

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 5, 2013 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY MARCH 5, 2013 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TX 77586, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

PLEDGE OF ALLEGIANCE

1.0 PRESENTATIONS

- 1.1 Presentation of Certificate of Appreciation to John Coggeshall, member of the Open Space & Trails Committee for implementation of the tree planting program with TXU. (Royal)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

- 2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

3.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

 ATTACHMENT 1

- 3.1 Approve application for the annual Bayside Area Little League Opening Day Parade

on Saturday, March 23, 2013 from 8:00 to 9:00 a.m. starting at El Mar Shopping Center and ending at the baseball complex on Meyer. The applicant is requesting a waiver of fees as the league is a non-profit organization. (Applicant)

- 3.2 Approve an excused absence for Councilor Don Holbrook for the February 19, 2013 Council meeting. (Glaser)

- 3.3 Approve Mayor Royal's withdrawal as a member of the *ad hoc* group formed to deal with fire department issues. (Royal)

ATTACHMENT 2

- 3.4 Approve the minutes of the February 19, 2013 regular City Council meeting. (Glaser)

ATTACHMENT 3

- 3.5 Consider second and final reading of proposed Ordinance No. 2013-04, " Ethics Review Commission. Change in Membership and Quorum Requirements." (Ethics Review Commission)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION" BY CHANGING THE REQUIRED MEMBERSHIP FROM SEVEN TO FIVE REGULAR MEMBERS AND BY CHANGING THE REQUIRED QUORUM. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

ATTACHMENT 4

- 3.6 Consider approval of second and final reading of proposed Ord. No. 2013-06, "TMRS Buyback Ordinance." (Cook)

AN ORDINANCE ALLOWING CERTAIN EMPLOYEES OF THE CITY OF SEABROOK, TEXAS WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM, TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THIS CITY.

ATTACHMENT 5

- 3.7 Approve the annual Racial Profiling Report as submitted by the Seabrook Police

Department and required by Senate Bill 1074. (Holomon)

 ATTACHMENT 6

- 3.8 Approve list of seized items to be sold at auction. (Holomon)

 ATTACHMENT 7

- 3.9 Approve letter of support for Senate Bill 3 which relates to public high school graduation, curriculum requirements and funding of such curriculum. (Royal)

END OF CONSENT AGENDA

- 4.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

 ATTACHMENT 8

- 4.1 Consider forming an *ad hoc* committee concerning weight restrictions of vehicles and heavy weight corridors. (Llorente)

- 5.0 ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

 ATTACHMENT 9

- 5.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

 ATTACHMENT 10

- 5.2 Establish future meeting dates and agenda items, including establishing date(s) for goal setting work session(s). (Council)

6.0 EXECUTIVE SESSION

The City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

Section 551.071

- 6.1 Consult with City Attorney to receive legal advice only relating to Charter Provision, pursuant to Section 551.071 Texas Government Code. (Weathered)

Section 551.072

- 6.2 Conduct a closed meeting, as provided by Section 551.072 Texas Government Code

to deliberate the purchase of real property as deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. (Templin)

7.0 OPEN MEETING

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session".

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, March 1, 2013 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary



Bayside Area Little League
PO Box 357
Seabrook, Texas 77586

February 7, 2013

City of Seabrook
1700 First Street
Seabrook, Texas 77586

To whom it may concern:

Bayside Area Little League has submitted an application for a parade permit to the City of Seabrook. Our parade will be held on Saturday, March 23, 2013.

I am requesting that the city of Seabrook waive the application fee of \$50.00 since we are a non-profit organization.

Thank you for your consideration of this request. If you have any questions, please feel free to contact me at 281-768-9198.

Sincerely,

Sylvia Godinich

Sylvia Godinich
VP of Team Support
Bayside Area Little League

Revised 10/08

**CITY OF SEABROOK
PARADE, CARNIVAL, SHOW, FESTIVAL,
SPECIAL OR COMMUNITY EVENT
APPLICATION**

Date of Application: February 7, 2013 Name of Applicant: Sylvia Godinich

Address of Applicant: PO Box 357

City Seabrook State Texas Zip Code 77586

Day Time Phone (281) 768-9198 Night Time Phone (281) 339-3000

Name of Organization, Firm or Corporation on whose behalf this application is made:

Bayside Area Little League

Address of Organization (if different from above: Same

City _____ State _____ Zip Code _____

Phone Number of Organization (if different from above): (281) 474-9481

Is the organization recognized as a non-profit organization for tax purposes? Yes

Requested Date(s) and Times of the Event: Saturday, March 23, 2013 Line up at 7:00am,
Parade 8:00am to 9:00am

Location of the Event: El Mar Shopping Center

Give a brief description of the event: Opening Day Parade for Bayside Area Little League

Estimated No. of Workers: 15 Estimated No. of Attendees: 450 – 500

Will the event be held in a parking area? Yes If so, how many parking spaces will be temporarily lost? half

How many parking spaces are you providing for the event? Complex Parking

Will any portion of this event be held on city property? If so, where? El Mar Shopping Center
and BALL Complex

Will alcohol be served? No If so, you are required to pay an additional deposit if you wish to serve alcohol on city property.

Do you want to display temporary signs or banners to advertise this event? No

**Special Events Application
Revised 10/08**

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Number of signs for this event: None Complete the sign permit application attached to the packet **Please note that signs may only be displayed on private property, with the property owners' permission and with a city permit. Signs are not permitted in any street rights-of-way.**

If this event is a parade, please answer the following additional questions.

Proposed Route (Attach Map) : El Mar Shopping Center to El Mar Lane, to N. Meyer to BALL Complex located at 1805 N. Meyer Road

Estimated number and kind of animals to be used: No animals will be used

Estimated number of parade participants including, animals and riders, bicycle riders, animal-drawn vehicles, floats motor vehicles, motorized displays and marching units or organizations, such as bands, color-guards, and drill teams:

Approximately 40 vehicle driven floats, 2 Seabrook fire trucks, 4-6 chaperoned dignitaries

THIS SECTION NEEDS TO BE COMPLETED IN ORDER TO PROCESS YOUR APPLICATION.

This application has been reviewed by the Seabrook Police Chief or designee and the signature below verifies that adequate provisions for security have been made by the applicant.

Bryan Brand
Print name
Police Department Representative

2-20-13
Date Approved

[Signature]
Signature
Police Department Representative

Comments: _____

I have enclosed the following items as part of my application:

1. A completed application form including approval by the Seabrook Police Department.
2. Permit fee in the amount of \$ 50.00. (Non-profit organizations may substitute a letter of request to the City Council requesting a waiver of the permit fee)
3. If event is a parade a deposit fee of \$300.00 is included. Deposits are not waived.
4. A certificate of insurance, naming the City of Seabrook as certificate holder. This insurance provides protection of not less than \$100,000 against liability for damages to property and protection of not less than \$100,000 for protection of injury to the death of one person and of not less than \$300,000 for protection against injury to death of two or

**Special Events Application
Revised 10/08**

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more persons in a single accident or occurrence. (A sample certificate of insurance is enclosed.)

5. For special events, a site plan is attached as required by the Code of the City of Seabrook, Section 4.07. (See attached excerpt.)
6. For parades, a map showing the parade route is attached.

NO APPLICATION WILL BE ACCEPTED UNLESS ALL ITEMS LISTED ABOVE ARE PROVIDED.

As applicant, I certify that all information contained in this application is true and correct to the best of my knowledge. I state that I am fully authorized to act and contract for any persons, organizations, firms or corporations on whose behalf this application is made. As applicant for the above organization, I do contract and agree that they will jointly and severally, indemnify and hold the City of Seabrook harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the conduct of the participants. As applicant, I understand that I may be held liable as principal in place of the organization for the cost of cleaning or repairing city property which may have sustained damage as a result of the special event. I understand that a special events permit may be issued for no more than five consecutive days. If the permit is granted, I, as representative, agree to adhere to all city ordinances regarding the special event.

I understand that if I am applying to use a city park, community house or other city facility to hold this event, additional applications and fees will be required.

I understand that all required applications, accompanying documents and fees must be submitted to the City Secretary's Office at least 30 days prior to the date of the event, and that the event may not be held without approval of the Seabrook City Council. I have read and have agreed to the above conditions.

Sylvia Godinich

Signature of Applicant



Sylvia Godinich

Printed Name of Applicant

February 7, 2013

Date Submitted

FOR OFFICE USE ONLY

Reviewed by City Secretary Date _____

City Manager Notified _____

If applicable: Fire Marshal notified _____ Building Official Notified _____

This application has been reviewed by the Seabrook City Council on _____
and has been **APPROVED** **DENIED**.

The following conditions are placed upon this event: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/27/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in the absence of such endorsement(s).

PRODUCER Phone: 281-422-6511 Fax: 281-422-0554
HARRIS COUNTY INSURANCE CENTER
608 ROLLINGBROOK DRIVE
PO BOX 1219
BAYTOWN TX 77520

Agency Lic# 3684

CONTACT NAME: Linda Robertson

PHONE (AG No. Ext): 281-427-6511

FAX (AG No.): 281-422-0554

E-MAIL ADDRESS:

PRODUCER CUSTOMER ID: 44397

INSURED
BAYSIDE AREA LITTLE LEAGUE
C/O LAURA DELESTAD
P.O. BOX 357
SEABROOK TX 77586

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: SCOTTSDALE INSURANCE COMPANY

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER: 86371

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE	INSURANCE	ADOL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY				CPS1701817	03/01/13	03/01/14	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS-MADE ☐ OCCUR							MED. EXP (Any one person) \$ 5,000
								PERSONAL & ADV INJURY \$ 1,000,000
								GENERAL AGGREGATE \$ 2,000,000
								PRODUCTS - COMP/OP AGG \$ 1,000,000
								\$
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO							BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS							BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS							PROPERTY DAMAGE (Per accident) \$
	☐ HIRED AUTOS							\$
	☐ NON-OWNED AUTOS							\$
								\$
	UMBRELLA LIABILITY							EACH OCCURRENCE \$
	☐ EXCESS LIABILITY	☐ OCCUR						AGGREGATE \$
	☐ CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							WC STATUTORY LIMITS \$
	ANY PROPRIETOR/OFFICER/EXECUTIVE MEMBER EMPLOYED?	☐ Y/N						OTH \$
	(Mandatory in NM) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ N/A						E.L. EACH ACCIDENT \$
								E.L. DISEASE-EA EMPLOYEE \$
								E.L. DISEASE-POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
PARADE-CERTIFICATE HOLDER IS ALSO ADDITIONAL INSURED

CERTIFICATE HOLDER

CANCELLATION

CITY OF SEABROOK
1805 MEYER
SEABROOK, TEXAS 77586
FAX 281-291-1200

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Attention: CHELLE GLAZER

Linda Robertson

**Seabrook City Council Regular Meeting
Minutes of February 19, 2013
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The City Council of the City of Seabrook met in regular session on Tuesday, February 19, 2013 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK- Ex. Abs.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
GAYLE COOK	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1.0 PRESENTATIONS

2.0

Mayor Royal presented a trophy to Mr. Lutz the winner of the boat parade award from the City of Seabrook.

1.1 Presentation concerning starting a community garden on city property. (Cynthia Welburn)

Mrs. Welburn made a presentation about starting a community garden. The site recommended is city property near city hall that has available off-street parking and water. Staff will work with Ms. Welburn to see if the project is feasible.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Several upcoming events were announced.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.) (Applicant).

This zoning change request will be considered by Council by Ordinance No. 2013-02 under "New Business."

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Applicant: John Nicholson, 1300 West Loop South, Houston, TX 77056 – Gulf Winds.

Owners: Estate of John B. Carter Jr., 5773 Woodway #307, Houston, TX 77057

Legal Description: Tract 6J, Abstract 52 of the Ritson Morris Survey. This property is located between State Highway 146 and Old State Highway 146 and is adjacent to the Seabrook city limits.

Speaking in favor of the zoning change were:

Dee Anne Thompson, La Porte – Gulf Winds employee,

Gabriel Allen, Clear Lake – Gulf Winds employee,

Jeff Martin, La Porte – Chairman of the Bayshore Chamber of Commerce,

Jim McNutt, Seabrook, Banker for Gulf Winds,

Carter Malone, Houston - Property owner's representative,

John Nicholson, Houston - applicant for zoning change and

Steve Stewart, Houston, Chairman of Gulf Winds.

Mr. Malone stated that the property in question had originally been zoned L-I. When the property was rezoned, his grandfather was too ill to protest the change.

Mr. Nicholson stated that he has changed the design of the project so that there is a buffer of approximately 7.2 acres between his property and the Comfort Inn and has rotated the his proposed building so that it will not be visible from the hotel or from SH 146 and will not have access to SH 146 in Seabrook. The building will be a 30-foot tilt wall Class A facility. He will also plant trees to buffer his property from adjacent landowners.

Mr. Stewart stated that his company is family-owned, will provide good paying jobs and will be good citizens of the Seabrook community.

Speaking against the zoning change were:

Bill Frederick, Taylor Lake Village – adjacent property owner,

Nick Nassad, Houston – co-owner of Comfort Suites adjacent to the applicant's property

Don Stringim, Houston – representative for adjacent property owners and

Herman Burton, Seabrook citizen.

Mr. Frederick and Mr. Nassad stated that at the time they developed their property, the adjacent land was zoned C-2. They stated that industrial zoned land would negatively affect their property. Mr. Stringim stated that approximately 30 businesses along SH 146 will be displaced due to the upcoming SH 146 improvements and that this property could be used to relocate these businesses.

4.0 BID AWARDS

4.1 Approve the award of Bid Project 2013-05, Pool Management Services, and Service Agreement with Aquatic Management of Houston in the base amount not to exceed \$54,685.00 for summer season of 2013. (Cook)

**Seabrook City Council Regular Meeting
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Mr. Chairez stated that the contract will be paid from monies originally budgeted for pool personnel. There will be no change in the pool schedule. A representative from Aquatic Management stated that the company has a \$20,000,000 general and professional liability insurance policies. The company provides training and insures proper certification of lifeguards and also provides background checks on all employees over 18 years of age in accordance with state law. Seabrook residents will receive priority when hiring. Mr. Templin stated that this contract will allow Public Works to concentrate on other areas of the city. He stated that this was not the lowest bid, but was evaluated by staff to be the best value of bids received.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To approve the award of bid and service agreement with Aquatic Management of Houston in the base amount not to exceed \$54,685.00 for summer season of 2013 as recommended by staff.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 CONSENT AGENDA

5.1 Approve an excused absence for Councilor Mike Giangrosso for the February 5, 2013 Council meeting. (Glaser)

5.2 Approve the investment report for 1st quarter 2012/13. (Lab)

5.3 Approve the January 2013 Building Report. (Landis)

5.4 Approve the January 2013 Public Safety Report. (Holomon)

5.5 Approve second and final reading of Ordinance No. 2013-01, "Prohibited Parking." (Landis)

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," BY ADDING A NEW SECTION 90-70 ENTITLED, "PARKING PROHIBITED; STREETS, ALLEYS AND DRIVEWAYS," PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00), OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

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5.6 Approve a special events permit for the annual Trash Bash including a waiver of fees and permissions for temporary signs, pending receipt of proof of insurance. (Holbrook)

5.7 Removed from the Consent Agenda by Mrs. Glaser.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To approve the Consent Agenda with the exception of Item 5.7.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.7 Approve the minutes of the regular City Council meeting of February 5, 2013. (Glaser)

Mrs. Glaser recommended additional language for Item 4.1 to provide a better explanation of anticipated savings in the reissuance of the bonds.

“In addition to the savings with the lower interest rate, he stated that the city could anticipate saving \$50,000 **\$60,000** in the cost of issuance, **as the bond refinancing will be a private placement,** for a total savings of approximately \$293,000.”

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the minutes of February 5, 2013 with the recommended changes.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 NEW BUSINESS

6.1 Consider first reading of proposed Ord. No. 2013-02, "Amendment to the Official Zoning Map to Rezone Approximately 10 Acres East of Bayport Boulevard and West of Old Highway 146 from C-2 Medium Commercial to LI Light Industrial." (Applicant/P&Z)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 2, SECTION 2.05, "OFFICIAL ZONING MAP" BY REZONING 10 ACRES OF TRACT 6J, A 16.9058 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES

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INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDES FOR SEVERABILITY.

EXECUTIVE SESSION

At 8:23 p.m. Mayor Royal announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney concerning Agenda Item 6.1.

Mayor Royal reconvened the open meeting at 8:49 p.m. and stated that Item 6.1 had been discussed in Executive Session, but no action had been taken.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve proposed Ordinance No. 2013-03 on first reading with the reading of the caption serving as the reading of the ordinance.

Councilor Kolupski stated that he made the motion to allow the item to be discussed.

Mr. Weathered confirmed with the applicant that the zoning change request was for 10 acres as listed on the public hearing notice.

Councilors Kolupski, Davis and Giangrosso spoke in favor of retaining the C-2 zoning classification on this property. Mayor Royal and Councilor Llorente spoke in favor of the zoning change request for L-I zoning.

Mayor Royal asked Paul Dunphey, EDC Chair who was in the audience for his opinion. Chairman Dunphey stated that the EDC Corporation was in favor of the project. Councilor Davis stated that the project presented to the EDC Board was different from the presentation tonight as the project presented to EDC showed that all land on SH 146 would remain C-2 zoning.

Councilor Davis asked if the proposed zoning change would restrict development to the building and use proposed by the applicant tonight. Mr. Templin stated that if the zoning change were granted, any use allowed in the L-I zone would be permitted.

Ayes: Royal, Llorente.

Nays: Davis, Giangrosso, Johnson, Kolupski.

MOTION FAILS.

- 6.2 Consider approval of emergency repairs to Water Well # 2 for the sum of \$89,803.00 as an exemption to competitive bidding as a procurement necessary to preserve or protect public health or safety of the municipality's residents as provided under Texas Local Government Code 252.022. (Chairez)**

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Mr. Weathered stated that there can be an exception to competitive bidding due to the emergency nature of the repairs. Public Works Director, Arthur Chairez stated that the city's wells are operated on a weekly basis and are used if the city loses water pressure from the City of Pasadena and for major fires. He stated that if the city had a major fire, it could be difficult to maintain adequate water pressure from the remaining two wells. Mr. Chairez stated that the bidding process would take approximately two months. He added that the well had been drilled in 1973 with minor repairs in 1982. Well #1 had been reworked in 2008 and Well #3 was reworked in 2010. The city now does a complete inspection every 10 years in an effort to avoid emergency repairs.

Mr. Weathered recommended that the indemnification clause in the contract be stricken or as an alternative, that the city notify the contractor that the indemnification clause is unenforceable.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve emergency repairs to Well #2 as an exemption to competitive bidding as the repair is a procurement necessary to preserve or protect public health or safety of the municipality's residents as provided under Texas Local Government Code 252.022 with instructions to notify the contractor that the indemnification clause is unenforceable as there is no sinking fund.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.3 Consider approval of first reading of proposed Ord. No. 2013-06, "TMRS Buyback Ordinance." (Cook)

AN ORDINANCE ALLOWING CERTAIN EMPLOYEES OF THE CITY OF SEABROOK, TEXAS, WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM, TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THIS CITY.

Motion was made by Councilor Johnson and seconded by Councilor Davis

To approve proposed Ordinance No. 2013-07 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

Seabrook City Council Regular Meeting
Minutes of February 19, 2013
Page 7

6.4 Receive and consider a staff report concerning the tourism and economic impacts of the cruise terminal at Port of Houston Authority in Bayport. (Dearman/Templin)

Director of Communications, LeaAnn Dearman presented an oral and written report. Items discussed were: 1) better signage at the Seabrook city limits and throughout the city; 2) offering free hospitality training from the State of Texas to local businesses; 3) increasing advertising for local events, including advertising in the cruise terminal; 5) working with other local governmental entities to market the entire area, including Galveston, as cruise headquarters; and 6) working with local hotel owners to assist them in providing transportation to local tourist attractions and to the airports and cruise terminal.

No action was taken by Council on this item.

6.5 Consider first reading of proposed Ordinance No. 2013-04, "Ethics Review Commission. Change in Membership and Quorum Requirements." (Ethics Review Commission)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION" BY CHANGING THE REQUIRED MEMBERSHIP FROM SEVEN TO FIVE REGULAR MEMBERS AND BY CHANGING THE REQUIRED QUORUM. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve proposed Ordinance No. 2013-04 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

7.0 ROUTINE BUSINESS

7.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

Concerning Item # 9, Mayor Royal announced that he had voluntarily removed himself as a member of the new ad hoc committee on fire issues. Concerning Item #8, Mr. Templin reported that he had spoken to Waste Management about the feasibility of obtaining a rate reduction for citizens with Monday and Thursday pickup. However, Waste Management officials stated that the number of days missed due to holidays can occur on any day of the week and is too insignificant to offer reductions. It was agreed that Items 8 and 11 should be deleted.

Seabrook City Council Regular Meeting
Minutes of February 19, 2013
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Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the Action Items Checklist with the changes enumerated above.

MOTION CARRIED BY UNANIMOUS CONSENT.

7.2 Establish future meeting dates and agenda items. (Council)

The next regular meeting will be held on March 5.

8.0 EXECUTIVE SESSION

Section 551.072

8.1 Conduct a closed meeting, as provided by Section 551.072 Texas Government Code to deliberate the purchase of real property as deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. (Templin)

There was no executive session held on this item.

Upon motion, Mayor Royal adjourned the meeting at 9:56 p.m.

Approved on this 5th day of March 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, MARCH 5, 2013

Submitter/Requestor:

Date Submitted: 2/25/2013 10:22:44 AM

Presenter:

Description/Subject:

These changes were recommended by the Ethics Review Commission and approved by Council on 3/5/13. The City attorney has recommended changes to be considered for second reading.

