

**TEXAS TRANSPORTATION COMMISSION**

ALL Counties

**MINUTE ORDER**

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.102, Authority’s Powers and Duties, to be codified under Title 43, Texas Administrative Code, Part 1.

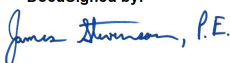
The preamble and the adopted amendments, attached to this minute order as exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

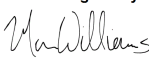
IT IS THEREFORE ORDERED by the commission that the amendments to §28.102, are adopted and are authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Recommended by:

DocuSigned by:  
  
72D80A7862EA430...  
Director, Maintenance Division

DocuSigned by:  
  
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Executive Director

116755 August 22, 2024  
Minute Date  
Number Passed



1 route is the segment of W. Doffing Road from the intersection  
2 with Doffin Canal Road/S. Veterans Blvd (Spur 29) to 0.8 miles  
3 east of that intersection, which segment is not on the state  
4 highway system. This addition expands HCRMA's permitting  
5 authority for the operation of the roadways within its  
6 jurisdiction and allows HCRMA to provide more complete service  
7 to the motor carriers using the permits within Hidalgo County.

8  
9 These amendments also require, prior to issuing any  
10 oversize/overweight permits on the newly added off-system  
11 roadway, HCRMA must demonstrate to the department's satisfaction  
12 that the roadway has sufficient structure to safely sustain the  
13 overweight loads. The amendments also dictate that it is the  
14 responsibility of HCRMA to maintain the off-system road and that  
15 the maintenance contract required between the department and  
16 HCRMA will provide for the allocation of permit fees between the  
17 department and HCRMA. Finally, the amendments dictate that  
18 HCRMA may not issue permits that authorize travel on this off-  
19 system segment of roadway after September 30, 2025.

20

#### 21 COMMENTS

22 No comments on the proposed amendments were received.

23

#### 24 STATUTORY AUTHORITY

25 The amendments are adopted under Transportation Code, §201.101,  
26 which provides the Texas Transportation Commission (commission)  
27 with the authority to establish rules for the conduct of the

1 work of the department, and more specifically, Transportation  
2 Code, §623.369 authorizing the commission to adopt rules  
3 necessary to implement Subchapter S, Regional Mobility Authority  
4 Permits.

5

6 CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

7 Transportation Code, Chapter 623, Subchapter S.

8

1 SUBCHAPTER H. HIDALGO COUNTY REGIONAL MOBILITY AUTHORITY

2 PERMITS

3 §28.102. Authority's Powers and Duties.

4 (a) Authority authorized to issue permits. Subject to  
5 subsection (j) of this section, the [~~The~~] authority may issue a  
6 permit and collect a fee for the movement within the territory  
7 of the authority of a vehicle or vehicle combination that  
8 exceeds the vehicle size or weight limits specified by  
9 Transportation Code, Chapter 621, Subchapters B and C, but does  
10 not exceed loaded dimensions of 12 feet wide, 16 feet high, and  
11 110 feet long, and does not exceed 125,000 pounds gross weight  
12 for travel on:

13 (1) the state-owned roads designated by Transportation  
14 Code, §623.363;

15 (2) US 281/Military Highway from Spur 29 to FM 1015;

16 (3) FM 1015 from US 281/Military Highway, south to the  
17 Progreso International Bridge;

18 (4) FM 2557 from US 281/Military Highway to Interstate  
19 2;

20 (5) FM 3072 from Veterans Boulevard ("I" Road) to  
21 Cesar Chavez Road;

22 (6) US 281 (Cage Boulevard) from Spur 600 to Anaya  
23 Road; [~~and~~]

24 (7) U.S. Highway 83 Business from South Pleasantview  
25 Drive to South Bridge Avenue; and

1           (8) the segment of W. Doffing Road from the  
2 intersection with Doffin Canal Road/S. Veterans Blvd (Spur 29)  
3 to 0.8 miles east of that intersection, which segment is not on  
4 the state highway system.

