



House of Representatives Committee on Transportation

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September 13, 2000

RQ-0285-JC

The Honorable John Cornyn
Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711

RECEIVED
SEP 13 2000
OPINION

FILE # ML-41630-00
I.D. # 41630

Dear General Cornyn:

The intent of this correspondence is to request an Attorney General's Opinion on a pressing matter relating to weight limits for ready mix concrete trucks. This matter was brought to my attention by the Texas Aggregates and Concrete Association (TACA) on behalf of their members.

Presently, Chapter 622 of the Texas Transportation Code allows for ready mix concrete trucks to travel state maintained highways at a gross vehicle weight not to exceed 69,000 pounds. In order to carry this weight, ready mix concrete operators are required to post a surety bond for an amount not to exceed \$15,000 for each ready mix truck.

Some ready mix operators in the Dallas/ Fort Worth area have received citations from the Texas Department of Public Safety (DPS) for gross weight violations. In the citations, the DPS cited Section 621.021 (d) of the Texas Transportation Code, which stipulates that "a maximum weight or load set under this section becomes effective on a highway or road when appropriate signs giving notice of the maximum weight or load are erected on the highway or road under order of the commission." TACA and it's members, however, strongly contend that Chapter 622 of the Texas Transportation Code, entitled "Special Provisions and Exceptions For Oversize or Overweight Vehicles" exempts ready mix concrete trucks from the weight provisions set forth in Chapter 621 of the Texas Transportation Code.

In an effort to clarify this issue, I request that your office render an opinion on the applicability of the weight limits in Chapters 621 and 622 of the Texas Transportation Code to ready mix concrete trucks.

Sincerely,

Clyde Alexander, Chairman
House Committee on Transportation



FAX COVER

Rep. Clyde Alexander's Office

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(512) 463-0730
(512) 463-8447 fax

To: Susan D. Gusky

Fax# 472-6538

Comments:

Susan,

Attached is a request that should have been sent to your office by a former employee on July 26, 2000. We are in desperate need of a request number as soon as we can get one.

Please let me know if I can do anything to help expedite this.