Purpose/Need: NA

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Ord. 2013-04

Fiscal Impact:	Budgeted	Yes	Finance	Officer
	Budget Amendment Required	Yes	Review:	
	Future/Ongoing Impact	Yes		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Agenda Language:

Consider second and final reading of proposed Ordinance No. 2013-04, " Ethics Review Commission. Change in Membership and Quorum Requirements." (Ethics Review Commission)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION" BY CHANGING THE REQUIRED MEMBERSHIP FROM SEVEN TO FIVE REGULAR MEMBERS AND BY CHANGING THE REQUIRED QUORUM. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

ORDINANCE NO. 2013-04
ETHICS REVIEW COMMISSION
CHANGE IN MEMBERSHIP & QUORUM REQUIREMENTS

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION" BY CHANGING THE REQUIRED MEMBERSHIP FROM SEVEN TO FIVE REGULAR MEMBERS AND BY CHANGING THE REQUIRED QUORUM. THIS ORDINANCE ~~[PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;]~~ REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

WHEREAS, the Ethics Review Commission currently has a requirement of seven regular members and allows up to two alternate members; and

WHEREAS, it has been difficult to find citizen applicants who wish to fill the current vacancies on the Commission, thereby making it difficult for a quorum of commission members to meet; and

WHEREAS, the Ethics Review Commission recommended that Council reduce the number of regular members from seven to five, thus reducing the required quorum needed; and

WHEREAS, the Council has agreed with these recommendations; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, Chapter 2. "Administration", Article VI. "Code of Ethics", Division 2. "Ethics Review Commission", Sections 2-207, 2-208 and 2-209 are hereby amended as shown below.

Sec. 2-206. - Creation; duties and powers generally.

There shall be created an ethics review commission. It shall have the duty and power to make recommendations to the city council regarding the appropriate disposition of allegations of violations of this article by local public officials and appointees of the city.

(Code 1976, § 2-83; Code 1996, § 2-206; Ord. No. 2008-16, § 2, 8-5-2008)

Sec. 2-207. - Members; composition; terms; removal; vacancies.

(a) The ethics review commission shall consist of ~~[seven]~~ **five** regular members and up to two alternate members **who shall vote in the absence of regular members.**

(b) The mayor and ~~[each]~~ **members** of the city council shall nominate a member to the commission. The nominations shall be confirmed by a majority vote of the entire city council.

(c) Commission members shall be appointed to two-year staggered terms with the terms of ~~[three]~~ **two** members to expire October 31 ~~[, 1994,]~~ **of even numbered years** with successive two-year terms, and the terms of ~~[four]~~ **three** members to expire October 31 ~~[, 1995,]~~ **of odd numbered years** with successive two year terms. Alternate members shall also be appointed to two-year terms with the term of one alternate member expiring October 31 of even numbered years and the term of the other alternate member expiring October 31 of odd-numbered years.

(d) All members shall be residents of the city. No member shall hold any city elected or appointed office or be a candidate for any such office.

(e) Members of the commission may be removed by a majority of the city council for a violation of this article or as otherwise determined by city council. In considering a complaint filed with the city secretary against a member of the commission, the council may follow the procedures set forth in section 2-236 regarding the disposition of alleged violations of this article.

(f) All vacancies shall be filled for the unexpired terms. A member shall hold office until his or her successor has been appointed by the city council, and shall continue to hold office after his or her successor has been appointed by the city council for the limited purpose of the disposition of all complaints filed during that member's term, unless determined otherwise by city council. No member may participate in a decision regarding a complaint initiated prior to the expiration of the previous member's term, but new members shall assume the duties of office with respect to all complaints initiated after the previous member's term. A commission member shall recuse himself or herself from complaints involving the member of council who nominated him.

(Code 1976, § 2-83(1); Code 1996, § 2-207; Ord. No. 2008-16, § 2, 8-5-2008; Ord. No. 2012-11, § 1, 5-1-2012)

Sec. 2-208. - Chairperson; quorum.

The commission shall elect a chairperson and a vice-chairperson to one-year terms. The vice-chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position. ~~[Four]~~ **Three** members of the commission shall constitute a quorum for routine items.

[Five] **Four** or more members of the commission shall constitute a quorum for all ethics complaint hearings or related matters. No action of the commission concerning any ethics complaint shall be of any force or effect unless it is adopted by the favorable votes of [five] **four** or more of the members.

(Code 1976, § 2-83(2); Code 1996, § 2-208; Ord. No. 2008-16, § 2, 8-5-2008; Ord. No. 2012-11, § 2, 5-1-2012)

Sec. 2-209. - Meetings.

The Commission shall have regular quarterly meetings and such other meetings as may be necessary to fulfill its responsibilities. The chairperson or any [four] **three** members of the commission may call a meeting, in compliance with the Open Meetings Act, provided that reasonable notice is given to each member and to any person who requests notice of such meetings.

(Code 1976, § 2-83(3); Code 1996, § 2-209; Ord. No. 2008-16, § 2, 8-5-2008)

Secs. 2-210—2-230. - Reserved.

~~[SECTION 2. INCORPORATION INTO THE CODE; PENALTY CLAUSE.~~

~~—————This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this ordinance is subject to the penalty section of said Code and Ordinance, Section 11.06, “Criminal Enforcement” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.]~~

SECTION [3] 2. REPEAL OF CONFLICTING ORDINANCES.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Ordinance No. 2013-04
Page 4

[SECTION 4. NOTICE

~~———— The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.]~~

PASSED AND APPROVED on first reading this 19th day of February, 2013.

PASSED, APPROVED, AND ADOPTED on second and final reading this 5th day of March, 2013.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary



TMRS-Buyback

**CITY OF SEABROOK
TEXAS MUNICIPAL RETIREMENT SYSTEM
BUYBACK ORDINANCE**

AN ORDINANCE ALLOWING CERTAIN EMPLOYEES OF THE CITY OF SEABROOK, TEXAS WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM, TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THIS CITY.

WHEREAS, the actuary of the Texas Municipal Retirement System has determined that all obligations charged against the City's account in the benefit accumulation fund, including the obligations arising as a result of this ordinance, can be funded by the City within its maximum contribution rate and within its amortization period; and

WHEREAS, the City Council has determined that adoption of this ordinance is in the best interests of the City, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

Section 1: Pursuant to Section 853.003 of Subtitle G of Title 8, V.T.C.A., Government Code, as amended, the City of Seabrook hereby elects to allow any member of the Texas Municipal Retirement System who is an employee of this City on the **5th day of March, 2013***, who has terminated a previous membership in said System by withdrawal of deposits while absent from service, but who has at least 24 months of credited service as an employee of this City since resuming membership to deposit with the System in a lump sum the amount withdrawn, plus a withdrawal charge of five percent (5%) of such amount for each year from date of such withdrawal to date of redeposit, and thereupon such member shall be allowed credit for all service to which the member had been entitled at date of termination of earlier membership, with like effect as if all such service had been rendered as an employee of this City, whether so rendered or not. The City agrees to underwrite and hereby assumes the obligations arising out of the granting of all such credits, and agrees that all such obligations and reserves required to provide such credits shall be charged to this City's account in the benefit accumulation fund. The five percent (5%) per annum withdrawal charge paid by the member shall be deposited to the credit of the City's account in said benefit accumulation fund; and the deposits of the amount previously withdrawn by the member shall be credited to his or her individual account in the benefit accumulation fund of the System.

Section 2: This ordinance shall become effective on the **5th day of March 2013***, which is a date on or after the date set forth in Section 1, above.

Passed and approved on first reading this the 19th day of February 2013.

Passed, approved and adopted on second and final reading this the 5th day of March 2013.

APPROVED:

Glen R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

Approved as to form:

Steven L. Weathered, City Attorney

***THIS DATE MUST BE THE ACTUAL DATE OF THE ORDINANCE'S FINAL ADOPTION.**



*CITY
OF
SEABROOK*

Date of Meeting: March 5, 2013

Submitter/Requestor: Chief Nona Holomon

Date Submitted: Feb. 19, 2013

Presenter: Chief Nona Holomon

Description/Subject: Seabrook Police Departments Racial Profiling Report

Purpose/Need: Policy Issue ☐ Administrative Issue: The Seabrook Police Department is mandated by the State of Texas to present to the Govern body a report of Racial Profiling.

Background/Issue (What prompted this need?): In compliance with Senate Bill 1074 "The Texas Racial Profiling Law" a report is due March 1 of each year.

Impacted Parties (Expected/Notified): Council, staff & citizens

Attachments: Copy of report

Fiscal Impact: Budgeted ☐ Yes ☒ No

Finance Officer Review:

Budget Amendment required ☐ Yes ☐ No

Future/Ongoing Impact ☐ Yes ☐ No

Budget Dept/Line Item Number

Funding Comments: n/a

Where on the agenda should this item be placed? Consent agenda

Suggested Motion: Make a motion to accept report.

Sent to City Attorney for review

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant

Returned by the City Secretary/Assistant (If incomplete)

Racial Profile Tier 1 HB3389

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCLEOSE website. Please contact TCLEOSE for instructions on how to resolve these issues for 2012. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest and field interviews that resulted in an arrest.

Number of Motor Vehicle Stops		
1531	Citations only	
3	Arrest only	
330	Citations and Arrests	
4.	1864	Total
Race or Ethnicity		
144	African	
24	Asian	
1432	Caucasian	
259	Hispanic	
0	Middle Eastern	
5	Native American	
0	Other	
0	Unknown	
11.	1864	Total
Race or Ethnicity known prior to stop?		
172	Yes	
1692	No	
14.	1864	Total
Search conducted?		
197	Yes	
1667	No	
17.	1864	Total
Was search consented?		
15	Yes	
182	No	
20.	197	Total



CITY OF SEABROOK

Date of Meeting: March 5, 2013

Submitter/Requestor: Chief Nona Holomon

Date Submitted: Feb. 25, 2013

Presenter: Chief Nona Holomon

Description/Subject: Property list for auction.

Purpose/Need: Policy Issue ☐ Administrative Issue: The Police Department has items that are no longer in use or useable. Our storage space is limited and we would like to clear out items that are taking up space. All seized items have been processed through the court and signed off by the judge in that court.

Background/Issue: the items on this attached list are seized and city purchase. Money from all seized items will go into the seizure fund and money from city purchases will go into general fund. The vehicle, boat, motor and trailer will be picked up by Worstell Auction Company on March 9th, 2013 and the other items will be picked up by Property room. Com on March 11, 2013 for auction.

Impacted Parties (Expected/Notified): City of Seabrook, Police Department

Attachments: Copy Auction list

Fiscal Impact: Budgeted ☐ Yes ☒ No

Finance Officer Review:

Budget Amendment required ☐ Yes ☐ No

Future/Ongoing Impact ☐ Yes ☐ No

Budget Dept/Line Item Number

Funding Comments: n/a

Where on the agenda should this item be placed? Consent agenda

Suggested Motion: Approve list for auction.

Sent to City Attorney for review

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant

Returned by the City Secretary/Assistant (If incomplete)

February 26, 2013

Auction List for Worstell Auction Company

Seized Items:

VEHICLE

2001 Chevy 2500HD (White) PU

VIN. 1GTHK23U01F152236

TX Plates AF02301

Mileage: 115956

BOAT, MOTOR AND TRAILER

1983 Falcon fiberglass boat (20')

Hull # FCS6397AM83H

Motor: 200 HP Evinrude E-tech

Mod#E200D7LSUF

Serial # 05150539

Boat trailer: aluminum tandem axle

TX Plate 95Y-ZKK

VIN. 4LYBA22277H001624

Nona Holomon

From: Ken Mayes
Sent: Thursday, February 21, 2013 11:05 AM
To: Nona Holomon; Sean Wright
Cc: Ken Mayes
Subject: FW:

From: Ken Mayes
Sent: Wednesday, February 13, 2013 11:47
To: Sean Wright
Subject:

Property Room .Com Items 2013

To Be picked up March 11, 2013

- 26 Bicycles
- 1 Razor Scooter
- 15 Boxes of misc. tools
- 1 Box of construction hats
- 1 Box of gas masks
- 1 Portable file box.
- 1 Paper shredder
- 2 Fishing poles
- 1 Welding leads
- 1 Air hose
- 1 Air Compressor
- 7 Speakers
- 1 Portable air compressor
- 4 Cordless drills
- 1 Pool Cue
- 1 Copy machines parts
- 2 Box of assorted electronics parts
- 1 Laptop computer
- 1 Extension cord
- 1 Set of portable lights
- 1 Dremel tool
- 1 Pressure washer
- * 10 Police computers PD
- 2 Boxes of Assorted electronics
- 1 Electric Guitar and amp
- 1 Power saw
- 1 Manuel typewriter
- 1 CD case
- * 8 Motorola radios PD
- * 11 Lite bars PD
- 1 New truck exhaust system
- * 1 Box of electronics brackets PD

* With PD @ the End are
Items purchased with
City funds and Money
goes back to general fund. *

Items in Coastal Storage to be destroyed

- * Assorted Patrol car consoles PD
- * Assorted Patrol Car cage dividers PD
- * Misc. Dare Program supplies PD
- * Misc. Great Program supplies PD
- * Assorted Patrol car computers and mounts PD
- * Misc. metal chairs PD
- * Table PD
- * Misc vehicles seats. PD



March 5, 2013

The Honorable Dan Patrick, Chairman
Senate Committee on Education
440 Sam Houston Building
P.O. Box 12068
Austin, Texas 78711

Dear Chairman Patrick:

On behalf of the Seabrook City Council, I am writing in support of Senate Bill 3, relating to public high school graduation, including curriculum requirements for graduation and funding in support of certain curriculum authorized for graduation. We believe that this bill addresses the skilled workforce shortage that we are facing in local industry including the petrochemical/manufacturing, space and maritime industries that employ many of Seabrook's citizens.

The City Council encourages business development in our area. In addition, Seabrook is a member of the Economic Alliance Houston Port Region which facilitated business activities to create **nearly 1,500 new jobs** and **over \$1.5 billion** of capital investment to the Houston Port Region in 2012.

We applaud you and Senators Taylor, Lucio and Campbell, for your support of meaningful education reforms that will provide more flexibility for students to pursue diverse career curriculums that meet their individual interests and the needs of Texas employers.

Please contact me if you have any questions or if you need any further assistance.

Sincerely,

Glenn R. Royal, Mayor
City of Seabrook
mayor@seabrooktx.gov

xc: Senator Larry Taylor
Senator Eddie Lucio
Senator Donna Campbell

83R7037 CAS-D

By: Patrick, et al.

S.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to public high school graduation, including curriculum requirements for graduation and funding in support of certain curriculum authorized for graduation.

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

SECTION 1. Section 7.062(e), Education Code, is amended to read as follows:

(e) The rules must:

(1) limit the amount of assistance provided through a grant to not more than:

(A) for a construction project, \$200 per square foot of the science laboratory to be constructed; or

(B) for a renovation project, \$100 per square foot of the science laboratory to be renovated;

(2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Section 28.025 ~~[28.025(b-1)(1)]~~; and

(3) provide for ranking school districts that apply for

grants on the basis of wealth per student and giving priority in the award of grants to districts with low wealth per student.

SECTION 2. Section 28.014(b), Education Code, is amended to read as follows:

(b) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the foundation [~~recommended or advanced~~] high school program under Section 28.025.

SECTION 3. Sections 28.0212(a), (b), (c), and (e), Education Code, are amended to read as follows:

(a) A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior high, middle, or high school [~~who:~~

~~[(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or~~

~~[(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district].~~

(b) Notwithstanding any other provision of this section, a [A] personal graduation plan for a student enrolled in a junior high, middle, or high school who does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39, or who is not likely to receive a high school diploma before

the fifth school year following the student's enrollment in grade level nine, as determined by the school district, must at a minimum:

- (1) identify educational goals for the student;
- (2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- (3) include an intensive instruction program described by Section 28.0213;
- (4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
- (5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

(c) Notwithstanding any other provision of this section [~~Subsection (b)~~], a student's individualized education program developed under Section 29.005 may be used as the student's personal graduation plan under this section.

(e) A personal graduation plan [~~Each school district is encouraged to establish~~] for each student entering grade nine must identify [~~a personal graduation plan that identifies~~] a course of study that:

- (1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

SECTION 4. Section 28.025, Education Code, is amended by amending Subsections (a), (b), (b-1), (b-4), (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections (c-1), (c-2), (c-3), (h), and (h-1) to read as follows:

(a) The State Board of Education by rule shall determine curriculum requirements for the foundation [~~minimum, recommended, and advanced~~] high school program [~~programs~~] that are consistent with the required curriculum under Section 28.002. The [~~Subject to Subsection (b-1), the~~] State Board of Education shall designate the specific courses in the foundation curriculum under Section 28.002(a)(1) required under [~~for a student participating in~~] the foundation [~~minimum, recommended, or advanced~~] high school program.

Except as otherwise provided by this section [~~Subsection (b-1)~~], the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the foundation high school [~~recommended~~] program.

(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the foundation [~~recommended or advanced~~] high school program [~~unless the student, the student's parent or other person standing~~]

~~in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student:~~

~~[(1) is at least 16 years of age;~~

~~[(2) has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or~~

~~[(3) has failed to be promoted to the tenth grade one or more times as determined by the school district].~~

(b-1) The State Board of Education by rule shall require that

[÷

~~[(1) except as provided by Subsection (b-2),]~~ the curriculum requirements for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Subsection (a) include a requirement that students successfully complete:

(1) ~~[(A)]~~ four credits in English language arts ~~[each subject of the foundation curriculum]~~ under Section 28.002(a)(1)(A);

(2) three credits in mathematics under Section 28.002(a)(1)(B);

(3) two credits in science under Section 28.002(a)(1)(C);

(4) three credits in social studies under Section 28.002(a)(1)(D) ~~[28.002(a)(1), including at least one-half credit~~

~~in government and at least one-half credit in economics to meet the social studies requirement];~~

~~(5) 11-1/2 [(B) for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); and~~

~~[(C) for the recommended high school program, six] elective credits [and, for the advanced high school program, five elective credits];~~

~~(6) one-half credit in speech;~~

~~(7) [(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and~~

~~[(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:~~

~~[(A)] one credit in fine arts under Section 28.002(a)(2)(D) or, at the option of the student, one credit in career and technology education under Section 28.002(a)(2)(E); and~~

~~(8) [(B)] except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).~~

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) ~~[Subsection (b-1)(1)(A)]~~ in an applied manner. Courses delivered in an applied manner must cover

the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.

(b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics ~~[to comply with the recommended program requirements in Subsection (b-1)(1)(A)]~~. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.

(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation ~~[minimum, recommended, or advanced]~~ high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English to earn an endorsement under Subsection (c-1)(2)(D), (c-1)(3)(D), or (c-1)(4)(B)(iv) ~~[under Section 28.002(a)(2)(A)]~~ by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822.

(b-9) The agency shall establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality to satisfy the fine arts credit

[~~required~~] under Subsection (b-1)(7) [~~(b-1)(3)(A)~~] by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and outside the regular school day. [~~Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.~~]

(b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) [~~(b-1)(3)(B)~~] by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the physical education credit required under Subsection (b-1)(8) [~~(b-1)(3)(B)~~]. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee;

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or

(3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.

(c-1) A student who successfully completes the curriculum requirements for the foundation high school program under this section may earn any of the following endorsements on the student's diploma and transcript as follows:

(1) a business and industry endorsement by earning one additional credit in science;

(2) an academic achievement in arts and humanities endorsement by earning:

(A) one additional credit in science;

(B) one additional credit in social studies;

(C) one additional credit in either fine arts or career and technology education, regardless of whether the student's credit for the foundation high school program is in fine arts or career and technology education; and

(D) two credits in the same language other than

English;

(3) an academic achievement in science, technology, engineering, and mathematics (STEM) endorsement by earning:

(A) one additional credit in mathematics;

(B) two additional credits in science;

(C) one additional credit in either fine arts or career and technology education, regardless of whether the student's credit for the foundation high school program is in fine arts or career and technology education; and

(D) two credits in the same language other than English; and

(4) a distinguished achievement endorsement by:

(A) successfully completing English III and Algebra II courses and performing at the distinguished level standard of performance as determined by the commissioner under Section 39.0241(a-3) on the end-of-course assessment instruments under Section 39.023(c) for each of those courses; and

(B) earning:

(i) one additional credit in mathematics;

(ii) two additional credits in science;

(iii) one additional credit in social studies;

and

(iv) three credits in the same language other than English.

(c-2) The State Board of Education shall designate the specific courses required for an endorsement under Subsection (c-1) for courses included in the foundation curriculum under Section 28.002(a)(1).

(c-3) A student's diploma must clearly indicate any endorsement under Subsection (c-1) that a student has earned.

(e) Each school district shall report the academic achievement record of students who have completed the foundation [a ~~minimum, recommended, or advanced~~] high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly [differentiate between each of the high school programs and] identify whether a student received a diploma or a certificate of coursework completion and to clearly indicate an endorsement under Subsection (c-1) that a student has earned.

(h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by __.B. No. __, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2013-2014 school year. Under the transition plan, a student who entered the ninth grade before the 2013-2014 school year must be permitted to complete the curriculum requirements required for high school graduation under:

(1) the foundation high school program, if the student makes the choice during the 2013-2014 school year to take courses

under that program;

(2) the minimum high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year;

(3) the recommended high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year; or

(4) the advanced high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year.

(h-1) This subsection and Subsection (h) expire September 1, 2017.

SECTION 5. Section 28.0253(e), Education Code, is amended to read as follows:

(e) A student who receives a high school diploma through the pilot program is considered to have completed the foundation ~~[recommended]~~ high school program adopted under Section 28.025 ~~[28.025(a)]~~. The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program.