5           (b) Surety bond. The authority shall obtain a surety bond  
6 in the amount set by the department to cover the estimated  
7 annual maintenance costs of roads identified in subsection (a)  
8 of this section. The department will draw on the bond only if  
9 revenue collected from permits issued under this subchapter is  
10 insufficient to pay for those costs and the authority fails to  
11 reimburse the department for those costs. The estimated  
12 maintenance costs will be based on the amortized cost of the  
13 identified roads, projected regular maintenance and operations  
14 costs, and the bridge consumption costs associated with the  
15 movement of overweight and oversize vehicles issued a permit by  
16 the authority.

17           (c) Verification of permits. The authority shall provide  
18 law enforcement and department personnel access to any of the  
19 authority's property to verify compliance with this subchapter  
20 by the authority or another person.

21           (d) Training. The authority shall provide or obtain any  
22 training necessary for personnel to issue permits under this  
23 subchapter. The department may provide assistance with training  
24 on request by the authority.

25           (e) Accounting. The department shall develop accounting  
26 procedures related to permits issued under this subchapter with

1 which the authority must comply for revenue collections and any  
2 payment made to the department under subsection (i) of this  
3 section.

4 (f) Audits. The department may conduct audits annually or  
5 at the direction of the executive director of all permit  
6 issuance activities of the authority. To ensure compliance with  
7 applicable law, audits at a minimum will include a review of all  
8 permits issued, financial transaction records related to permit  
9 issuance and vehicle scale weight tickets, and the monitoring of  
10 personnel issuing permits under this subchapter.

11 (g) Revocation of authority to issue permits. If the  
12 department determines as a result of an audit that the authority  
13 is not complying with this subchapter or other applicable law,  
14 the executive director will issue a notice to the authority  
15 allowing 30 days for the authority to correct any non-compliance  
16 issue. If the department determines that, after that 30-day  
17 period, the authority has not corrected the issue, the executive  
18 director may revoke the authority's authority to issue permits  
19 under this subchapter. The authority may appeal to the  
20 commission in writing the revocation of its authority under this  
21 subsection. If the authority appeals the revocation, the  
22 authority's authority to issue permits under this subchapter  
23 remains in effect until the commission makes a final decision on  
24 the appeal.

25 (h) Fees. Fees under this subchapter may be collected,  
26 deposited, and used only as provided by Transportation Code,

1 §623.364. The authority may determine acceptable methods of  
2 payment. All fees transmitted to the department must be in U.S.  
3 currency. On revocation of the authority's authority to issue  
4 permits, termination of the maintenance contract entered into  
5 under subsection (i) of this section, or expiration of this  
6 subchapter, the authority shall pay to the department all permit  
7 fees collected by the authority, less allowable administrative  
8 costs.

9 (i) Maintenance contract. The authority shall enter into a  
10 contract with the department for the maintenance of roads  
11 identified in subsection (a) of this section for which a permit  
12 may be issued under this subchapter. The contract will cover  
13 routine maintenance, preventive maintenance, and total  
14 reconstruction of the roadway and bridge structures, as  
15 determined by the department to maintain the current level of  
16 service and may include other types of maintenance.

17 (j) Off-system roadways. Before the authority may issue a  
18 permit and collect a fee for the movement of a vehicle or  
19 vehicle combination on a roadway designated in subsection (a) (8)  
20 of this section, the authority must demonstrate to the  
21 satisfaction of the department that the roadway has sufficient  
22 structure to safely sustain the overweight loads. The authority  
23 is responsible for the maintenance and repair of each roadway  
24 designated in subsection (a) (8) of this section for which it  
25 issues a permit to the level of service determined by the  
26 department under subsection (i) of this section. The

NOTE: Additions underlined

Deletions in [ ]

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Exhibit B

1 maintenance contract entered into under subsection (i) of this  
2 section must provide details of the allocation of the permit  
3 fees to be used for the maintenance of such a roadway. The  
4 authority may not issue a permit for the movement of a vehicle  
5 or vehicle combination after September 30, 2025, on a roadway  
6 designated in subsection (a)(8) of this section.

7       (k) Reporting. The authority shall provide monthly and  
8 annual reports to the department's Finance Division regarding  
9 all permits issued and all fees collected during the period  
10 covered by the report. The report must be in a format approved  
11 by the department.  
12