085
101-254	\$5	\$75	\$2000	\$2080

- **Local Government Assistance Program:**¹⁰² The 74th Legislature's Appropriations Act for fiscal years 1996-1997 established this program within TxDOT, dedicating money to the County Road and Bridge Fund. In FY '99, \$13.5 million dollars were distributed to local governments.¹⁰³
- **Fines for overweight offenses** remain in the community from which the offense occurred, unless the fine is for a vehicle that is more than 5,000

⁹⁹ Section 623.011, et. seq., Transportation Code.

¹⁰⁰ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

¹⁰¹ James Bass, Director, Finance Division, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

¹⁰² Section 201.706, Transportation Code.

¹⁰³ James Bass, Director, Finance Division, TxDOT, testimony presented to the Senate State Affairs Committee, June 12, 2000.

pounds overweight. In this case, the comptroller receives 50 percent of the fine. A fine for an offense that occurs in a county bordering Mexico remains in that community regardless of the weight.¹⁰⁴

- **Special 5% Commission for Small Counties:**¹⁰⁵ Some small counties are allowed to petition the comptroller to keep motor vehicle sales tax collected. Counties retained \$704,489 million (estimated) in FY 99.¹⁰⁶
- **Off-System Bridge Program:** In 1979, Congress established this federal program. TxDOT has further increased the amount of funding in this program for FYs 1999 and 2000.¹⁰⁷ See page 7 of this report for a more in depth discussion of this program.

Local Revenue Sources for Off-System Roads

- **Estimated Property Tax Levy:** This levy comes from the Annual Property Tax Report for 1998 published by the Comptroller of Public Accounts,¹⁰⁸ and is dedicated to the County and Road District Highway Fund.¹⁰⁹ FY '99 estimated totals were \$57,092,180.
- **Estimated Farm to Market and Flood Control Tax Levy:** This levy comes from the Annual Property Tax Report for 1998 published by the Comptroller of Public Accounts,¹¹⁰ and is dedicated to the Farm to Market

¹⁰⁴ Section 621.506, Transportation Code.

¹⁰⁵ Section 152.121, Tax Code.

¹⁰⁶ James LeBas, Chief Revenue Estimator, Comptroller of Public Accounts, testimony presented to the Senate State Affairs Committee, June 12, 2000.

¹⁰⁷ Robert Nichols, Member, Texas Transportation Commission, testimony presented to the Senate State Affairs Committee, April 12, 2000.

¹⁰⁸ James LeBas, Chief Revenue Estimator, Comptroller of Public Accounts, testimony presented to the Senate State Affairs Committee, June 12, 2000.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

and Flood Control Fund. FY '99 estimated totals were \$87,159,920.¹¹¹

Findings:

(11) Commercial trucks, while proving to be an economic asset to the state, cause serious structural damage to off-system roads and bridges. The fee structure designed to compensate county and municipal governments for road repair often falls short of the necessary amounts needed by those entities to perform adequate construction and maintenance. For example:

a) The County & Road District Highway Fund was established in 1954 and set forth \$7.3 million dollars from the state's motor fuels taxes to be distributed to all 254 counties in Texas to assist counties in funding construction and maintenance of roads. This amount has not changed since the fund was implemented in 1954.

b) The distribution of funds from the County & Road District Highway Fund is based upon the following formula: 1/5 according to area, 2/5 according to rural population and 2/5 according to lateral road mileage: each of these variables are based on a determination by the ratio of each to the total of the state. The 2/5 according to rural population does not include any citizens living within an incorporated area. In fact, a county may grow in population and yet receive less money than previously if that growth is within an incorporated area.

(12) Under paired-city arrangements, counties adjacent to the Texas-Mexico border face serious commercial vehicle safety issues. Currently, under paired-city arrangements, border counties absorb the costs properly paid by state or federal governments. 80 percent of all U.S. trade with Mexico passes through Texas ports-of-entry. With the advent of NAFTA, truck traffic in border communities and on major trade corridors has increased dramatically. While the sizable increase in commercial truck traffic alone is sufficient to cause accelerated

¹¹¹ James LeBas, Chief Revenue Estimator, Comptroller of Public Accounts, testimony presented to the Senate State Affairs Committee, June 12, 2000.

deterioration, the increase in the number of overweight trucks traveling on non-state maintained roads results in even further deterioration of roads and bridges.

Recommendations:

(11) The legislature should attempt to increase and more equitably allocate the revenue currently provided to municipal and county governments for ‘off-system’ maintenance and construction.

(12) The committee recommends that the legislature memorialize the federal government to fund county and municipal inspections of overweight traffic traveling within 20 miles of the border (Border Commercial Zone) by creating a federal category under the NAFTA agreement for NAFTA commercial vehicle infrastructure damage.

Appendix