SECTION 6. Section 28.027(b), Education Code, is amended to

read as follows:

(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the foundation ~~[recommended]~~ high school program ~~[imposed]~~ under Section 28.025 ~~[28.025(b-1)(1)(A)]~~ through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the foundation ~~[recommended]~~ high school program ~~[and completed during the student's fourth year of mathematics or science course work]~~. ~~[The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II.]~~ The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology ~~[and chemistry and after successful completion of or concurrently with physics]~~.

SECTION 7. Section 29.096(e), Education Code, is amended to read as follows:

(e) The commissioner shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

(1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;

(2) have as a primary goal graduation from high school ~~[under at least the recommended high school program];~~

(3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;

(4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;

(5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);

(6) allocate not more than 15 percent of grant funds and matching funds, as determined by the commissioner, to administrative expenses;

(7) include matching funds from any of the participating entities; and

(8) include any other requirements as determined by the council.

SECTION 8. Section 29.402(b), Education Code, is amended to read as follows:

(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the

person:

(1) must complete not more than three course credits to complete the curriculum requirements for the foundation [~~minimum, recommended, or advanced~~] high school program[, ~~as appropriate,~~] for high school graduation; or

(2) has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 9. Section 29.904(d), Education Code, is amended to read as follows:

(d) A plan developed under this section:

(1) must establish clear, achievable goals for increasing the percentage of the school district's graduating seniors, particularly the graduating seniors attending a high school described by Subsection (a), who enroll in an institution of higher education for the academic year following graduation;

(2) must establish an accurate method of measuring progress toward the goals established under Subdivision (1) that may include the percentage of district high school students and the percentage of students attending a district high school described by Subsection (a) who:

(A) are enrolled in a course for which a student may earn college credit, such as an advanced placement or

international baccalaureate course or a course offered through concurrent enrollment in high school and at an institution of higher education;

(B) are enrolled in courses that meet the curriculum requirements for the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025;

(C) have submitted a free application for federal student aid (FAFSA);

(D) are exempt under Section 51.3062(p) or (q) from administration of an assessment instrument under Section 51.3062 or have performed successfully on an assessment instrument under Section 51.3062;

(E) graduate from high school;

(F) graduate from an institution of higher education; and

(G) have taken college entrance examinations and the average score of those students on the examinations;

(3) must cover a period of at least five years; and

(4) may be directed at district students at any level of primary or secondary education.

SECTION 10. Section 33.007(b), Education Code, is amended to read as follows:

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a

counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

- (1) the importance of higher education;
- (2) ~~[the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);~~
- ~~[(3)]~~ the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (3) ~~[(4)]~~ financial aid eligibility;
- (4) ~~[(5)]~~ instruction on how to apply for federal financial aid;
- (5) ~~[(6)]~~ the center for financial aid information established under Section 61.0776;
- (6) ~~[(7)]~~ the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;
- (7) ~~[(8)]~~ the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56; and
- (8) ~~[(9)]~~ the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

SECTION 11. Section 39.0241, Education Code, is amended by

amending Subsection (a-2) and adding Subsection (a-3) to read as follows:

(a-2) For the purpose of establishing performance across grade levels, the commissioner shall establish:

(1) the performance standards for the Algebra II and English III end-of-course assessment instruments, as provided under Section 39.024(b) and under Subsections [~~Subsection~~] (a) and (a-3);

(2) the performance standards for the Algebra I and English II end-of-course assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the Algebra I and English II end-of-course assessment instruments with student performance on the Algebra II and English III assessment instruments;

(3) the performance standards for the English I end-of-course assessment instrument, as determined based on studies under Section 39.0242 that correlate student performance on the English I end-of-course assessment instrument with student performance on the English II assessment instrument;

(4) the performance standards for the grade eight assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the grade eight assessment instruments with student performance on the Algebra I and English I end-of-course assessment instruments in the same content area; and

(5) the performance standards on the assessment

instruments in each of grades three through seven, as determined based on studies under Section 39.0242 that correlate student performance in the same content area on the assessment instrument for each grade with student performance on the assessment instrument in the succeeding grade.

(a-3) The commissioner shall determine the level of performance considered to be distinguished performance on the assessment instruments. The distinguished level of performance must be a level of performance that is higher than satisfactory performance as determined under Subsection (a).

SECTION 12. Section 39.0242(e), Education Code, is amended to read as follows:

(e) Based on the data collected and studies performed periodically under Subsection (d), the commissioner shall increase the rigor of the performance standard established under Section 39.0241(a) or (a-3) as the commissioner determines necessary.

SECTION 13. Section 39.025(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules requiring a student ~~[participating]~~ in the foundation ~~[recommended or advanced]~~ high school program under Section 28.025 to be administered ~~[each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered]~~ an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student

is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

SECTION 14. Sections 39.053(c), (f), and (i), Education Code, are amended to read as follows:

(c) Indicators of student achievement adopted under this section must include:

(1) the results of assessment instruments required under Sections 39.023(a), (c), and (l), including the results of

assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(A) for the performance standard determined by the commissioner under Section 39.0241(a):

(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; ~~and~~

(B) for the college readiness performance standard as determined under Section 39.0241:

(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; and

(C) for the performance standard determined by the commissioner under Section 39.0241(a-3):

(i) the percentage of students who performed

satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area;

(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education; and

(3) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

(f) Annually, the commissioner shall define the state standard for the current school year for each student achievement indicator described by Subsection (c) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:

(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in

the top 10 states in terms of college readiness; and

(2) student performance~~[, including the percentage of students graduating under the recommended or advanced high school program,~~] with no significant achievement gaps by race, ethnicity, and socioeconomic status.

(i) The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under any performance standard under Section 39.0241 ~~[39.0241(a) or under the college readiness standard as determined under Section 39.0241]~~ in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).

SECTION 15. Section 39.057(a), Education Code, is amended to read as follows:

(a) The commissioner shall authorize special accreditation investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the

district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) ~~[when excessive numbers of students graduate under the minimum high school program;~~

~~[(11)]~~ when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner ~~[as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program];~~

(11) ~~[(12)]~~ when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation; or

(12) ~~[(13)]~~ as the commissioner otherwise determines necessary.

SECTION 16. Section 39.301(c), Education Code, is amended to read as follows:

(c) Indicators for reporting purposes must include:

(1) the percentage of graduating students who meet the course requirements established under Section 28.025(c-1) for endorsements under that section ~~[by State Board of Education rule for the minimum high school program, the recommended high school program, and the advanced high school program];~~

(2) the results of the SAT, ACT, articulated postsecondary degree programs described by Section 61.852, and certified workforce training programs described by Chapter 311, Labor Code;

(3) for students who have failed to perform

satisfactorily, under each performance standard under Section 39.0241, on an assessment instrument required under Section 39.023(a) or (c), the performance of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(4) for each campus, the number of students, disaggregated by major student subpopulations, that [~~agree under Section 28.025(b) to~~] take courses under the foundation [minimum] high school program and take additional courses to earn an endorsement under Section 28.025(c-1), disaggregated by type of endorsement;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(6) the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(1) and (2);

(7) the percentage of students in a special education

program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) the percentage of students who satisfy the college readiness measure;

(9) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052;

(10) the percentage of students who are not educationally disadvantaged;

(11) the percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

(12) the percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

SECTION 17. Section 39.303(b), Education Code, is amended to read as follows:

(b) For a student who failed to perform satisfactorily as determined under any ~~[either]~~ performance standard under Section 39.0241 on an assessment instrument administered under Section 39.023(a), (c), or (l), the school district shall include in the notice specific information relating to access to educational resources at the appropriate assessment instrument content level, including assessment instrument questions and answers released under Section 39.023(e).

SECTION 18. Section 42.154(a), Education Code, is amended to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades eight [~~nine~~] through 12 or in career and technology education programs for students with disabilities in grades seven through 12, a district is entitled to:

(1) an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and

(2) \$50, if the student is in grades nine through 12 and enrolled in:

(A) two or more advanced career and technology education classes for a total of three or more credits; or

(B) an advanced course as part of a tech-prep program under Subchapter T, Chapter 61.

SECTION 19. Section 51.3062(q-1), Education Code, is amended to read as follows:

(q-1) A student who has completed the foundation [~~a recommended or advanced~~] high school program as determined under Section 28.025 and demonstrated the performance standard for college readiness as provided by Section 39.024 on the Algebra II and English III end-of-course assessment instruments is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection

is valid.

SECTION 20. Sections 51.803(a) and (d), Education Code, are amended to read as follows:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation [~~recommended or advanced~~] high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation [~~recommended or advanced~~] high school program; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT

assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) [~~54.058(d)~~] for the term or semester to which admitted.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate[÷

[~~(1)~~] whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or (ii), as applicable[; or

[~~(2)~~ if Subsection (b) applies to the student, whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student].

SECTION 21. Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be

admitted to the institution if the applicant:

(1) graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class; and

(2) satisfies the requirements of:

(A) Section 51.803(a)(2)(A) or (B) [~~51.803(b)~~], as applicable to the student, or Section 51.803(a)(2)(B)]; and

(B) Sections 51.803(c)(2) and 51.803(d).

SECTION 22. Section 51.805(a), Education Code, is amended to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student satisfies the requirements of:

(1) Section 51.803(a)(2)(A) or (B) [~~51.803(b)~~], as applicable to the student, or Section 51.803(a)(2)(B)]; and

(2) Sections 51.803(c)(2) and 51.803(d).

SECTION 23. Section 51.807(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, by rule shall establish standards for determining for purposes of this subchapter:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

(2) whether a person completed a high school curriculum

that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation ~~[recommended or advanced]~~ high school program.

SECTION 24. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.009 to read as follows:

Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. To the extent that a person's eligibility to participate in any program under this chapter, including Subchapters K, M, Q, and R, is contingent on the person graduating under the recommended or advanced high school program, as those programs existed before the adoption of __.B. No. ____, 83rd Legislature, Regular Session, 2013, the Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to modify, clarify, or otherwise establish for affected programs appropriate eligibility requirements regarding high school curriculum completion.

SECTION 25. Section 56.3041, Education Code, is amended to read as follows:

Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION. Notwithstanding Section 56.304(a), to be eligible initially for a TEXAS grant, a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution must:

(1) be a resident of this state as determined by

coordinating board rules;

(2) meet the academic requirements prescribed by Paragraph (A), (B), or (C) as follows:

(A) be a graduate of a public or accredited private high school in this state who completed the foundation ~~[recommended]~~ high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:

(i) ~~[graduation under the advanced high school program established under Section 28.025 or its equivalent,]~~ successful completion of the course requirements of the international baccalaureate diploma program~~[,]~~ or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1), (2), and (3);

(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the coordinating board under Section 51.3062(f) on any assessment instrument designated by the coordinating board under Section 51.3062(c) ~~[or (e)]~~ or qualification for an exemption as described by Section 51.3062(p), (q), or (q-1);

(iii) graduation in the top one-third of the person's high school graduating class or graduation from high school with a grade point average of at least 3.0 on a four-point scale or the equivalent; or

(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course, as designated by the coordinating board by rule in consultation with the State Board of Education, [~~permitted by Section 28.025(b-3),~~] or at least one advanced career and technical course, as designated by the coordinating board by rule in consultation with the State Board of Education [~~permitted by Section 28.025(b-2)~~];

(B) have received an associate degree from a public or private institution of higher education; or

(C) if sufficient money is available, meet the eligibility criteria described by Section 56.304(a)(2)(A);

(3) meet financial need requirements established by the coordinating board;

(4) be enrolled in an undergraduate degree or certificate program at the general academic teaching institution;

(5) except as provided under rules adopted under Section 56.304(h), be enrolled as:

(A) an entering undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 16th month after the calendar month in which the person graduated from high school;

(B) an entering undergraduate student who entered military service not later than the first anniversary of the date the person graduated from high school and who enrolled for at least

three-fourths of a full course load, as determined by the coordinating board, at the general academic teaching institution not later than 12 months after being honorably discharged from military service; or

(C) a continuing undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 12th month after the calendar month in which the person received an associate degree from a public or private institution of higher education;

(6) have applied for any available financial aid or assistance; and

(7) comply with any additional nonacademic requirements adopted by the coordinating board under this subchapter.

SECTION 26. Section 61.0517(a), Education Code, is amended to read as follows:

(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education curriculum and approved, as provided by Section 28.027, by the State Board of Education for purposes of satisfying the mathematics and science curriculum requirements for the foundation ~~[recommended]~~ high school program ~~[imposed]~~ under Section 28.025 ~~[28.025(b-1)(1)(A)]~~.

SECTION 27. Section 61.792(b), Education Code, is amended to read as follows:

(b) To qualify for a scholarship under this section, a student must:

(1) have graduated with a grade point average in the top 20 percent of the student's high school graduating class;

(2) have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the foundation ~~[recommended or advanced]~~ high school program under Section 28.025 ~~[28.025(a)]~~; and

(3) maintain an overall grade point average of at least 3.0 on a four-point scale at the general academic teaching institution or the private or independent institution of higher education in which the student is enrolled.

SECTION 28. Section 61.852(a), Education Code, is amended to read as follows:

(a) A tech-prep program is a program of study that:

(1) combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the foundation ~~[recommended]~~ high school program adopted by the State Board of Education under Section 28.025 ~~[28.025(a)]~~;

(2) integrates academic instruction and vocational and technical instruction;

(3) uses work-based and worksite learning where available and appropriate;

(4) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

(5) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics and integrated instruction in a coherent sequence of courses;

(6) leads to an associate degree, two-year postsecondary certificate, or postsecondary two-year apprenticeship with provisions, to the extent applicable, for students to continue toward completion of a baccalaureate degree; and

(7) leads to placement in appropriate employment or to further education.

SECTION 29. Section 61.855(d), Education Code, is amended to read as follows:

(d) A tech-prep program must:

(1) be implemented under an articulation agreement between the participants in the consortium;

(2) consist of two to four years of secondary school preceding graduation and:

(A) two or more years of higher education; or

(B) two or more years of apprenticeship following secondary instruction;

(3) have a common core of required proficiency based on

the foundation [~~recommended~~] high school program adopted by the State Board of Education under Section 28.025 [~~28.025(a)~~], with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field;

(4) include the development of tech-prep program curricula for both secondary and postsecondary participants in the consortium that:

(A) meets academic standards developed by the state;

(B) links secondary schools and two-year postsecondary institutions, and, if practicable, four-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep students to enroll concurrently in secondary and postsecondary course work;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve each consortium participant more fully in the development and operation of programs;

(5) include in-service training for teachers that:

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(6) include training programs for counselors designed to enable counselors to more effectively:

(A) provide information to students regarding tech-prep programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that tech-prep students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(7) provide equal access to the full range of tech-prep programs for individuals who are members of special populations, including by the development of tech-prep program services

appropriate to the needs of special populations; and

(8) provide for preparatory services that assist participants in tech-prep programs.

SECTION 30. Section 61.861(c), Education Code, is amended to read as follows:

(c) A course developed for purposes of this section must:

(1) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;

(2) incorporate college and career readiness skills as part of the curriculum;

(3) be offered for dual credit; and

(4) satisfy a mathematics or science requirement under the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025.

SECTION 31. Section 61.864, Education Code, is amended to read as follows:

Sec. 61.864. REVIEW OF COURSES. Courses for which a grant is awarded under this subchapter shall be reviewed by the commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, once every four years to determine whether the course:

(1) is being used by public educational institutions in this state;

(2) prepares high school students with the skills

necessary for employment in the high-demand occupation and further postsecondary study; and

(3) satisfies a mathematics or science requirement for the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025.

SECTION 32. Section 78.10(b), Education Code, is amended to read as follows:

(b) The Texas Academy of Mathematics and Science is a division of The University of Texas at Brownsville and is under the management and control of the board. The academy serves the following purposes:

(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:

(A) allows students to complete high school graduation requirements[~~, including requirements adopted~~] under Section 28.025 for the foundation [~~advanced~~] high school program, while attending for academic credit a public institution of higher education;

(B) fosters students' knowledge of real-world mathematics and science issues and applications and teaches students to apply critical thinking and problem-solving skills to those issues and problems;

(C) includes the study of English, foreign languages, social studies, mathematics, science, and technology;

and

(D) offers students learning opportunities related to mathematics and science through in-depth research and field-based studies;

(2) to provide students with an awareness of mathematics and science careers and professional development opportunities through seminars, workshops, collaboration with postsecondary and university students including opportunities for summer studies, internships in foreign countries, and similar methods; and

(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities.

SECTION 33. Section 87.505(b), Education Code, is amended to read as follows:

(b) The Texas Academy of International Studies is a division of Texas A&M International University and is under the management and control of the board. The academy serves the following purposes:

(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:

(A) allows students to complete high school graduation requirements[, ~~including requirements adopted~~] under

Section 28.025 for the foundation [~~advanced~~] high school program, while attending for academic credit a public institution of higher education;

(B) fosters students' knowledge of real-world international issues and problems and teaches students to apply critical thinking and problem-solving skills to those issues and problems;

(C) includes the study of English, foreign languages, social studies, anthropology, and sociology;

(D) is presented through an interdisciplinary approach that introduces and develops issues, especially issues related to international concerns, throughout the curriculum; and

(E) offers students learning opportunities related to international issues through in-depth research and field-based studies;

(2) to provide students with an awareness of international career and professional development opportunities through seminars, workshops, collaboration with postsecondary students from other countries, summer academic international studies internships in foreign countries, and similar methods; and

(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities generally offered by public high schools.

SECTION 34. The following provisions of the Education Code are repealed:

- (1) Section 28.002(q);
- (2) Section 28.0212(g);
- (3) Sections 28.025(b-2), (b-3), (b-6), (b-8), and (g);
- (4) Sections 39.025(a-2) and (a-3); and
- (5) Section 51.803(b).

SECTION 35. Section 39.025, Education Code, as amended by this Act, applies only to students who have entered or will enter the ninth grade during the 2011-2012 school year or a later school year.

SECTION 36. The Texas Higher Education Coordinating Board shall adopt rules in accordance with Section 56.3041(2)(A)(iv), Education Code, as amended by this Act, as soon as practicable after the date this Act takes effect. For that purpose, the board may adopt the initial rules in the manner provided by law for adoption of emergency rules.

SECTION 37. This Act applies beginning with the 2013-2014 school year.

SECTION 38. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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Current law provides for three public high school graduation plans: minimum, recommended, and distinguished. All students are required to satisfy four credits each in English language arts, mathematics, science, and social studies. To opt out of this default program, students and their parents must sign a permission form. As a result, most students have very limited options to pursue other rigorous applied programs in career and technology courses.

S.B. 3 transforms the current structure by creating a single diploma, the foundation program, with endorsements in business and industry, academic achievement in arts and humanities or STEM, and distinguished. Each endorsement enables students to focus on their own academic goals and prepares them for higher education and the workforce.

S.B. 3 also provides for weighted career and technology education funding in the eighth grade, in order to provide students with a course in career explorations. This one-semester course will provide students with an overview of the different endorsement options and the possible career paths available to them. All students will begin an individual graduation plan to help prepare them and their parents for high school.

As proposed, S.B. 3 amends current law relating to public high school graduation, including curriculum requirements for graduation and funding in support of certain curriculum authorized for graduation.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 1 (Section 7.062, Education Code), SECTION 13 (Section 39.025, Education Code), SECTION 14 (Section 39.053, Education Code), and SECTION 19 (Section 51.3062, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education (SBOE) is modified in SECTION 4 (Section 28.025, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board (THECB) is modified in SECTION 23 (Section 51.807, Education Code) of this bill.

Rulemaking authority is expressly granted jointly to THECB and the commissioner in SECTION 24 (Section 56.009, Education Code) of this bill.

Rulemaking authority is expressly granted to THECB in SECTION 25 (Section 56.3041, Education Code) and SECTION 36 of this bill.

Rulemaking authority previously granted to SBOE is rescinded in SECTION 34 (Section 28.025, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.062(e), Education Code, to require the rules required to be adopted by the commissioner of education (commissioner) to implement the Science Laboratory

to comply with the curriculum requirements imposed for the foundation high school program under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record), rather than the recommended and advanced high school programs under Section 28.025(b-1)(1) (relating to rulemaking requirements of the State Board of Education regarding certain curricular requirements of the minimum, recommended, and advanced high school programs).

SECTION 2. Amends Section 28.014(b), Education Code, to authorize a student who successfully completes a course developed under Section 28.014 (College Preparatory Courses) to use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the foundation, rather than the recommended or advanced high school program under Section 28.025.

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SECTION 3. Amends Sections 28.0212(a), (b), (c), and (e), Education Code, as follows:

(a) Deletes existing text providing that the requirements of this subsection relating to the development and administration of a personal graduation plan for each student enrolled in a junior high, middle, or high school who does not perform satisfactorily on an assessment instrument administered under Subchapter B (Assessment of Academic Skills), Chapter 39 (Public School System Accountability), or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) Requires that a personal graduation plan for a student enrolled in a junior high, middle, or high school who does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39, or who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the school district, include, at a minimum, certain content, notwithstanding any other provision of this section.

(c) Authorizes a student's individualized education program developed under Section 29.005 (Individualized Education Program) to be used as the student's personal graduation plan under this section, notwithstanding any other provision of this section, rather than notwithstanding Subsection (b).

(e) Requires that a personal graduation plan for each student entering grade nine identify a course of study that meets certain requirements, rather than encouraging each school district to establish for each student entering grade nine a personal graduation plan that identifies a course of study that meets certain requirements.

SECTION 4. Amends Section 28.025, Education Code, by amending Subsections (a), (b), (b-1), (b-4), (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections (c-1), (c-2), (c-3), (h), and (h-1), as follows:

(a) Requires the State Board of Education (SBOE) by rule to determine curriculum requirements for the foundation high school program, rather than for the minimum, recommended, and advanced high school programs, that are consistent with the required curriculum under Section 28.002 (Required Curriculum). Requires SBOE to designate the specific courses in the foundation curriculum under Section 28.002(a)(1) (relating to foundation curriculum requirements) required under the foundation high school program, rather than requiring SBOE to designate the specific courses in the foundation curriculum required for a student participating in the minimum, recommended, or advanced high school program. Prohibits SBOE, except as otherwise provided by this section, rather than except as provided by Subsection (b-1), from designating a specific course or a specific number of credits in the enrichment curriculum as requirements for the foundation high school program, rather than for the recommended program.

(b) Requires a school district to ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by SBOE under Subsection (a) for the

under the minimum high school program. Deletes existing text relating to the requirement that a school district ensure that each student enrolls in courses necessary to complete the curriculum requirements for the recommended or advanced high school program, except in certain circumstances in which a student is permitted to take courses under the minimum high school program.

(b-1) Requires SBOE by rule to require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:

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- (1) four credits in English language arts under Section 28.002(a)(1)(A) (relating to curriculum requirements in English language arts);
- (2) three credits in mathematics under Section 28.002(a)(1)(B) (relating to curriculum requirements in mathematics);
- (3) two credits in science under Section 28.002(a)(1)(C) (relating to curriculum requirements in science);
- (4) three credits in social studies under Section 28.002(a)(1)(D) (relating to curriculum requirements in social studies);
- (5) 11-1/2 elective credits;
- (6) one-half credit in speech;
- (7) one credit in fine arts under Section 28.002(a)(2)(D) (relating to enrichment curriculum requirements in fine arts) or, at the option of the student, one credit in career and technology education under Section 28.002(a)(2)(E) (relating to enrichment curriculum requirements in career and technology education); and
- (8) except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C) (relating to enrichment curriculum requirements in physical education).

Deletes existing text regarding curriculum requirements, as required by SBOE by rule, for the minimum, recommended, and advanced high school programs. Makes conforming and nonsubstantive changes.

(b-4) Authorizes a school district to offer the curriculum described in Subsections (b-1)(1) through (4), rather than in Subsection (b-1)(1)(A) (relating to certain foundation curriculum requirements), in an applied manner.

(b-5) Authorizes a school district to offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. Deletes existing text relating to compliance with the recommended program requirements in Subsection (b-1)(1)(A).

(b-7) Requires SBOE, in coordination with the Texas Higher Education Coordinating Board (THECB), to adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English to earn an endorsement under Subsection (c-1)(2)(D), (c-1)(3)(D), or (c-1)(4)(B)(iv), rather than ensuring that a student may comply with the curriculum requirements under the minimum, recommended, or advanced, high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A) (related to enrichment curriculum in languages other than English), by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822 (Core Curriculum).

a student attending school in a certain county to satisfy the fine arts credit under Subsection (b-1)(7), rather than the fine arts credit required under Subsection (b-1)(3)(A) (relating to a fine arts credit requirement), by participating in a fine arts program not provided by the school district in which the student is enrolled. Deletes existing text requiring TEA, not later than December 1, 2010, to provide to the legislature a report regarding the pilot program.

(b-10) Makes a conforming change.

(b-11) Makes a conforming change.

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(c-1) Authorizes a student who successfully completes the curriculum requirements for the foundation high school program under this section to earn any of the following endorsements on the student's diploma and transcript as follows:

(1) a business and industry endorsement by earning one additional credit in science;

(2) an academic achievement in arts and humanities endorsement by earning:

(A) one additional credit in science;

(b) one additional credit in social studies;

(C) one additional credit in either fine arts or career and technology education, regardless of whether the student's credit for the foundation high school program is in fine arts or career and technology education; and

(D) two credits in the same language other than English;

(3) an academic achievement in science, technology, engineering, and mathematics (STEM) endorsement by earning:

(A) one additional credit in mathematics;

(B) two additional credits in science;

(C) one additional credit in either fine arts or career and technology education, regardless of whether the student's credit for the foundation high school program is in fine arts or career and technology education; and

(D) two credits in the same language other than English; and

(4) a distinguished achievement endorsement by:

(A) successfully completing English III and Algebra II courses and performing at the distinguished level standard of performance as determined by the commissioner under Section 39.0241(a-3) on the end-of-course assessment instruments under Section 39.023(c) for each of those courses; and

(B) earning:

(i) one additional credit in mathematics;

(ii) two additional credits in science;

(iii) one additional credit in social studies; and

(c-2) Requires SBOE to designate the specific courses required for an endorsement under Subsection (c-1) for courses included in the foundation curriculum under Section 28.002(a)(1).

(c-3) Requires that a student's diploma clearly indicate any endorsement under Subsection (c-1) that a student has earned.

(e) Requires each school district to report the academic achievement record of students who have completed the foundation high school program, rather than a minimum, recommended, or advanced high school program, on transcript forms adopted by SBOE. Requires that the transcript forms adopted by SBOE be designed to clearly identify whether a student received a diploma or a certificate of coursework completion and to clearly indicate an endorsement under Subsection (c-1) that a student has earned, rather than to clearly differentiate between each of the high school programs and identify whether a student received a diploma or a certificate of coursework completion.

(h) Requires the commissioner by rule to adopt a transition plan to implement and administer the amendments made by __.B. No. __, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2013-2014 school year. Requires a student under the transition plan who entered the ninth grade before the 2013-2014 school year to be permitted to complete the curriculum requirements required for high school graduation under:

(1) the foundation high school program, if the student makes the choice during the 2013-2014 school year to take courses under that program;

(2) the minimum high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year;

(3) the recommended high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year; or

(4) the advanced high school program, as that program existed before the adoption of __.B. No. __, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2013-2014 school year.

(h-1) Provides that this subsection and Subsection (h) expire September 1, 2017.

SECTION 5. Amends Section 28.0253(e), Education Code, to provide that a student who receives a high school diploma through the pilot program awarding high school diplomas to certain students who demonstrate early college readiness is considered to have completed the foundation high school program adopted under Section 28.025, rather than the recommended high school program adopted under Section 28.025(a).

SECTION 6. Amends Section 28.027(b), Education Code, as follows:

(b) Requires SBOE to establish a process under which an applied science, technology, engineering, and mathematics (STEM) course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the foundation high school program under Section 28.025, rather than the recommended high school program imposed under Section 28.025(b-1)(1)(A), through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the foundation high school program, rather than under the recommended high school program and completed during the student's fourth year of mathematics or science

completion of biology and chemistry and after successful completion of or concurrently with physics. Deletes existing text authorizing SBOE to only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II.

SECTION 7. Amends Section 29.096(e), Education Code, to require that a program under Section 29.096 (Collaborative Dropout Reduction Pilot Program) have, among other requirements, as a primary goal graduation from high school, rather than graduation from high school under at least the recommended high school program.

SECTION 8. Amends Section 29.402(b), Education Code, to make conforming changes. Attachment 7, Item # 3.9
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SECTION 9. Amends Section 29.904(d), Education Code, to make a conforming change.

SECTION 10. Amends Section 33.007(b), Education Code, to delete existing text relating to providing certain required information to a student and the student's parent or guardian relating to the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a), and to make nonsubstantive changes.

SECTION 11. Amends Section 39.0241, Education Code, by amending Subsection (a-2) and adding Subsection (a-3), as follows:

(a-2) Requires the commissioner, for the purpose of establishing performance across grade levels, to establish certain performance standards including the performance standards for the Algebra II and English III end-of-course (EOC) assessment instruments, as provided under Section 39.024(b) (relating to requirements of certain EOC assessment instruments) and under Subsections (a) (relating to requiring the commissioner to determine the level of satisfactory performance on assessment instruments) and (a-3), rather than under Section 39.024(b) and under Subsection (a).

(a-3) Requires the commissioner to determine the level of performance considered to be distinguished performance on the assessment instruments. Requires that the distinguished level of performance be a level of performance that is higher than satisfactory performance as determined under Subsection (a).

SECTION 12. Amends Section 39.0242(e), Education Code, to require the commissioner to increase the rigor of the performance standard established under Section 39.0241(a) or (a-3), rather than under Section 39.0241(a), based on the data collected and studies performed periodically under Subsection (d) (relating to continued data collection and study performance and revision of performance standards, as applicable), as the commissioner determines necessary.

SECTION 13. Amends Section 39.025(a), Education Code, to require the commissioner to adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered an EOC assessment instrument listed in Section 39.023(c) (relating to the adoption of certain EOC assessment instruments) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered, rather than requiring a student participating in the recommended or advanced high school program to be administered each EOC assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program, to be administered an EOC assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered.

SECTION 14. Amends Sections 39.053(c), (f), and (i), Education Code, as follows:

(c) Adds to the list of required student achievement indicators adopted under Section 39.053 (Performance Indicators: Student Achievement), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by

Section 39.054 (Measure of Annual Improvement in Student Achievement), on the assessment instruments, aggregated across grade levels by subject area, for the performance standard determined by the commissioner under Section 39.0241(a-3).

(f) Requires the commissioner to periodically raise the state standards for a certain student achievement indicator for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:

(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and

(2) student performance, rather than student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status.

(i) Requires the commissioner by rule to adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under any performance standard under Section 39.0241 (Performance Standards), rather than under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241, in the preceding school year on a certain required assessment instrument.

SECTION 15. Amends Section 39.057(a), Education Code, as follows:

(a) Deletes existing text of Subdivision (10) requiring the commissioner to authorize a special accreditation investigation to be conducted when excessive numbers of students graduate under the minimum high school program; and redesignates and amends existing text of Subdivision (11) requiring an investigation when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner, rather than an Algebra II course or any other course determined by the commissioner as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program. Makes nonsubstantive changes.

SECTION 16. Amends Section 39.301(c), Education Code, as follows:

(c) Requires that indicators for reporting purposes include:

(1) the percentage of graduating students who meet the course requirements established under Section 28.025(c-1) for endorsements under that section, rather than the percentage of graduating students who meet the course requirements established by SBOE rule for the minimum high school program, the recommended high school program, and the advanced high school program;

(2)-(3) Make no changes to these subdivisions;

(4) for each campus, the number of students, disaggregated by major student subpopulations, that take courses under the foundation high school program and take additional courses to earn an endorsement under Section 28.025(c-1), disaggregated by type of endorsement, rather than the number of students, disaggregated by major student subpopulations, that agree under Section 28.025(b) (relating to certain student enrollment requirements) to take courses under the minimum high school program; and

(5)-(12) Make no changes to these subdivisions.

resources for a student who failed to perform satisfactorily as determined under any, rather than under either, performance standard under Section 39.0241 on a certain assessment instrument.

SECTION 18. Amends Section 42.154(a), Education Code, to provide that for each full-time equivalent student in average daily attendance in an approved career and technology education program in grades eight through 12, rather than nine through 12, or in certain other programs, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and \$50, if the student is in grades nine through 12 and enrolled in two or more advanced career and technology education classes for a total of three or more credits or an advanced course as part of a tech-prep program under Subchapter T (Tech-Prep Program), Chapter 61 (Texas Higher Education Coordinating Board).

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SECTION 19. Amends Section 51.3062(q-1), Education Code, to provide that a student who has completed the foundation, rather than a recommended or advanced, high school program as determined under Section 28.025 and demonstrated a certain performance standard on the Algebra II and English III end-of-course assessment instruments is exempt from the requirements of Section 51.3062 (Success Initiative) with respect to those content areas.

SECTION 20. Amends Sections 51.803(a) and (d), Education Code, as follows:

(a) Requires each general academic teaching institution, subject to Subsection (a-1) (relating to an automatic admissions policy exemption for The University of Texas at Austin), to admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation, rather than the recommended or advanced, high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation, rather than the recommended or advanced, high school program; or

(B) Makes no changes to this paragraph; and

(3) Makes a conforming change.

(d) Deletes existing text requiring that a student's official transcript or diploma, for purposes of Subsection (c)(2) (relating to providing a certain transcript or diploma), not later than the end of the student's junior year, indicate whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student if Subsection (b) (relating to requirements considered satisfactorily completed under certain circumstances) applies to the student. Makes nonsubstantive changes.

SECTION 21. Amends Section 51.804, Education Code, to require the governing board of each general academic teaching institution, for each academic year, to determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student,

51.803(a)(2)(A) (relating to an applicant's successful completion of certain high school curriculum) or (B) (relating to certain performance on certain assessment instruments), rather than Section 51.803(a)(2)(A) or Section 51.803(b) (relating to completion considered successful in certain circumstances), as applicable to the student, or Section 51.803(a)(2)(B), and Sections 51.803(c)(2) and 51.803(d).

SECTION 22. Amends Section 51.805(a), Education Code, to authorize a graduating student who does not qualify for admission under Section 51.803 (Automatic Admission: All Institutions) or Section 51.804 to apply to any general academic teaching institution if the student satisfies the requirements of Section 51.803(a)(2)(A) or (B), rather than Section 51.803(a)(2)(A) or 51.803(b), as applicable to the student, or Section 51.803(a)(2)(B), and Sections 51.803(c)(2) and 51.803(d). Attachment # 3.9
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SECTION 23. Amends Section 51.807(b), Education Code, to require THECB, after consulting with TEA, to by rule establish for purposes of this subchapter, standards for determining whether a private high school is accredited by a generally recognized accrediting organization and whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation, rather than the recommended or advanced, high school program.

SECTION 24. Amends Subchapter A, Chapter 56, Education Code, by adding Section 56.009, as follows:

Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. Requires THECB and the commissioner to jointly adopt rules to modify, clarify, or otherwise establish for affected programs appropriate eligibility requirements regarding high school curriculum completion to the extent that a person's eligibility to participate in any program under Chapter 56 (Student Financial Assistance), including Subchapters K (Early High School Graduation Scholarship Program), M (Toward Excellence, Access, & Success (TEXAS) Grant Program), Q (Texas B-On-Time Loan Program), and R (Scholarships for Students Graduating in Top 10 Percent of High School Class), is contingent on the person graduating under the recommended or advanced high school program, as those programs existed before the adoption of __.B. No. _____, 83rd Legislature, Regular Session, 2013.

SECTION 25. Amends Section 56.3041, Education Code, as follows:

Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION. Requires a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution, to be eligible initially for a TEXAS grant, notwithstanding Section 56.304(a) (relating to conditions of TEXAS grant eligibility), to:

(1) Makes no changes to this subdivision;

(2) meet certain academic requirements as follows:

(A) be a graduate of a public or accredited private high school in this state who completed the foundation, rather than the recommended, high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:

(i) successful completion of the course requirements of the international baccalaureate diploma program or earning of the equivalent of at least 12 semester credit hours of college credit in high school through certain courses, rather than graduation under the advanced high school program established under Section

or earning of the equivalent of at least 12 semester credit hours of college credit in high school through certain courses;

(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks on any assessment instrument designated by THECB under Section 51.3062(c) (relating to higher education assessment instruments), rather than under Section 51.3062(c) or (e) (relating to additional assessment instruments [repealed]), or qualification for a certain exemption;

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(iii) Makes no changes to this subparagraph;

(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course, as designated by THECB by rule in consultation with SBOE, rather than as permitted by Section 28.025(b-3) (relating to the approval of certain mathematics and science courses in the adoption of rules), or at least one advanced career and technical course, as designated by THECB by rule in consultation with SBOE, rather than as permitted by Section 28.025(b-2) (relating to allowing a substitution in curriculum requirements in adopting rules); or

(B)-(C) Makes no changes to these paragraphs; and

(3)-(7) Makes no changes to these subdivisions.

SECTION 26. Amends Section 61.0517(a), Education Code, to redefine "applied STEM course."

SECTION 27. Amends Section 61.792(b), Education Code, to require a student, in order to qualify for a scholarship under Section 61.792 (Engineering Scholarship Program), to, among certain requirements, have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the foundation high school program under Section 28.025, rather than under the recommended or advanced high school program under 28.025(a).

SECTION 28. Amends Section 61.852(a), Education Code, to provide that a test-prep program is a program of study that meets certain criteria, including that it combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the foundation high school program adopted by SBOE under Section 28.025, rather than the recommended high school program adopted by SBOE under 28.025(a).

SECTION 29. Amends Section 61.855(d), Education Code, to require among certain requirements that a tech-prep program have a common core of required proficiency based on the foundation high school program adopted by SBOE under Section 28.025, rather than the recommended high school program adopted by SBOE under Section 28.025(a), with certain proficiencies designed to lead to an associate's degree or postsecondary certificate in a specific career field.

SECTION 30. Amends Section 61.861(c), Education Code, to make a conforming change.

SECTION 31. Amends Section 61.864, Education Code, to make a conforming change.

SECTION 32. Amends Section 78.10(b), Education Code, to make conforming changes.

SECTION 33. Amends Section 87.505(b), Education Code, to make a conforming change.

Repealer: Section 28.0212(g) (relating to the establishment of a personal graduation plan), Education Code.

Repealers: Sections 28.025(b-2) (relating to a certain authorized curricular substitution), (b-3) (relating to the required approval of certain mathematics and science courses), (b-6) (relating to a required notice to a parent or person standing in parental relation to a student), (b-8) (relating to the resumption of courses under the recommended program), and (g) (relating to a certain indication on certain student transcripts), Education Code.

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Repealers: Sections 39.025(a-2) (relating to graduation requirements under the recommended high school program) and (a-3) (relating to graduation requirements under the advanced high school program), Education Code.

Repealer: Section 51.803(b) (relating to completion considered successful in certain circumstances), Education Code.

SECTION 35. Provides that Section 39.025, Education Code, as amended by this Act, applies only to students who have entered or will enter the ninth grade during the 2011-2012 school year or a later school year.

SECTION 36. Requires THECB to adopt rules in accordance with Section 56.3041(2)(A)(iv), Education Code, as amended by this Act, as soon as practicable after the date this Act takes effect. Authorizes THECB to adopt the initial rules for that purpose in the manner provided by law for adoption of emergency rules.

SECTION 37. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 38. Effective date: upon passage or September 1, 2013.

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**February 12, 2013****TO:** Honorable Dan Patrick, Chair, Senate Committee on Education**FROM:** Ursula Parks, Director, Legislative Budget Board**IN RE: SB3** by Patrick (Relating to public high school graduation, including curriculum requirements for graduation and funding in support of certain curriculum authorized for graduation.), **As Introduced****Estimated Two-year Net Impact to General Revenue Related Funds** for SB3, As Introduced: a negative impact of (\$35,184,415) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$15,477,301)
2015	(\$19,707,114)
2016	(\$25,279,413)
2017	(\$28,936,031)
2018	(\$32,390,957)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Revenue Gain from Tuition and Fees 997	Probable Savings/(Cost) from Foundation School Fund 193
2014	\$0	\$4,038,923	(\$15,477,301)
2015	\$0	\$4,038,923	(\$19,707,114)
2016	(\$2,314,052)	\$4,038,923	(\$22,965,361)
2017	(\$2,314,052)	\$4,038,923	(\$26,621,979)
2018	(\$2,314,052)	\$4,038,923	(\$30,076,905)

Fiscal Analysis

The bill would eliminate the Minimum, Recommended, and Advanced High School graduation

diploma and transcript if the student completes certain courses. The endorsements would include business and industry; academic achievement in arts and humanities; academic achievement in science, technology, engineering, and math (STEM); and distinguished achievement.

The bill would require the Commissioner of Education to adopt a transition plan to implement the bill beginning with the 2013-14 school year. The bill would allow any student who entered ninth grade before the 2013-14 school year to choose whether to elect the Foundation High School Program, or the previous system of Minimum, Recommended, and Advanced High School Programs.

The bill would allow STEM courses to be substituted for other math and science courses required for graduation under the Foundation High School Program.

The bill would require the Commissioner of Education to determine the performance level for “distinguished performance” on assessments.

The bill would require a student to only take an end-of-course (EOC) assessment for a course in which they are enrolled.

The bill would amend Section 42.154, Education Code to expand Foundation School Program weighted funding for career and technology education courses, currently earned by students in grades 9-12, to include students in grade 8 beginning with the 2013-14 school year.

The bill would apply beginning with the 2013-14 school year.

Methodology

Under current law, the default graduation plan is the Recommended High School Program, which requires four credits each in English language arts, mathematics, science, and social studies, among other requirements. A student graduating under the Recommended High School Program is also required to pass 15 EOC assessments, including 3 EOC assessments each in reading, writing, mathematics, science, and social studies. The bill would change the default graduation plan to the Foundation High School Program and would require four credits of English language arts, 3 credits each of mathematics and social studies, and two credits of science. Since the bill requires a student to only take an EOC assessment for a course in which they are enrolled, a student graduating under the Foundation High School Program without endorsements would only be required to complete 14 EOC assessments, including 3 EOC assessments each in reading, writing, mathematics, and social studies, and 2 EOC assessments in science. In the 2010-11 school year, 290,581 students graduated from high school, and the number of students graduating from high school had grown by an average of 3.9 percent for the five previous school years. This estimate assumes the number of students graduating will continue to grow at a rate of 3.9 percent per year. Since the Foundation High School Program without endorsements is similar to the Minimum High School Program, this estimate assumes the same percentage of students who graduated under the Minimum High School Program when it was the default graduation plan, most recently in the 2003-04 school year, would choose to graduate under the Foundation High School Program without endorsements. In the 2003-04 school year, 31.6 percent of students graduating from high school graduated under the Minimum High School Program. Based on the assumptions regarding the number of graduates described above, this analysis assumes the number of students graduating under the Foundation High School Program without endorsements will be as follows: 45,270 in

Education Agency reports that, on average, a science EOC assessment costs \$10 per exam to administer; this analysis assumes there would be a savings to General Revenue of \$452,700 in fiscal year 2014; \$492,890 in fiscal year 2015; and increasing to \$623,100 by fiscal year 2018. This estimate assumes that career and technology education (CTE) participation by 8th grade students would be similar to participation by 9th grade students, with about 20 percent enrolled in at least one CTE course at full implementation. The estimate assumes that participation by 8th grade students would phase-in over several years as schools expand course offerings and adjust scheduling options to accommodate increased grade 8 CTE enrollment. Participation in fiscal year 2014 is assumed at 10 percent, increasing incrementally each year until reaching 20 percent in fiscal year 2018. Under these assumptions, the estimated state cost to the Foundation School Program would be \$15.9 million in fiscal year 2014 and \$20.2 million in fiscal year 2015, increasing incrementally to \$30.7 million by fiscal year 2018 when full implementation is attained. This analysis assumes that the Commissioner of Education would equate distinguished performance on assessments with the current advanced academic performance. There could be additional savings if the State Board of Education allowed certain STEM courses to be substituted for mathematics and science courses for which an EOC assessment is currently required at a savings of \$10 per exam.

The Higher Education Coordinating Board estimates that based on the difference in college readiness between the Recommended High School Program and the Foundation High School Program (minimum program) an additional 5,953 students would need additional developmental education courses. They have estimated that of this amount, 4,677 would attend community colleges and 1,276 would attend four-year universities. They estimate that this would result in an additional \$1.8 million in general revenue formula funding and \$2.5 million in additional tuition and fees at community colleges and \$.5 million in general revenue formula funding and \$1.6 million in additional tuition and fees at four year universities. The total general revenue cost for community colleges and four year institutions would be \$2.3 million per year. Because formula funding is based on a historical base period, the general revenue impact would not be realized until beginning in fiscal year 2016. The additional tuition and fees would be \$4 million per year starting in fiscal year 2014.

Local Government Impact

Implementing the provisions of this bill, a school district may incur additional costs to develop personal graduation plans for all students enrolled in junior high, middle, or high school. A school district might choose to adjust the courses available to align with the requirements of the Foundation High School Program. Any costs incurred by school districts in implementing these provisions could vary widely.

School districts enrolling eighth grade students in CTE courses would realize additional revenue under the Foundation School Program.

Source Agencies: 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: UP, JBi, JSc, AH, GO, JSp



JOBS FOR TEXAS

JobsForTexasCoalition.org



Jobs for Texas is a broad-based business coalition consisting of 16 industry trade organizations representing 250,000 Texas employers and 5 million jobs.

Our mission is to advocate for meaningful education reforms that will provide more flexibility for students to pursue diverse career curriculum that meet their individual interests and the needs of Texas employers.

Our proposal is as follows:

- Expand the existing "Recommended" Graduation Plan to include four student options, all of which are college preparatory:
 1. 4X4 option
 - a. Requires 4 years in each of the following:
 - i. English language arts
 - ii. Social studies
 - iii. Math
 - iv. Science
 2. Business & Industry option
 - a. Requires 4 years of English language arts
 - b. Requires 3 years of each of the following:
 - i. Math
 - ii. Science
 - iii. Social studies
 - c. Requires 2 post-secondary dual credits in Business & Industry courses
 3. Fine Arts & Humanities Option
 - a. Requires 4 years of English language arts
 - b. Requires 3 years of each of the following:
 - i. Math
 - ii. Science
 - iii. Social studies
 - c. Requires 2 post-secondary dual credits in Fine Arts & Humanities courses
 4. Interdisciplinary Choice Option
 - a. Requires 4 years of English language arts
 - b. Requires 3 years of each of the following:
 - i. Math
 - ii. Science
 - iii. Social studies
 - c. Requires 2 post-secondary dual credits in any courses offered under the first three graduation plan options.
- Requires the TEA to provide high school counselors with information that identifies post-secondary education and career opportunities including information that articulates the benefits of 4-year, 2-year, post-secondary technical education, and skilled workforce career education programs.
 - Requires the Texas Workforce Commission to provide TEA with state and regional job and salary data to assist students and parents with graduation plan and course selections.

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, OPPOSING ANY LEGISLATION THAT INCREASES THE MAXIMUM TRANSPORT HAUL WEIGHTS OVER ROADWAYS IN THE CITY OF LA PORTE, TO INCLUDE HEAVY HAUL CORRIDOR(S); FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, legislation may be proposed to allow trucks to increase their haul capacity greater than 80,000 pounds along certain roadways within the City of La Porte; and

WHEREAS, the City of La Porte is concerned about the safety of our citizens as a result of increasing haul weights; and

WHEREAS, the City of La Porte is concerned about the effects to the transportation infrastructure from any additional haul weights.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LA PORTE:**

Section 1. The City of La Porte opposes any legislation that would increase the haul weights for trucks within the City of La Porte, including Heavy Haul Corridors.

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this 14th day of January, 2013.

CITY OF LA PORTE

By: _____
Louis R. Rigby
Mayor

ATTEST:

Patrice Fogarty
City Secretary

APPROVED:

Clark T. Askins
Assistant City Attorney



HEAVY HAUL CORRIDOR RESEARCH REPORT HOUSTON PORT REGION

February 8, 2011

PREPARED BY:
Transportation Task Force
Heavy Haul Corridor Subcommittee
Chairman: Michael Ogden, P.E., Klotz Associates, Inc.

POINT OF CONTACT:
Chad Burke, President/CEO
Chad@allianceportregion.com
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EXECUTIVE SUMMARY

Over 80% of freight movements of all types in the Houston-Galveston area are accomplished by truck. A substantial amount of truck trips (over 50%) in the greater Houston metropolitan area both originate and terminate within the Houston Port Region. Assuming conservative population growth trends for the local region, annual container volumes are expected to reach 4.5 million by 2020. In order to offset competitive pricing of goods and lower profit margins, shippers will lean greatly towards heavy haul or overweight containers that maximize benefit-cost of their products and improve operational efficiency.

A key factor for the Houston region that will accentuate this growth trend is the completion of the Panama Canal expansion project in 2014, which will allow the capacity of container ships coming from Asia to the Gulf of Mexico to increase from the current 4,800 TEU-capacity to 7,000 TEUs (Twenty-foot Equivalent Units). This will continue to increase the burden on transportation systems, specifically roadway-related systems, within the Houston Port Region.

Statewide aggregate weight limits for trucks are currently 80,000 pounds, which includes the truck, chassis and load or container. Legislation is required to change the TXDoT codes to allow heavier loads to be carried. This report seeks to answer the questions raised in determining if a heavy haul corridor on specific roads near the Port of Houston is feasible.

The Houston Ship Channel and other industrial areas surrounding Galveston Bay collectively represent one of the world's largest energy and petrochemical complexes. Numerous petroleum refineries, chemical manufacturers and supporting infrastructure (roadways, railroads, and pipelines) combine to support thousands of jobs and numerous trade opportunities within the U.S. and throughout the world.

The issue of a heavy haul corridor was identified in the Freight Transportation and Improvement Study commissioned by the Economic Alliance. A subcommittee of the Transportation Task Force was formed to research the issue in order to determine, 1) if the region needed such a corridor and 2) if so, was it feasible to obtain the consensus necessary to pass legislation that would change the TXDoT code and establish the corridor. The committee included representation from the 13 private companies (including shippers, developers, trucking companies and manufacturers), 5 cities, Harris County, TXDoT, the Economic Alliance, State Senator Mike Jackson's office and State Representatives Wayne Smith and Ken Legler's office. A full list can be seen in Appendix D.

Establishing a heavy haul corridor for manufacturers and distribution companies to move their products from nearby plants and warehouses to and from the Barbour's Cut and Bayport Terminals, creates a win/win situation for the region; including commuters, the environment, economic development and the long-term condition of our roads. If established, a heavy haul corridor will:

- ▶ Directly reduce the amount of trucks on the roads within the Corridor
- ▶ Reduce emissions and improve air quality in the region
- ▶ Bolster economic development which will increase jobs and sales tax revenue, and
- ▶ Create a specific pool of money to be used for repairs and maintenance on the corridor roads
- ▶ Create a safer road environment by mandating permitted trucks add a sixth axle

Funds generated from permitting are strictly designated for the repair and maintenance of the corridor, with an allowance of 15% to go toward the administration of permitting. In Texas alone there are three existing heavy haul corridors that have been established to more efficiently move goods in and out of port regions. Just north of the Houston Ship Channel, Chambers County established a heavy haul corridor in 2005, allowing trucks to be permitted to carry loads up to 100,000 lbs. and then expanded it in 2009. Brownsville and Corpus Christi also have established heavy haul corridors of 125,000 lbs. to aide in goods movement near their ports. In fact, Houston is the only major port region along the gulf and east coasts that does not include a heavy haul corridor for moving goods in and out of its port. This competitive disadvantage has prompted the research and recommendations found within this report. It is the recommendation of the Economic Alliance Houston Port Region and this committee to establish a heavy haul corridor that includes Port Road and Barbour's Cut Boulevard and SH 146 from Port Road to SH 225, and SH 225 from SH 146 to Beltway 8.

ECONOMIC DEVELOPMENT & COMPETING PORT REGIONS

ECONOMIC IMPACTS

According to data from the FHWA, it is reasonable to assume that overweight trucks make up 30% of all truck traffic generated by a port. National trends in freight traffic also indicate that the distance of truck freight hauls will double in vehicle-miles traveled in the next twenty years, although the current economic downturn has suppressed recent global growth rates. In the long term however, truck freight distances will continue to increase on a national basis, as will rail freight, but the capital intensive nature of the railroad industry may in fact deter proportional growth in the rail sector. Thus it is logical that there would be substantial growth in truck-related freight traffic over the next twenty years and beyond.

Most local shippers when contacted indicated that Houston was a “critical” market for them. Houston, a major city in the US, is strategically located along the Gulf and provides quick and relatively cheap access to Latin America and European markets. Also, it is anticipated that Houston would greatly benefit from the increase in freight traffic. Houston also has a price-advantage. For example the cost of freight from Houston to Europe is the same (or may be even cheaper) cost as compared to Savannah or other ports. However, Houston is more accessible than Savannah or other ports and is centrally located from a national geographic perspective. Houston has a well-defined and established roadway infrastructure. Thus, Houston Port region has a distinct advantage over the other ports that can be leveraged to maintain and achieve a higher level of economic development for the region.

Typically, a port generating 5,000 truck trips per day would be expected to generate 1,500 overweight truck trips per day. An overweight truck tariff of \$300 per year per truck would then be expected to generate \$450,000 in new revenue each year, and support bonded debt issuance of up to \$5,000,000.

Special tariffs on overweight freight can be advantageous by offering a reliable source of funds for local infrastructure improvements, but they may encounter resistance since these costs are ultimately passed on to consumers. The permitting process for overweight loads described in Chapter 623 of the Texas Transportation Code is primarily one of statewide application, as authorized in Subchapter A (General Provisions) and Subchapter B (General Permits). However, subsequent subchapters are directed toward authorizing specific jurisdictions of the state to issue permits for loads in excess of the 80,000-pound statewide overweight limit. The managing jurisdictional agency is allowed to retain up to 15 percent of the fee to cover costs incurred for the administration of the permitting program.

Due to the fact that the large majority of ports in the US have a legal alternative to ship cargo at weights greater than 80,000 lbs. (LA, AL, MS, FL, SC, GA, PA, CA and other Texas ports), whereas Houston does not, it leaves 3 options for shippers with import/export cargo moving in/through Houston:

1. Load legal weights and be uncompetitive against similar companies using alternate ports
2. Move cargo out of state to an alternate port via rail or truck (adding extra time and cost) or
3. Load weights higher than the legal weight and risk overweight fines.

Although all three options are unattractive, many shippers choose the third option in order to remain competitive. The resulting penalties are arbitrary and inconsistent. Police can't stop all trucks, and fines range from \$800 to \$1600+ per incident. Due to these factors, as well as the fact that no legitimate companies prefer to operate in this fashion, going this route has a very negative impact on business.

That being said, with upcoming national legislation regarding trucker safety, this issue is about to get worse. As truckers who are caught and fined a certain number of times will lose their license, draymen are beginning to remove themselves from the market, capacity is getting tighter, and costs are beginning to increase, forcing companies to flee from the port of Houston. As this continues it will later reverse the great strides the port has made in increasing ocean capacity, as the steamship lines will need to go where the cargo is: Not Houston. It is also important to note that Chambers County (just north of the Houston Ship Channel) has approved an overweight permitting process for up to 100,000 lbs., Corpus Christi and the Port of Brownsville have overweight zones

permitting trucks up to 125,000 lbs. Houston, which is home to the second largest port in the nation, has not yet made accommodations for competing with other trade zones in our own state and throughout the nation.

EXISTING TEXAS OVERWEIGHT CORRIDORS

Chambers County

In 2005 the state legislature passed HB 1044 to create a Heavy haul corridor in Chambers County. The corridor has a specific point to point road designation which can be seen in Appendix A. The Corridor was amended during the 2009 legislative session to extend the boundaries. The legislative language of HB 1044 and the Rules governing the Corridor can also be seen in Appendix A. Chambers County utilized ProMiles Software Development Corporation (PDSC) to develop and administer the Permitting process, which is a per trip permit for overweight trucks (Appendix A) up to 100,000 lbs. Permits cost up to \$80 per trip.

From HB 1044:

“Fees collected under Sec.623.254, Subsection (a) may be used only to provide funds for the payments under Section 623.253 and for the county’s administrative costs, which may not exceed 15 percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.”

Brownsville

In 1997 Texas passed a law permitting overweight trucks from Mexico to use two state roads to reach the Port of Brownsville. Under the program, shippers can order permits online. The permits cover travel between Gateway International Bridge, or the Veterans International Bridge and the Port of Brownsville.

Permit Applications are accepted on-line at <https://texas.promiles.com/Brownsville/> using a registered account. Permits are issued per load versus the annual permit that shippers expect to administer. The Permit Fee is \$30/load (15% of fee is for administrative costs).

State of Texas Transportation Code, Title 7 Vehicles and Traffic, Subtitle E Vehicle Size and Weight, Chapter 623 Permits of Oversize or Overweight Vehicles, Amendment of Subchapter K (S.B. No. 1373; approved 2009) says the Port Authority may collect a fee for permits not to exceed \$80/trip and the maximum gross weight of the vehicle and commodity shall not exceed 125,000 pounds. The maximum gross weight the Port of Brownsville has permitted is actually 119,000 pounds evaluating aggregate and per axle loads even though they are allowed to permit up to the 125,000 pound maximum load stated above. An annual registration interfacing with TXDOT is required including review of insurance, inspections, breaking systems, etc.

The Brownsville corridor primarily accomidates trucks coming into the United States from Mexico. The route brings the truck across the one of two boarder bridges, through town and to the port. The specific language of the TXDoT code is below, and the maps of the routes can be seen in Figures 1-3.

Sec. 623.219. ROUTE DESIGNATION. (a) The commission shall, with the consent of the port authority, designate the most direct route from the Gateway International Bridge or the Veterans International Bridge at Los Tomates to the entrance of the Port of Brownsville using State Highways 48 and 4 or United States Highways 77 and 83 or using United States Highway 77 and United States Highway 83, East Loop Corridor, and State Highway 4.



Figure 1. Gateway International Bridge Route

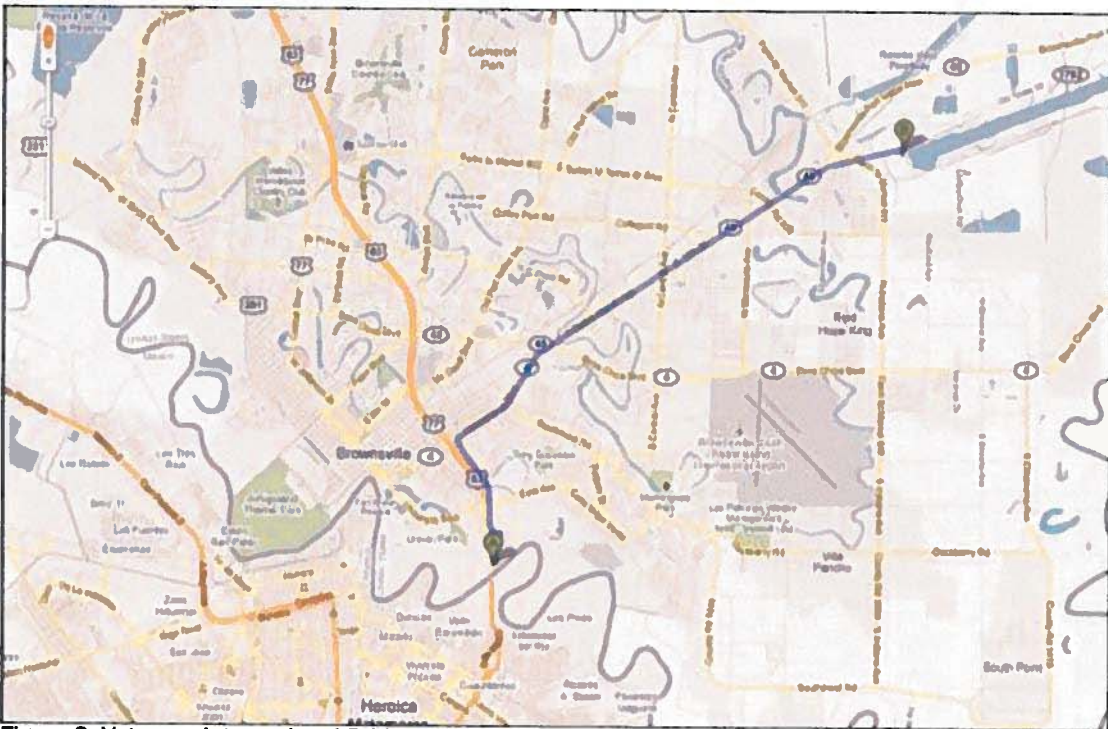


Figure 2. Veterans International Bridge Route



Figure 3. School Zone in Corridor

Corpus Christi

Port of Corpus Christi Authority issues permits for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the Port of Corpus Christi Authority that is located in San Patricio County or Nueces County. The port authority may collect a fee for permits issued under subchapter 623.283. The fees may not exceed \$80 per trip. Fees collected under Subsection (a) shall be used solely for the construction and maintenance of port authority roadways.

Transportation Commission may authorize the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highway special freight corridors located in San Patricio County. The port authority may issue a permit under this subchapter only if the cargo being transported weighs 125,000 pounds or less.

Competing States and Ports



Brownsville 125,000 lbs
Corpus Christi 125,000 lbs
Victoria 125,000 lbs
Chambers Co. 100,000 lbs
New Orleans 95,000 lbs
Mississippi 95,000 lbs
Alabama 100,000 lbs
Florida 95,000 lbs
Georgia 100,000 lbs
South Carolina 100,000 lbs
Philadelphia 107,500 lbs
Houston 80,000 lbs

Figure 4. Map of Competing Heavy Haul Corridors

OTHER U.S. CORRIDORS

Several states and port regions have instituted overweight permitting programs, including the Gulf Coast states of Louisiana, Alabama, Mississippi, Georgia and Florida, as well as South Carolina and Philadelphia on the East Coast, and the Los Angeles/Long Beach region. As the only Gulf Coast state that does not allow permitting for overweight (>80,000 lbs) trucks, Texas and the Houston Port Region is at a competitive disadvantage.

Georgia and Florida

Georgia has an overweight permit allowing movement of sealed containers up to 100,000 pounds from the port to anywhere within the state of Georgia for \$150.00 per year per tractor.

Florida has an overweight permit allowing movement of sealed containers up to 95,000 pounds from the port to anywhere within the state of Florida for \$500.00 per year per tractor.

Both Georgia and Florida allow movement of overweight containers across state lines with a valid overweight permit from the state of origin.

Both Georgia and Florida port authorities believe that the ability to move overweight containers has and will continue to be a major advantage in the growth of their port operations with no negative impact to residential growth.

Louisiana

Louisiana provides permitting of truck up to 95,000 lbs at a permit fee of \$500 per year. These permits and associated weight limits are assigned by cargo type, and include: bagged rice, containerized cargo (Types I & II), containerized specialty cargo, and cotton modules. Details can be seen in [Appendix B](#).

South Carolina

South Carolina is running a pilot program in 2010 raising the weight limit from 90,000 lbs to 100,000 lbs for refrigerated trucks only at a cost of \$30 per trip or \$100 for multiple trips. This pilot program ends December 31, 2010 and can be seen in [Appendix B](#). Recently released information indicates that upon conclusion of a one-year study, South Carolina has made their pilot program permanent and applies to all cargo.

Alabama

Alabama provides annual permits for trucks up to 100,000 lbs. These permits cost \$100 and the application can be seen in [Appendix B](#).

Mississippi

Mississippi maintains a permitting process for overweight trucks of loads up to 95,000 lbs at a cost of \$100 per year, per truck. Details can be seen in [Appendix B](#).

Philadelphia

Philadelphia maintains a permitting process for overweight truck of loads up to 107,500 lbs.

Los Angeles/Long Beach

Los Angeles/Long Beach maintains a permitting process for overweight truck of loads up to 95,000 lbs.

FEDERAL LEGISLATIVE ACTION

The American Trucking Associations (ATA) strongly supports the "Safe and Efficient Transportation Act (SETA) of 2010," S. 3705, introduced Aug. 4 by U.S. Senators Mike Crapo (R-Idaho), Susan Collins (R-Maine) and Herb Kohl (D-Wis.). The legislation would allow states to authorize the operation of more efficient commercial trucks, which could result in safer highways, cleaner air and less costly freight transportation. Identical legislation in the U.S. House of Representatives, H.R. 1799, currently has 54 co-sponsors.

The bill authorizes states to allow the operation of trucks on the Interstate Highway System with a gross weight of 97,000 pounds. Current law limits the weight of five-axle trucks traveling on the interstate system to 80,000 pounds. The legislation requires that trucks operating above 80,000 pounds must add a sixth axle to compensate for the extra weight. The extra axle adds additional braking capacity, preventing an increase in stopping distances, and prevents pavements from sustaining more damage.

Operation of these more efficient vehicles, the ATA believes, will allow trucking companies to deliver freight while making fewer trips. The result could be a reduction in the number of truck-involved crashes, less fuel use—and thus reduced emissions and carbon—and less congestion on the highways. Any additional bridge costs will be covered by a higher federal fee that the vehicles authorized to operate under this legislation will be required to pay, and which will be dedicated to bridge investments in those states that authorize use of the heavier trucks.

The ATA believes that existing restrictions on truck weight limits constrain the trucking industry's efforts to reduce crashes, lower the industry's carbon footprint and help customers to remain competitive in global markets. The trade organization points out that U.S. weight limits are reportedly the lowest in the developed world, which the ATA says puts American businesses at a distinct disadvantage.

It is assumed that City or County Police Department officers who are certified for TxDOT and Commercial Vehicle Enforcement are qualified to enforce the permitting and regulations imposed by this Heavy Haul legislation and within their geographical or jurisdictional enforcement areas.

DEMAND WITHIN THE HOUSTON PORT REGION

Information gathered from a poll of several shippers / carriers in the local region found that depending on the corridor boundaries, they would participate in annual permits anywhere from 103 to 153 tractors.

A local shipper operating in the Houston Port Region indicated that they would need overweight permits, (Note, this can vary +/- 10% depending on overall volume).

Shippers and receivers were under pressure to accept the overweight containers as a rejection of these containers would ultimately result in the loss of their customers (suppliers). Hence, the shippers are accepting the risk of transporting overweight containers on Houston roadways in spite of strict enforcement and steep fines for violations (over \$800 to \$1,600 per violation).

All shippers interviewed were unanimous in identifying one key freight-related deficiency currently faced by them in the Houston market – Overweight Containers (or lack thereof). Given the weak state of the economy and low profit margins realized on these shipments, the suppliers were forced to primarily utilize overweight containers to transport their loads.

It is clear that significant growth in the container volume is going to occur over the next twenty years. If a certain port's infrastructure is unable to handle the additional volume in an efficient manner, there is a substantial probability that the shippers will access other avenues. This could lead to a departure of businesses which will both directly and indirectly translate to job losses and adversely impact the economic development and vitality of the region.

General Consensus from the group indicated that it was extremely critical that Houston implement some form of regulation that would allow the transport of overweight container loads. Most of them indicated that Houston is currently losing business due to the lack of a heavy haul corridor and predict that it may continue to lose a significant portion of the shipping business if provisions for overweight containers were not made in the future. These shippers indicated that they would be willing to pay about \$300 for a yearly permit that would allow them to transport overweight containers on Houston roadways. On an average, a medium to large shipper transports over 8,000 containers per year.

INFRASTRUCTURE CRITERIA

CURRENT DESIGN STANDARDS (TXDOT, COUNTY & MUNICIPAL)

TxDOT's District Engineer Jeff Volk confirms that HWY 225 was constructed with the current and future potential truck traffic in mind and with the ability to handle truck traffic in excess of 80,000 pounds which is the current state load limit. Hwy 146 is currently being rebuilt to handle heavy truck traffic.

Jeff Volk also said that no maintenance is scheduled for HWY 225 with the exception of frontage road improvements between 610 and Beltway 8.

MAINTENANCE ISSUES

The fact that most of the existing roadways in place were not designed for overweight loads could possibly result in a quicker deterioration of existing pavement relative to the anticipated life of the pavement when overweight containers commute on these roadways. This is balanced by the fact that there will then be fewer trucks on the road which extends the life of the road. The net effect of fewer but heavier trucks on the road can only be calculated by an advanced engineering model, or a long term study of the roads with and without heavy haul limits.

Funds accumulated through the permitting process can be utilized for the rehabilitation and reconstruction of the corridor where previously funds would not be available. When an existing roadway is reconstructed, taking the proper care to design and utilize a cross-section that would handle overweight loads would be greatly beneficial. Over time, the additional cost incurred towards a heavier subgrade or thicker pavement is relatively less compared to the constant maintenance that may be necessary for a roadway that is not built for overweight loads.

Design Standards vary between various local jurisdictions, like TxDOT, Harris County or other municipal jurisdictions such as local cities, encompassing the Houston Port Region. Coordination between different agencies with one primary / responsible agency leading the administration / management is critical for the successful execution of the program.

OPERATIONAL ISSUES

Overweight loads cause several operational issues that need to be addressed effectively. The large vehicles in addition to causing a strain on the pavement structure have a lower acceleration / deceleration adversely impacts the traffic flow on a roadway. The large turning radius necessary for these trucks may limit the intersections that they can utilize to access their facilities. Various utilities that may be existing under local roadways or close to the curb may be impacted by an overweight load traversing over it and caution needs to be exercised so as to avoid any damage to these utilities. It is however possible to reduce the impact of overweight containers on traffic flow by restricting them from using specific lanes or by prohibiting them from roadways during specific hours of the day.

In addition to state roadways being designated as heavy haul, it may be necessary for designating a few local roadways as well that provide access to key distribution and warehousing facilities. Local municipal entities need to evaluate and determine the key local roadways that could be designated within their jurisdiction.

SAFETY ISSUES

With safety being a primary concern with normal and overweight loads, more attention and enforce should go the inspection of trucks and chassis. A properly maintained tractor and chassis can safely handle a 95,000 pound load. Increased inspections of tractors and chassis could improve safety and reduce accidents. In many cases the truckers elect to supply their own chassis which increases the level of safety. Dangerous drivers and poorly maintained equipment cause more accidents than overweight loads. Load stability and safe operation of equipment is the answer to preventing tipping and load shifting.

Although chassis are closely monitored by the TXDOT, some of the committee members take extra precaution as general consensus indicates that safety and environmental issues are primary concerns of all. One particular company operates 55 trucks, 45 of them being brand new lightweight 2011 Mack trucks. These trucks have smart

safe technology. The computer system adjusts to unsafe conditions such as getting too close to other vehicles or by controlling speed in turns. These trucks are also environmentally friendly which mean they expel close to no carbon based greenhouse gases into the atmosphere, they operate with clean air technology that mixes Urea to the exhaust system. All their trucks also carry onboard GPS systems which interface with their internal databases to determine critical information on containers that are in route, speed of the truck and fuel consumption of the truck etc. They also purchased over 100 chassis, which includes several lighter weight chassis. As this business grows, more carriers will follow suit to meet TXDOT safety standards, as well as market demand for safe, environmentally friendly transportation.

Current regulations by DOT in the Houston area require the shipper to inspect every chassis prior to use. The chassis, along with the container, arrive to the TIR (trailer interchange) lanes, the "attendant" inspects the structure of the chassis, inspects the lights, brakes and hose lines, and then will inspect tires – or any other condition is found with the chassis. It is then rejected and the driver must pull the chassis container back to swap out the chassis. This process, implemented by DOT, is followed every time a container arrives or leaves the container yard, which ensures chassis are safe and roadworthy.

ATA SUPPORTS SAFE AND EFFICIENT TRANSPORTATION ACT

The American Trucking Associations (ATA) strongly supports the "Safe and Efficient Transportation Act (SETA) of 2010," S. 3705, introduced Aug. 4 by U.S. Senators Mike Crapo (R-Idaho), Susan Collins (R-Maine) and Herb Kohl (D-Wis.). The legislation would allow states to authorize the operation of more efficient commercial trucks, which could result in safer highways, cleaner air and less costly freight transportation. Identical legislation in the U.S. House of Representatives, H.R. 1799, currently has 54 co-sponsors.

The bill authorizes states to allow the operation of trucks on the Interstate Highway System with a gross weight of 97,000 pounds. Current law limits the weight of five-axle trucks traveling on the interstate system to 80,000 pounds. The legislation requires that trucks operating above 80,000 pounds must add a sixth axle to compensate for the extra weight. The extra axle adds additional braking capacity, preventing an increase in stopping distances, and prevents pavements from sustaining more damage.

Operation of these more efficient vehicles, the ATA believes, will allow trucking companies to deliver freight while making fewer trips. The result could be a reduction in the number of truck-involved crashes, less fuel use—and thus reduced emissions and carbon—and less congestion on the highways. Any additional bridge costs will be covered by a higher federal fee that the vehicles authorized to operate under this legislation will be required to pay, and which will be dedicated to bridge investments in those states that authorize use of the heavier trucks.

The ATA believes that existing restrictions on truck weight limits constrain the trucking industry's efforts to reduce crashes, lower the industry's carbon footprint and help customers to remain competitive in global markets. The trade organization points out that U.S. weight limits are reportedly the lowest in the developed world, which the ATA says puts American businesses at a distinct disadvantage.

The Federal Motor Vehicle Safety Standards (FMVSS) rule now requires the vast majority of new heavy tractors to achieve a 30% reduction in stopping distance compared to past required levels. For these heavy truck tractors (approximately 99 percent of the fleet), **the amended standard requires those vehicles to stop in not more than 250 feet when loaded to their gross vehicle weight rating (GVWR) and tested at a speed of 60 miles per hour (mph).**

Table 1. Breaking Distances: 5-axle vs. 6-axle

GVWR lbs	Combination Vehicle Stopping Distance Projections in Feet – 60 mph/dry road							
	Standard S Cam 15x4 front, 16.5x7 rear and trailer axle brakes		Larger Front S Cam 16x5 front, 16.5x7 rear and standard trailer axle brakes		High Performance S Cam 16.5x5 front, 16.5x8.63 rear and trailer axle brakes (higher coef. of friction lining)		Disc Brake 22.5" wheel disc brake on all axles	
	5 axle	6 axle	5 axle	6 axle	5 axle	6 axle	5 axle	6 axle
80,000	240	191	226	184	210	177	207	175
82,000	247	196	233	190	214	183	211	179
84,000	253	203	238	196	217	188	217	185
86,000	259	209	244	202	224	194	222	190
88,000	265	214	250	206	229	200	227	196
90,000	271	220	256	212	234	205	232	202
92,000	277	226	262	218	240	210	237	206
94,000	284	232	267	224	246	216	240	212
96,000	292	238	273	229	256	222	244	217
97,000	295	241	277	232	263	224	247	220

COMMITTEE SAFETY RECOMMENDATIONS

The committee has agreed that the legislation changing the TXDoT code should mandate that all trucks permitted to haul greater than 80,000 lbs should add a sixth axle, observe a 10 mph less than posted speeds and only ride in the far right-hand lane to ensure safe operation of the vehicle.

CODE ENFORCEMENT

Commercial Vehicle Enforcement Data for the period between January and June 2010 obtained from the City of Shoreacres is shown in Table 1. Data does not include specific breakdown of each type of violation (e.g. Brakes, kinked brake lines, etc.).

If a truck is inspected and no violations are found, the truck receives a sticker so that it does not have to undergo an inspection by another City.

Most trucks that are inspected have more than one violation, but we don't write a citation for each violation.

Out of 262 inspections, 1170 violations were found, but only 267 citations were issued. The violations are presented by trailer violation, truck violation or driver violation. We do not have scales so there are no weight violations identified.

Table 2. Shoreacres Commercial Enforcement Data

Commercial Vehicle Enforcement 2010							
	Jan	Feb	March	April	May	June	Totals
Number of Level1 Inspections	10	3	10	9	9	7	48
Number of Level2 Inspections	48	21	37	42	41	25	214
Weighed	No Scales						
Haz Mat	1	2	1	0	2	2	8
Other Bulk	0	1	1	1	1		4
Cargo Tank	0	0	0	0	0	0	0
Driver Violation	5	2	13	9	12	7	48
Truck Violation	173	52	156	113	143	84	721
Trailer Violation	99	33	59	78	79	53	401
Weight Violation							0
Driver Out of Service	0	0	0	0	1	1	2
Truck Out of Service	16	6	17	9	11	7	66
Trailer Out of Service	10	6	12	12	7	9	56
Citations	55	18	53	46	53	42	267
Weight Citation	No Scales						
Warnings Only - no citations							1000
Code Violation Enforcement Days	23	12	18	19	21	13	106

CORRIDOR ALTERNATIVES

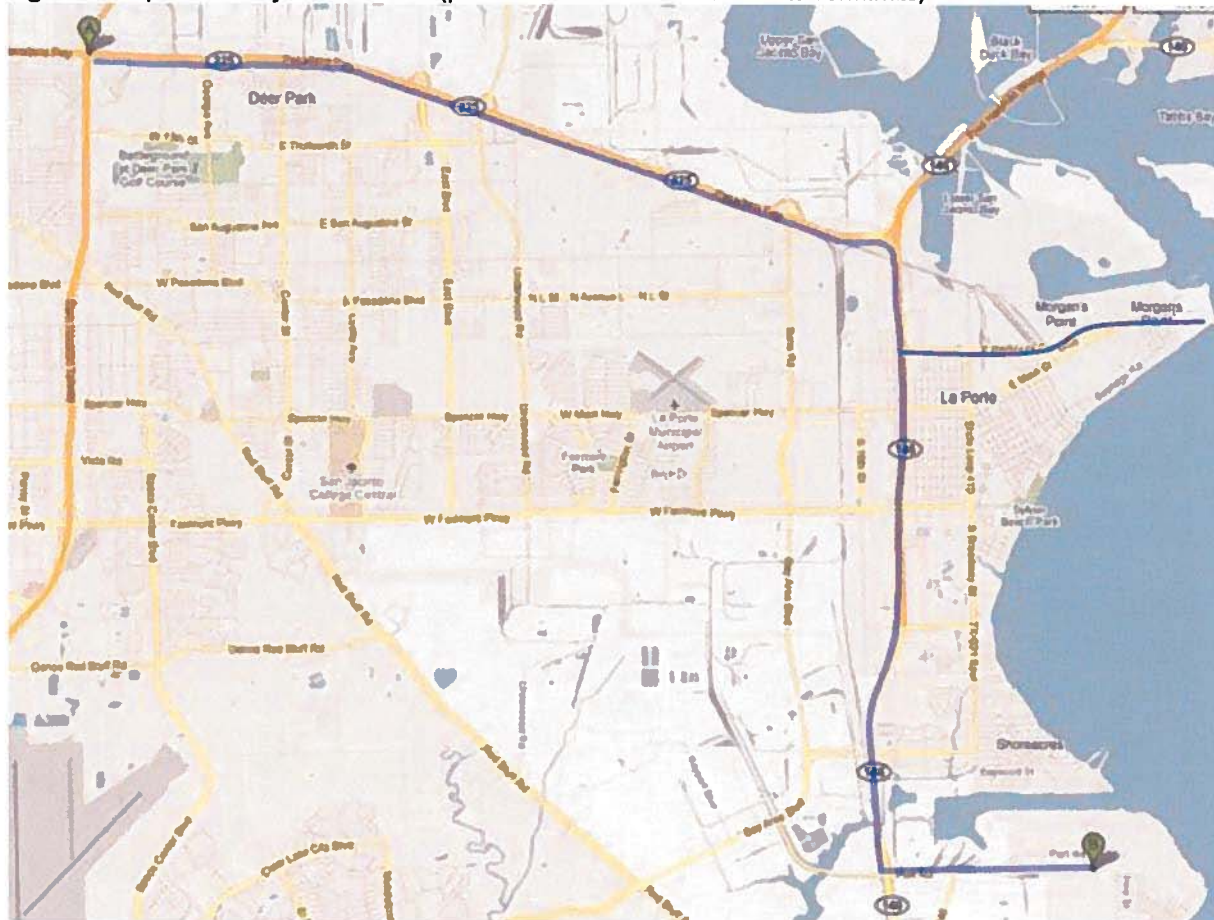
DEMAND CRITERIA AND PRIORITIZATION

Interviews conducted with local shippers indicated that the primary routes utilized by them include SH 146 to Bayport, SH 146 to Barbours Cut, SH 225 to Beltway 8, La Porte to the two Port terminals and SH 225 – SH 146. The proposed Heavy haul corridor would include Port Road and Barbours Cut Boulevard and SH 146 from Port Road to SH 225 and SH 225 from Beltway 8 to SH 146 (as seen in Figure 5).

Table 3. Average Daily Traffic Counts

Roadway	Jurisdiction	Limits	ADT
SH 146	TxDOT	SH 225 to Port Road	73,000
SH 225	TxDOT	IH 610 to SH 146	133,000
Barbours Cut Boulevard	Harris County	SH 146 to Bayport Terminal	8,900
Port Road	Harris County	SH 146 to Bayport Terminal	5,500

Figure 5. Proposed Heavy Haul Corridor (plus Barbours Cut & Port Road to Terminals)



LEGISLATIVE NEEDS & SUPPORT

It is extremely critical to get legislative support in order to accelerate the different initiatives that would lead to the installation of heavy haul corridors in the Houston area. A widespread outreach effort to educate and inform the elected officials as well as the business community and general public is necessary. A few action items that need to be conducted on a regular basis include

- Obtain Committee's input to this memorandum and incorporate feedback
- Circulation to all Economic Alliance members requesting comments
- Coordination meetings with elected officials, specifically state legislators to educate and update them on critical issues
- Identify a "Champion" such as Rep. Wayne Smith, Rep. Ken Legler or Sen. Mike Jackson to assist in the lobbying for authorization of Senate Bill and / or House Bill
- Economic Alliance can take a proactive role in providing assistance with drafting legislation.

RECOMMENDATIONS

An Implementation Plan to determine the sequence, priority of projects, and potential funding sources needs to be prepared. The Implementation Plan will provide the framework and identifies the necessary tools to translate general direction and ideas identified into specific actions. This plan will provide a roadmap for successful implementation of the identified heavy haul corridor.

Though the development of the heavy haul corridor for the Houston Port Region would be a collective interagency effort, it is critical that one of the local jurisdictional agencies take the lead on this program. It is our opinion that Harris County, TxDOT or the Port of Houston will be best-suited to execute the plan for the Houston Port Region. The managing jurisdictional agency is allowed to retain up to 15 percent of the fee to cover costs incurred for the administration of the permitting program and hence, a program such as this one will not cause any additional budgetary constraints on the finances of the managing agency.

Different software to manage the permitting process for heavy haul or overweight container loads are currently available. A brief synopsis of various systems currently in use within the local region include:

- TxDOT has developed a prototype online restriction management system, the Permitting and Routing Optimization System (TxPROS), intended to provide an automated means of permitting and routing overweight loads on the state highway system. This program incorporates geographic information system (GIS) technology as the mapping feature of gathering roadway restriction information and is now approved to expand and replace the Motor Carrier Division's legacy permitting system, with completion expected by May 2011. Consequently, a framework exists for implementing a route-specific permitting system for overweight loads moved by truck in the Houston port region if the issuance of permits for these loads is found to be feasible and legislatively permissible.
- Chambers County currently utilizes software called ProMiles. ProMiles provides routing, permitting, and legalization solution for the transportation industry. ProMiles is a system that virtually fully automates the issuance of container trip permits for heavy haul truck movement within Chambers County. This solution allows shippers to efficiently issue overweight load permits with a minimum of manual work yet at the same time require no changes to the TxDOT permit system and no back-end work by Chambers County personnel or Chambers County shippers.

It is assumed that City or County Police Department officers who are certified for TxDOT and Commercial Vehicle Enforcement are qualified to enforce the permitting and regulations imposed by this heavy haul legislation and within their geographical or jurisdictional enforcement areas.

APPENDIX A: CHAMBERS COUNTY INFORMATION

Includes:

Map of Chambers County Heavy Haul Corridor 2006 and expanded 2009

SB 1044 legislation

Rules for Chambers County Heavy Haul Corridor

Permitting System Utilized in Chambers County by ProMiles Software Development Corporation (PDSC)

Current TXDOT Codes for Chambers County, Corpus Christi and Port of Brownsville



1

H.B. No. 1044

1 100,000 pounds or less.

2 Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make
3 payments to the department to provide funds for the maintenance of
4 state highways subject to this subchapter.

5 Sec. 623.254. PERMIT FEES. (a) The county may collect a
6 fee for permits issued under this subchapter. The fee may not
7 exceed \$80 per trip.

8 (b) Fees collected under Subsection (a) may be used only to
9 provide funds for the payments under Section 623.253 and for the
10 county's administrative costs, which may not exceed 15 percent of
11 the fees collected. The fees shall be deposited in the state
12 highway fund. Fees deposited in the state highway fund under this
13 section are exempt from the application of Section 403.095,
14 Government Code.

15 Sec. 623.255. PERMIT REQUIREMENTS. (a) A permit issued
16 under this subchapter must include:

17 (1) the name of the applicant;
18 (2) the date of issuance;
19 (3) the signature of the designated agent for the
20 county;

21 (4) a statement of the kind of cargo being
22 transported, the maximum weight and dimensions of the equipment,
23 and the kind and weight of each commodity to be transported;

24 (5) a statement of any condition on which the permit is
25 issued;

26 (6) a statement that the cargo may be transported in
27 Chambers County only over Farm-to-Market Road 1405 and the frontage

H.B. No. 1044

1 road of State Highway 99 located in the Cedar Crossing Business
2 Park; and

3 (7) the location where the cargo was loaded.

4 (b) The county shall report to the department all permits
5 issued under this subchapter.

6 Sec. 623.256. TIME OF MOVEMENT. A permit issued under this
7 subchapter must specify the time during which movement authorized
8 by the permit is allowed.

9 Sec. 623.257. SPEED LIMIT. Movement authorized by a permit
10 issued under this subchapter may not exceed the posted speed limit
11 or 55 miles per hour, whichever is less. A violation of this
12 provision constitutes a moving violation.

13 Sec. 623.258. ENFORCEMENT. The Department of Public Safety
14 has authority to enforce this subchapter.

15 Sec. 623.259. RULES. The Texas Transportation Commission
16 may adopt rules necessary to implement this subchapter.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.

H.B. No. 1044

President of the Senate

Speaker of the House

I certify that H.B. No. 1044 was passed by the House on March 17, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1044 on May 24, 2005, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1044 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor

SUBCHAPTER H. CHAMBERS COUNTY PERMITS

§28.100. Purpose. In accordance with Transportation Code, Chapter 623, Subchapter K, the commission may authorize Chambers County, Texas to issue permits for the movement of oversize and overweight vehicles and loads on Farm-to-Market Road 1405 and the frontage road of State Highway 99 located in the Cedar Crossing Business Park. This subchapter sets forth the requirements and applicable procedures for the issuance of permits by Chambers County for the movement of oversize and overweight vehicles.

§28.101. Responsibilities.

(a) Surety bond. Chambers County shall post a surety bond in the amount of \$500,000 for the purpose of reimbursing the department for actual maintenance costs of Farm-to-Market Road 1405 and the frontage road of State Highway 99 located in the Cedar Crossing Business Park in the event that sufficient revenue is not collected from permits issued under this subchapter.

(b) Verification of permits. All permits issued by Chambers County shall be carried in the permitted vehicle. Chambers County shall provide access or a phone number for verification of permit authenticity by law enforcement or department personnel.

(c) Training. Chambers County shall secure any training necessary for personnel to issue permits under this subchapter. The department may provide assistance with training upon request by Chambers County.

(d) Accounting. The department shall develop accounting procedures related to permits issued under this subchapter for the purpose of revenue collections and any payment made to the department under subsection (h) of this section.

(e) Audits. The department may conduct audits of all permits issued by Chambers County semi-annually or upon direction by the executive director under this subchapter. In order to insure compliance, audits will at a minimum include a review of all permits issued, financial transaction records related to permit issuance, review of vehicle scale weight tickets and monitoring of personnel issuing permits under this subchapter.

(f) Revocation of authority to issue permits. If the department determines as a result of an audit that Chambers County is not complying with this subchapter, the executive director will issue a notice to Chambers County allowing 30 days

NOTE: These are current rules. Amendments will be proposed at the August Transportation Commission meeting and, if adopted, will go into effect in late November.

1 to correct any non-compliance issue. If after 30 days it is
2 determined that Chambers County is not in compliance, then the
3 executive director may revoke Chambers County's authority to
4 issue permits.

5 (1) Upon notification that its authority to issue permits
6 under this subchapter has been revoked, Chambers County may
7 appeal the revocation to the commission in writing.

8 (2) In cases where a revocation is being appealed,
9 Chambers County's authority to issue permits under this
10 subchapter shall remain in effect until the commission makes a
11 final decision regarding the appeal.

12 (3) Upon revocation of authority to issue permits,
13 termination of the maintenance contract, or expiration of this
14 subchapter, all fees collected by Chambers County, with the
15 exception of administrative costs already expended, shall be
16 paid to the department.

17 (g) Fees. Fees collected under this subchapter shall be
18 used solely to provide funds for the payments provided for under
19 Transportation Code, §623.253, less administrative costs.

20 (1) The permit fee shall not exceed \$80 per trip.
21 Chambers County may retain up to 15% of such permit fees for
22 administrative costs, and the balance of the permit fees shall
23 be used to make payments to the department for maintenance of
24 Farm-to-Market Road 1405 and the frontage road of State Highway
25 99 located in the Cedar Crossing Business Park.

26 (2) Chambers County may issue a permit and collect a fee
27 for any vehicle or vehicle combination weighing up to 100,000
28 pounds, and with load dimensions not exceeding 12' wide, 16'
29 high or 110' long, traveling only on Farm-to-Market Road 1405
30 and the frontage road of State Highway 99 located in the Cedar
31 Crossing Business Park.

32 (h) Maintenance contract. Chambers County shall enter into
33 a maintenance contract with the department for the maintenance
34 of Farm-to-Market Road 1405 and the frontage road of State
35 Highway 99 located in the Cedar Crossing Business Park.

36 (1) The maintenance contract shall provide for a system
37 of payments from Chambers County to the department for all
38 maintenance costs expended by the department to maintain Farm-
39 to-Market Road 1405 and the frontage road of State Highway 99
40 located in the Cedar Crossing Business Park to the current level
41 of service or pavement conditions. Maintenance shall include,
42 but is not limited to, routine maintenance, preventive
43 maintenance, and total reconstruction of the roadway and bridge
44 structures as determined by the department to maintain the
45 current level of service.

NOTE: These are current rules. Amendments will be proposed at the August Transportation Commission meeting and, if adopted, will go into effect in late November.

(2) Chambers County may make direct restitution to the department for actual maintenance costs from this fund in lieu of the department filing against the surety bond required in subsection (a) of this section, in the event that sufficient revenue is not collected.

(i) Reporting. Chambers County shall provide monthly and annual reports to the department's Finance Division regarding all permits issued and fees collected. The report must be in a format approved by the department.

§28.102. Permit Issuance Requirements and Procedures.

(a) Permit application. Application for a permit issued under this subchapter shall be in a form approved by the department, and shall at a minimum include:

- (1) the name of the applicant;
- (2) date of issuance;
- (3) signature of the designated agent of Chambers County;
- (4) a statement of the kind of cargo being transported;
- (5) the maximum weight and dimensions of the proposed vehicle combination, including number of tires on each axle, tire size for each axle, distance between each axle, measured from center of axle to center of axle, and the specific weight of each individual axle when loaded;
- (6) the kind and weight of each commodity to be transported;
- (7) a statement of any condition on which the permit is issued;
- (8) a statement that the cargo shall be transported over the most direct route using only Farm-to-Market Road 1405 and the frontage road of State Highway 99 located in the Cedar Crossing Business Park;
- (9) the name of the driver of the vehicle in which the cargo is to be transported;
- (10) the location where the cargo was loaded;
- (11) the date(s) on which movement authorized by the permit is allowed; and
- (12) the name of the specific Chambers County employee issuing the permit.

(b) Permit issuance.

(1) General.

(A) The original permit must be carried in the vehicle for which it is issued.

(B) A permit is void when an applicant:

- (i) gives false or incorrect information;
- (ii) does not comply with the restrictions or

NOTE: These are current rules. Amendments will be proposed at the August Transportation Commission meeting and, if adopted, will go into effect in late November.

1 conditions stated in the permit; or
2 (iii) changes or alters the information on the
3 permit.

4 (C) A permittee may not transport an overdimension or
5 overweight load with a voided permit.

6 (2) Payment of permit fee. Chambers County may determine
7 acceptable methods of payment. All fees transmitted to the
8 department must be in U.S. currency.

9 (c) Maximum permit weight limits.

10 (1) An axle group must have a minimum spacing of four
11 feet, measuring from center of axle to center of axle, between
12 each axle in the group, to achieve the maximum permit weight for
13 the group.

14 (2) Two or more consecutive axle groups must have an axle
15 spacing of 12 feet or greater, measured from the center of the
16 last axle of the preceding group to the center of the first axle
17 of the following group, in order for each group to be permitted
18 for maximum permit weight.

19 (3) Maximum permit weight for an axle or axle group is
20 based on 650 pounds per inch of tire width or the following axle
21 or axle group weights, whichever is the lesser amount;

22 (A) single axle - 25,000 pounds;

23 (B) two axle group - 46,000 pounds;

24 (C) three axle group - 60,000 pounds;

25 (D) four axle group - 70,000 pounds;

26 (E) five axle group - 81,400 pounds;

27 (F) trunnion axles - 60,000 pounds if:

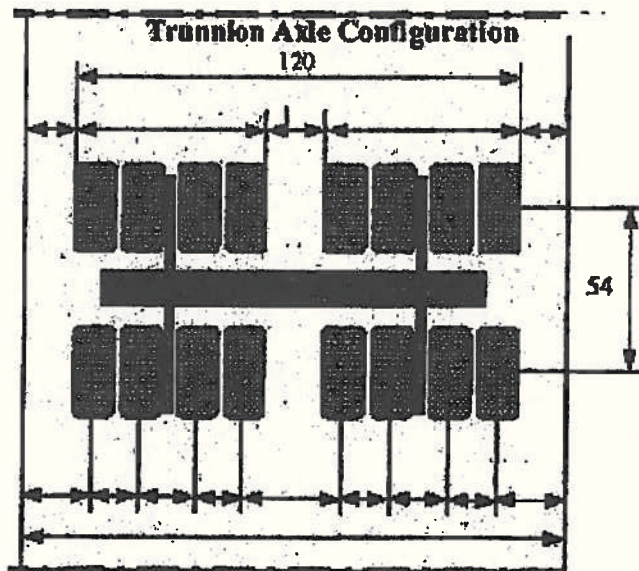
28 (i) the trunnion configuration has two axles;

29 (ii) there are a total of 16 tires for a trunnion
30 configuration; and

31 (iii) the trunnion axle as shown in the following
32 diagram is 10 feet in width.

33

34 Figure: 43 TAC §28.102(c) (3) (F) (iii)



(4) A permit issued under this subchapter does not authorize the vehicle to exceed manufacturer's tire load rating.

(d) Vehicles exceeding weight limits. Any vehicle exceeding weight limits outlined in subsection (c) of this section, shall apply directly to the department for an oversize or overweight permit in accordance with §28.11 of this chapter (relating to General Oversize/Overweight Permit Requirements and Procedures).

(e) Registration. Any vehicle or combination of vehicles permitted under this subchapter shall be registered in accordance with Transportation Code, Chapter 502.

(f) Travel conditions. Movement of a permitted vehicle is prohibited when visibility is reduced to less than 2/10 of one mile or the road surface is hazardous due to weather conditions such as rain, ice, sleet, or snow, or highway maintenance or construction work.

(g) Daylight and night movement restrictions. An oversize permitted vehicle may be moved only during daylight hours; however, an overweight only permitted vehicle may be moved at any time.

(h) Restrictions.

(1) Any vehicle issued a permit by Chambers County must be weighed on scales capable of determining permitted loaded gross vehicle weights and individual axle loads. For the purpose of ensuring the accuracy of the permit, the scales must be certified by the Texas Department of Agriculture.

(2) A copy of the certified weight ticket shall be

NOTE: These are current rules. Amendments will be proposed at the August Transportation Commission meeting and, if adopted, will go into effect in late November.

Texas Department of Transportation

Page 6 of 6

1 retained by Chambers County and become a part of the official
2 permit record subject to inspection by department personnel or
3 Texas Department of Public Safety personnel.

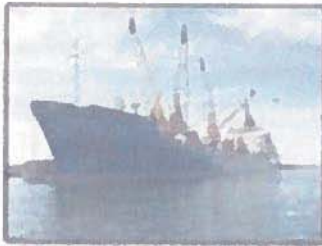
4 (3) The owner of a vehicle permitted under this
5 subchapter must be registered as a motor carrier in accordance
6 with Transportation Code, Chapters 643 or 645, prior to the
7 oversize or overweight permit being issued. Chambers County
8 shall maintain records relative to this subchapter, which are
9 subject to audit by department personnel.

10 (4) Permits issued by Chambers County shall be in a form
11 prescribed by the department.

12 (5) The maximum speed for a permitted vehicle shall be 55
13 miles per hour or the posted maximum, whichever is less.

NOTE: These are current rules. Amendments will be proposed at the August Transportation Commission meeting and, if adopted, will go into effect in late November.

OS/OW Permitting, Routing and Mapping Solutions for the 21st Century



**ProMiles OS/OW Solutions Customized
for Chambers County Texas**

The Challenges:



- Efficiently Issue Single Trip Permits for Containerized Cargo movement in Chambers County, Texas
- Electronically Import container information minimizing manual entry work for Shippers and Receivers
- Interface to Texas DOT Motor Carrier Division for permit issuance
- Easy Efficient manner for matching permits with containers
- July 30th Implementation Date
- No additional permit fees
- No additional IT work needed for Chambers County, Texas DOT, or the Shippers



ProMiles Permit Solution to Chambers County, Texas DOT, and Chambers County Shippers and Receivers

ProMiles has been providing routing, permitting, and legalization solutions to the transportation industry for more than 20 years. ProMiles is proposing a system to virtually fully automate the issuance of container trip permits for movement within Chambers County. This solution will allow shippers to efficiently issue these permits with a minimum of manual work yet at the same time will require absolutely no changes to the Texas DOT permit system and no IT work by Chambers County or the Chambers County shippers.



From Port



By Barge



To Truck

Matching Permit to Container

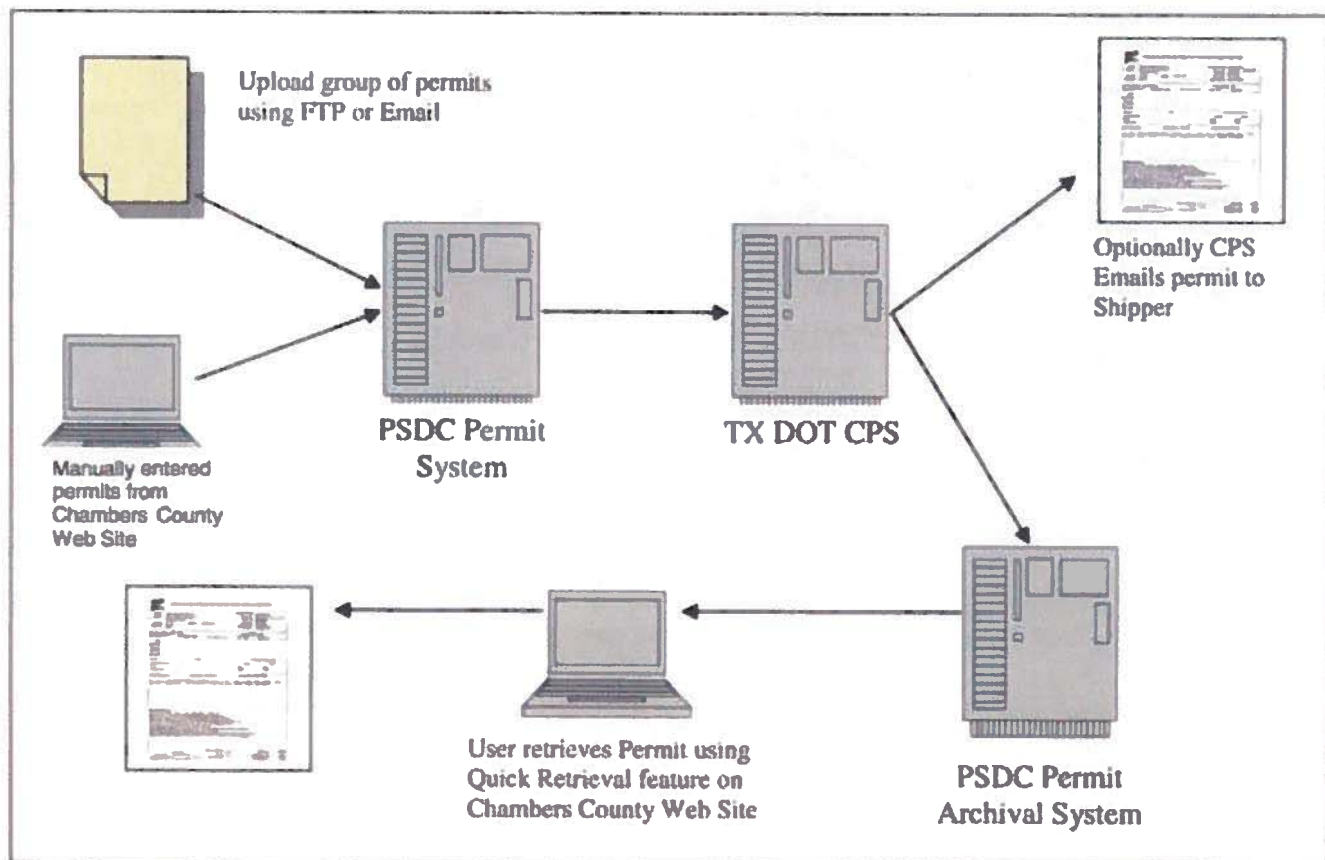
One of the key components to effective operation of this permit system is to efficiently match a permit with the correct container. The Texas DOT CPS emails the OS/OW permits. For most OS/OW situations this is ideal. However, when there are hundreds of nearly identical permits going to the same place this can be a nightmare. The PSDC solution can receive the hundreds of emailed permits from the CPS and archive the permits. PSDC's system will verify receipt of the permit for each container. When the shipping personnel is ready to print the permits, all they have to do is enter the container number into a PSDC web interface and the permit will be printed at that time so it can be attached to the other shipping documents.

Key Features:

The following are some of the key features of the PSDC Chambers County Containerized Permit System:

- The system will be fully functional by July 30, 2006
- No changes in the Texas DOT CPS
- No IT work necessary for Chambers County
- No IT work necessary for Shippers
- 24/7 operations
- Electronic submission of multiple containers via email, ftp, or upload of file
- Upload virtually any format of data
- Web site for submission of individual containers
- Optimized entry system – minimum information entered for each container
- Optional Permit retrieval and verification system
- Optimized interface for matching permit to container
- Complete technical support
- Guaranteed compatibility with Texas DOT CPS
- All billing done through Texas DOT CPS

System Diagram



History and Background

ProMiles Software Development Corporation (PSDC) is a closely held Texas corporation with its primary office at 1900 Texas Ave., Bridge City, TX 77611. PSDC currently employs a total of 40 employees. A majority of PSDC employees work in the main office, with several outside sales reps and developers.

The principals of PSDC have 23 years of experience in the motor vehicle regulatory and compliance industry and have been developing and using computer systems to support this industry for these 23 years. PSDC was incorporated in the summer of 1998 and was the combination of two businesses, one owned by each of the principals. The corporations that merged to form PSDC were Owens & Associates, which provided ICC authority registration and permitting and was formed in 1980, and American Transportation Software Development Corporation, which produced and marketed fuel tax reporting and mileage software and was formed in 1983.

PSDC is the owner of the ProMiles mileage system, one of the leading mileage guides used by both the trucking industry and trucking regulators and compliance officers. The ProMiles system is the preferred choice for IFTA, IRP, and log auditors in 41 states and all Canadian provinces. PSDC also creates specialized and custom routing applications for the industry, including Haz-Mat and over dimensional routing systems.



Work Flow Outline:

The following outlines the workflow for the permits:

1. Container information entered via web or uploaded via file
2. PSDC permit system orders permit through CPS
3. Optionally CPS Email permit to Shipper or
 - 3a CPS Emails permit to PSDC system for archival and verification
 - 3b. Operator retrieves permit for individual container via web screen
 - 3c. Operator prints permit and attaches to other container paperwork



Support:

PSDC will provide full technical support for all parties involved including Chambers County, the Texas DOT, and any Shippers or 3PL companies using the permitting system. PSDC will guarantee compatibility with any changes made in the Texas COT MCD Central Permitting System.

Cost:

PSDC's fees will be paid entirely out of the administrative fees for the permits. There will be no additional charges to either Chambers County or the Shippers.

Contact:

Michael Webb
VP Government Affairs and Reseller Relations
615-838-8137
mike@promiles.com
www.promiles.com

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Matching Permit to Container

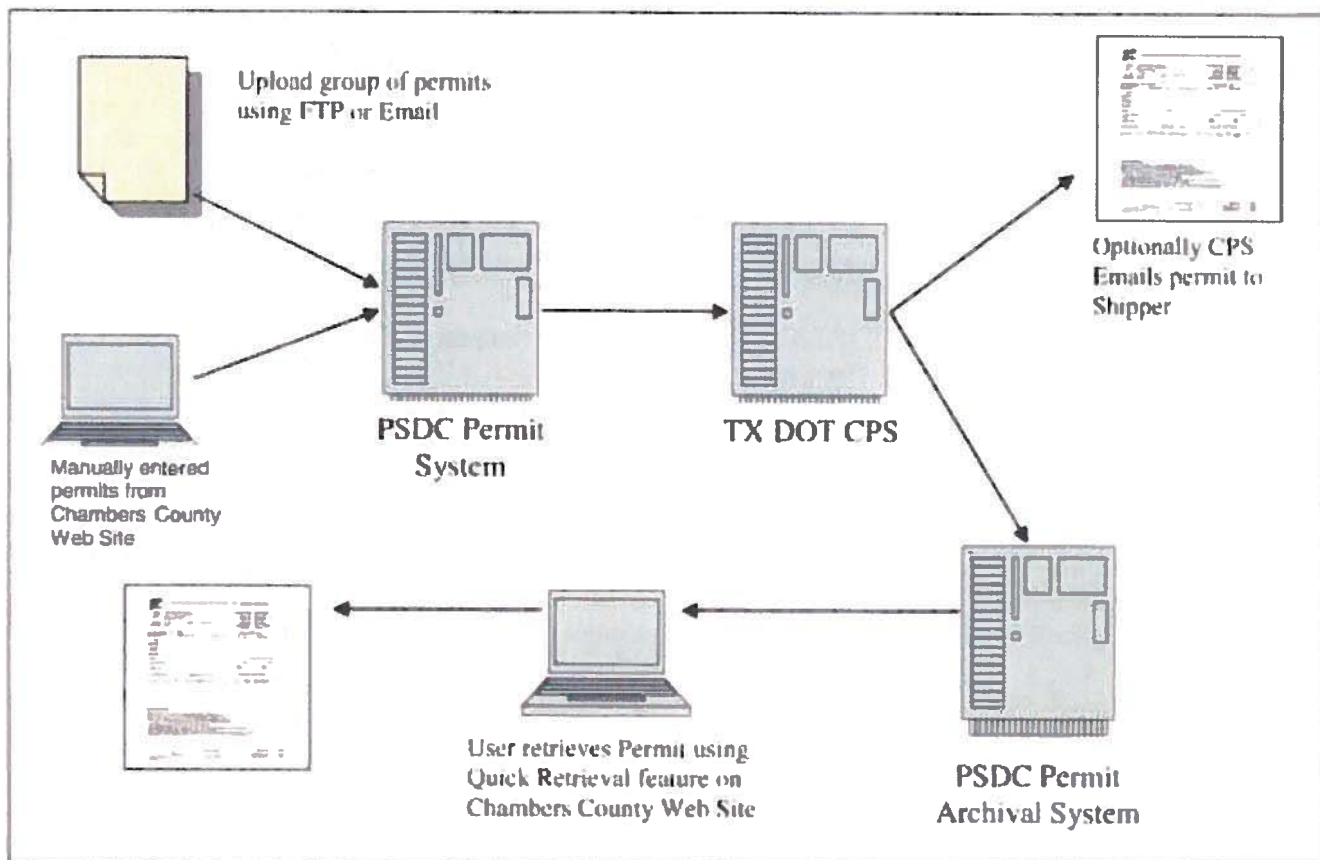
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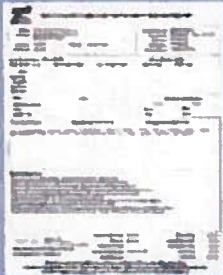
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From Port

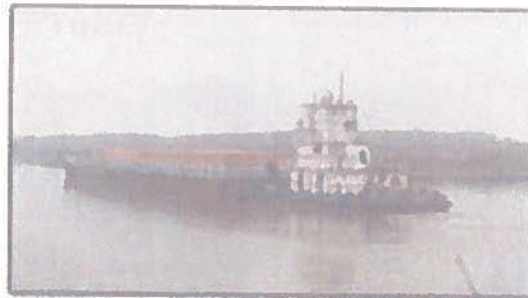


By Barge



To Truck

OS/OW Permitting, Routing and Mapping Solutions for the 21st Century



**ProMiles OS/OW Solutions Customized
for Chambers County Texas**

APPENDIX B: PHILADELPHIA HEAVY HAUL INFORMATION

Feb 19 02 04:12p

Randy Braden

3343536618

p. 4



Don Siegelman
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION
1409 Coliseum Boulevard, Montgomery, Alabama 36130-3050



Paul Bowlin
Transportation Director

February 19, 2002

MEMORANDUM

TO: Vehicle Permit Office Staff

FROM: Yvonne P. Davidson
Assistant Permits and Operations Engineer

RE: Sealed Containers

Sealed Containers are the only divisible loads that are allowed to purchase overweight vehicle permits. They must be less than 100,000 pounds on 5 axles and be able to prove that they are being used to import or export various commodities into or out of our country. In order to get the permit they shall provide this office with the following items:

1. Axle weight and spacing diagram.
2. Original bill of lading including information such as shipper's name, consignee's name, carrier's name, container number, commodity, weight, trailer license, port of entry/discharge, origin, destination and seal number.
3. Equipment/cargo interchange report including information such as shipper's name, carrier's name, container number, trailer license, port of entry/discharge, origin, destination, vessel and booking number.



APPLICATION FOR ANNUAL PERMIT



Alabama Department of Transportation
Permit Office; Room H-102
1409 Coliseum Blvd.
Montgomery, AL 36110

Fax Number: (334) 265-4670
Toll Free Number: 1(800)499-2782
Website Address: www.dot.state.al.us

Application is hereby made for an annual permit to operate or move upon the State's public roads a vehicle or Combination of no more than two vehicles and loads whose weight, width, or height, or combination thereof, Exceeds the maximum limits specified by law.

Indicate the type of permit and the quantity desired in the appropriate space below. One Hundred Dollars (\$100.00) for each permit request must accompany application. *PLEASE SPECIFY NUMBER OF PERMITS BY PUTTING THE NUMBER ON THE LINE.	
# _____	Combination or Equipment whose weight and/or dimensions exceed the LEGAL DIMENSIONS specified by law: MAXIMUM 12 FEET WIDE; 14 FEET HIGH; 75 OVERALL LENGTH and MAXIMUM WEIGHT of 150, 000 pounds. Weight over 100,000 pounds requires a routing.
# _____	Mobile Homes: MAXIMUM 14 FEET WIDE and 85 OVERALL LENGTH.
# _____	Modular Homes, Sectional Houses, Portable Buildings, Boats, and Vehicles or Combinations of Vehicles: MAXIMUM 12 FEET WIDE; 14 FEET HIGH; 75 OVERALL LENGTH.
# _____	Sealed Ocean-Going Containers: MAXIMUM 8 FEET 6 INCHES WIDE; 13 FEET 6 INCHES HIGH and MAXIMUM WEIGHT OF 100,000 pounds.

Date Permit is to Start: _____ FEIN #: _____ DOT #: _____
Name of Individual, Company or Corporation: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: _____ Fax Number: _____
Email Address: _____

*This is to certify that I have either read the rules and regulations of the
ALABAMA DEPARTMENT OF TRANSPORTATION
pertaining to permits for vehicles or loads whose dimensions or weight exceeds the
maximum limit specified by law; or I will read the rules before the requested permit is used.*

Cash : _____
Company Check #: _____
Cashiers Check #: _____
Money Order #: _____
Credit Card #: _____
Expires: _____
Visa ☐ Master Card ☐ AMEX ☐ Discover ☐

Name of Individual, Company or Corporation

Signature and title of Authorized Agent

Submit

LOUISIANA

Regulations for Trucks, Vehicles and Loads 2010



Louisiana

Regulations

For

Trucks, Vehicles and Loads



The Rules and Regulations contained herein pertaining to the Department of Transportation and Development are established and enforced under the authority of Louisiana R. S 32§2 and the Louisiana Administrative Code, Title 73.

This public document was published at a cost of \$1.00 per copy by the Louisiana Department of Transportation and Development, P. O. Box 94245 Baton Rouge, Louisiana 70804, to inform the public about current regulations for trucks, vehicles and loads within the Department under the authority of special exception by the Division of Administration. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:431.

First Edition Published 1977
Twentieth Edition Fall 2010

Vehicles with a valid permit are not prohibited from traveling at night, during moderate rain, or on holidays if the width and length are legal. The issuance of this permit requires a signed agreement, an application from the company, **General Power of Attorney** giving authority to a person to execute the **Agreement** on behalf of the corporation and must be dated on or before the Agreement is dated. The agreement, application and power of attorney form are available from the Truck Permit Office. Annual Overweight Permits are issued on computer generated forms, and are embossed with a state seal. The original copy must be carried in the vehicle for which it was issued. They may be obtained only from the Truck Permit Office or the Louisiana Truck Center.

BAGGED RICE: (\$500.00 per calendar year)

These permits are for vehicles that haul bagged rice for export only and for one way hauls within a sixty (60) mile radius of the Port of Lake Charles. This special permit authorizes the operation of a vehicle or combination of vehicles a total gross weight not to exceed 95,000 pounds with a tandem not to exceed 37,000 pounds and a tridum not to exceed 45,000 pounds.

Bagged Rice Permit Maximum Weights	
Gross Vehicle Weight.....	95,000 pounds
Tandem Axles.....	37,000 pounds
Tridum Axles.....	45,000 pounds
Note: This permit shall not supersede any lesser weight limit POSTED on a bridge or highway	

Vehicles with Bagged Rice Permits are allowed movement on non-interstate highways, are valid for one (1) year, expiring each year on December 31st and are tied to the pulling unit. These vehicles are not prohibited from traveling at night, during moderate rain or on holidays. These permits are issued on computer generated forms from the Truck Permit Office or the Louisiana Truck Center.

CONTAINERIZED CARGO CLASS I: (\$50.00 per year)

These permits are for sealed Ocean Containers used in hauling prepackaged products for international trade originating from or destined to an intermodal facility. This permit allows for the transportation of Ocean Containers with a gross vehicle weight limitation not to exceed eighty thousand (80,000) pounds and axle group weight not to exceed forty thousand (40,000) pounds per tandem axle.

Containerized Cargo Class I Permit Maximum Weights	
Gross Vehicle Weight	80,000 Pounds
Tandem Axles.....	40,000 pounds
Note: This permit shall not supersede any lesser weight limit POSTED on a bridge or highway.	

Vehicles with a **Containerized Cargo Class I Permit** are allowed movement on Interstate and non-Interstate highways and are valid for one (1) year, expiring each year on December 31. The vehicles are not prohibited from traveling at night, during moderate rain or on holidays. These permits are issued on computer generated permit forms or Prepaid Containerized Cargo permit forms which may be obtained from the Truck Permit Office or the Louisiana Truck Center.

CONTAINERIZED CARGO CLASS II: (\$500.00 per year)

These permits are for sealed Ocean Containers used in hauling prepackaged products for international trade within a fifty (50) mile radius from a statutorily defined port or harbor district to an intermodal facility. This permit allows for the transportation of Ocean Containers with a gross vehicle weight limitation not to exceed ninety five thousand (95,000) pounds and the axle weight not to exceed twenty thousand (20,000) pounds per axle provided the rear axle set is a tridum

Containerized Cargo Class II Permit Maximum Weights	
Gross Vehicle Weight.....	95,000 Pounds
Tandem Axles	40,000 Pounds
Tridem Axles.....	60,000 Pounds
• Note: This permit shall not supersede any lesser weight limit POSTED on a bridge or highway.	

Vehicles with a **Containerized Cargo Class II Permits** are allowed movement on Interstate and non-Interstate highways and are valid for one (1) year, expiring each year on December 31. The vehicles are not prohibited from traveling at night, during moderate rain, or on holidays. These permits are issued on computer generated permit forms from the Truck Permit Office or the Louisiana Truck Center.

CONTAINERIZED SPECIAL CARGO PERMIT (\$750.00 per year)

These permits are for vehicles that transport sealed containerized cargo for **export only** and for one-way hauls from Pineville, Louisiana and New Orleans, Louisiana. This special annual permit shall be limited to sealed containerized cargo which contains **containerboard, kraft liner, or roll pulp**. This permit authorizes the operation of a vehicle or combination of vehicles with not more than five axles at a total gross weight not to exceed 90,000 pounds with a tandem axle weight not to exceed 40,000 pounds.

Containerized Special Cargo Permit Maximum Weights	
Gross Vehicle Weight.....	90,000 Pounds
Tandem Axles.....	40,000 Pounds
• Note: This permit shall not supersede any lesser weight limit POSTED on a bridge or highway	

Vehicles with a **Containerized Special Cargo Permits** are allowed movement on Interstate and non-Interstate highways and are valid for one (1) year from the issue date. The vehicles are not prohibited from traveling at night, during moderate rain, or on holidays. These permits are issued on computer generated permit forms from the Truck Permit Office or the Louisiana Truck Center.

COTTON MODULE PERMITS: (\$50.00 per year)

These permits are for three (3) axle vehicles that haul cotton modules and exceed the legal limitations on axle, axle group or gross vehicle weights. They are valid for one (1) year and may travel on any state maintained highway, except the Interstate system.

On non-Interstate highways, the Cotton Module Permit weights are:	
Gross Vehicle Weight.....	68,000 Pounds
Single Axle.....	20,000 Pounds
Tandem Axles.....	48,000 Pounds
• Note: This permit shall not supersede any lesser weight limit POSTED on a bridge or highway.	

Vehicles with a **Cotton Module Permit** are not prohibited from traveling at night, during moderate rain, or on holidays. These permits are issued on computer generated permit forms from the Truck Permit Office or the Louisiana Truck Center.

Commissioner

Deputy Commissioner

James D. Quin
Deputy Executive Director/
Chief Engineer



Dr. Robert L. Robinson
Executive Director

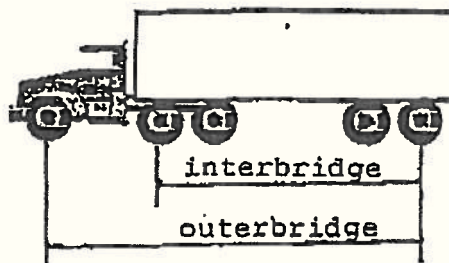
James D. Quin
Deputy Executive Director/
Chief Engineer

Mississippi Department of Transportation / P.O. Box 1850 / Jackson, MS 39215-1850 / FAX (601) 359-2233

Approved 1-25-94
Effective 1-25-94

Sealed containerized cargo units will be considered as non-divisible loads and overweight trip permits will be issued to operate vehicles hauling such units on the state highway system, subject to the following restrictions:

- A. Such containerized cargo units must be part of international trade and be moved on the highways due to importation from, or exportation to, another country.
- B. A copy of the international bill of lading signed by a custom's official; or an international bill of lading with an equipment interchange and inspection report must be submitted to the MDOT Permit Section before a permit will be issued.
- C. The operators of such units shall at all times have in their possession a copy of the documents as described in item "B" above.
- D. For conditions shown in item "F", outerbridge and interbridge is defined as follows:



[Handwritten signature]

- E. All vehicles operating under a sealed containerized cargo permit shall have a minimum of five (5) full-time load bearing axles and meet the following requirements for designated maximum gross vehicle weights as shown in Item "F".

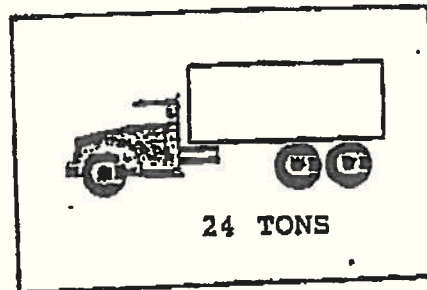


F. Maximum Gross Vehicle Weight with Maximum Tandem Axle weight of 42,000 lbs.

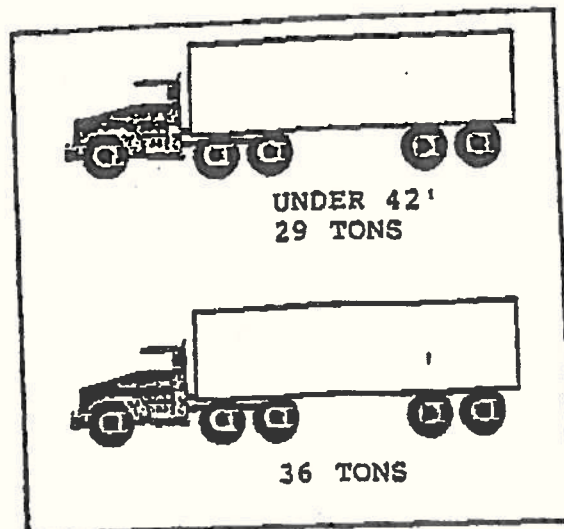
Length Outerbridge Min. (ft.)	Interbridge Min. (ft.)	Gross Vehicle Weight Max (lbs)
51	39	95,000
49	37	94,500
47	35	92,000
45	33	90,000
43	31	85,500
41	29	79,500
39	27	74,400

Above loads may cross bridges posted at or above one or combinations of the following postings.

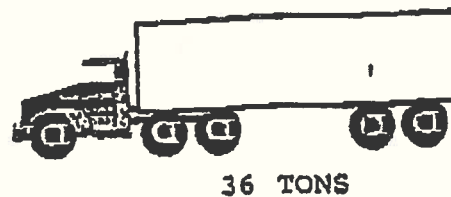
TANDEM
40,000 lbs.



48,000 lbs



58,000



72,000

- G. Sealed containerized loads are not permitted to cross "low" posted bridges shown in red on the Mississippi Department of Transportation LOW POSTED BRIDGES map. Posted bridges are subject to change and this map will be updated periodically to reflect changes. However, sealed containerized loads are not to cross any bridges that may be "low" posted prior to publication and issuance. This map is issued as part of this policy and will be supplied with the initial request for a sealed containerized permit, with additional maps furnished upon request and re-issued upon being updated.
- H. All vehicles permitted for movement of overweight sealed containerized units are authorized 24 hours continuous movement Monday through Sunday with normal travel conditions.

IB - ~~26~~
OB 36 7

9940 16420 16420 15300 15300
0 0 0 0 0
106 440 177 43 0
73,380
59,500

14,000

4,000

Stewart
Northern District Commissioner

Wynne O. Burkes
Central District Commissioner

Janice Shows
Southern District Commissioner



Dr. Robert L. Robinson
Executive Director

Kenneth I. Warren
Deputy Executive Director/
Chief Engineer

944-9200

Mississippi Department of Transportation / P.O. Box 1850 / Jackson, Mississippi 39215-1850 / FAX (601) 359-7710

N.O.C. S. Transport Ltd.

WHEN REQUESTING A BLANKET PERMIT FOR OVER SIZE UP TO 14' WIDE OTHER WISE
LEGAL, * OVERWEIGHT / OVERSIZE UP TO 14' IN WIDTH OR OVERWEIGHT ONLY THE
FOLLOWING INFORMATION IS REQUIRED.

1. A WRITTEN REQUEST IS REQUIRED EITHER FAXED TO (601) 944-9210 OR MAILED
TO MISSISSIPPI DEPARTMENT OF TRANSPORTATION, P O BOX 1850, JACKSON, MS
39215.

* A CERTIFICATE OF INSURANCE IS REQUIRED FROM THE INSURANCE AGENCY
SHOWING AUTO LIABILITY AMOUNTS ON THE VEHICLE THAT WILL BE USED.
INFORMATION REQUIRED ON CERTIFICATE OF INSURANCE IS AS FOLLOWS:

- 1A. PRODUCER NAME, ADDRESS AND PHONE NUMBER.
- 1B. INSURED NAME ADDRESS AND PHONE NUMBER OR FAX NUMBER.
- 1C. NAME OF COMPANY AFFORDING COVERAGE.
- 1D. AUTOMOBILE LIABILITY POLICY NUMBER, EFFECTIVE DATE, EXPIRATION
DATE AND LIMITS. (25,000 AUTO LIABILITY, 250,000 PROPERTY DAMAGE).
- 1E. MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE.
- 1F. CERTIFICATE HOLDER MUST READ:

* MISSISSIPPI DEPARTMENT OF TRANSPORTATION
P O BOX 1850
JACKSON, MISS. 39215

(NO ENDORSEMENTS OR FORM E'S ACCEPTED)

3. BLANKET PERMITS COST \$100.00 PER YEAR OR PRORATED ACCORDING TO
WHEN THE INSURANCE EXPIRES. UPON APPROVAL OF THE BLANKET THE
APPLICANT WILL BE NOTIFIED OF THE EXACT COST.

* TO OBTAIN A BLANKET PERMIT FOR OVERWEIGHT AUTHORITY, A CHARGE
ACCOUNT WITH THE STATE IS REQUIRED AND THE FOLLOWING INFORMATION
MUST BE PROVIDED.

- A. LAST YEAR TAX RETURN OR FINANCIAL STATEMENT.
- B. A LETTER OF RECOMMENDATION FROM YOUR BANK.
- C. A LETTER REQUESTING OVERWEIGHT AUTHORITY ON COMPANY'S
LETTERHEAD.
- D. DIAGRAM OF EACH VEHICLE AND TRAILER SHOWING AXLE SPACING AND AXLE
WEIGHTS PER EACH AXLE AND OVERALL DIMENSIONS IF KNOWN.

4. FOR FURTHER INFORMATION CONTACT THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION AT 601-944-9209. FOR CHARGE ACCOUNTS CONTACT
FINANCIAL MANAGEMENT AT 601-359-7400.



3460 N. Delaware Avenue, Philadelphia, PA 19134
(215) 426-2600 • FAX (215) 426-6800

Philadelphia Regional Port Authority



January 31, 2005

Honorable Philip R. Goldsmith
Managing Director
City of Philadelphia
Municipal Services Building, Room 1430
JFK Boulevard
Philadelphia, PA 19102

Dear Mr. Goldsmith:

We are writing to bring to your attention an extremely important issue facing the Philadelphia port community and to request your assistance in helping to retain and expand a valuable business segment in Philadelphia.

The Port of Philadelphia is the leading North American port for importing refrigerated and frozen agricultural products in sealed ocean-going containers from around the world. In 2004, approximately 1 billion pounds of imported meat entered through the port at our Packer Avenue Marine Terminal alone.

In order to attract, support and retain this important cargo in Philadelphia, the Commonwealth of Pennsylvania has invested almost \$22 million in capital infrastructure improvements to its facilities since 1992.

Currently, this non-divisible, containerized cargo is imported in 20-foot containers and light-loaded 40-foot containers to accommodate state and local trucking regulations. The cargo is then transported to various local warehouses for inspection, processing and distribution. Intense market pressure is being applied by shipping companies and end customers who are aggressively moving to shift this cargo to heavier-loaded 40-foot containers as they seek to reduce costs by taking advantage of economies of scale.

This industry trend is forcing states and municipalities to review their regulations and permitting processes to allow for movement of these heavier cargoes. New Jersey, for example, has already allowed for permitting of vehicles up to 116,000 pounds. The Port of Philadelphia is not immune to these market forces. Recently, one of Philadelphia's largest beef importers has

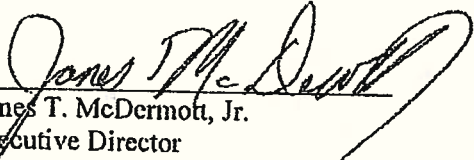
made it abundantly clear that they are prepared to move their cargo and business to Savannah or Baltimore unless Philadelphia makes accommodations for dealing with these heavier loads. If this important customer were to leave, over 900 direct, indirect and induced jobs would be lost.

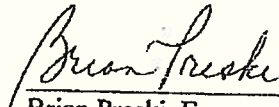
We at the Philadelphia Regional Port Authority, as well as the industry stakeholders signed below, are proposing change in permitting that would increase the weight of the load from 44,600 to 65,000 pounds and would require trucks with tri-axel trailers having a gross vehicle weight of no greater than 107,500 pounds. Some port stakeholders have already expressed a willingness to invest in these tri-axel trailers and we believe that if our proposal is approved, other businesses in the area will invest in these trailers as well. We strongly believe that a change in these regulations will not only help secure existing business in Philadelphia, but will also put the Port of Philadelphia in an excellent position for future growth. In addition, by increasing the maximum vehicle load an environmental benefit for the City will be realized. Specifically, our proposed change will result in fewer trips resulting directly in a reduction in traffic congestion and accompanying reduction in diesel related air pollutants.

In order to preserve this business and the family-sustaining jobs associated with it, we would like the opportunity to discuss these issues with you and your staff with the objective of outlining the steps required to have the City of Philadelphia issue permits for movement of sealed refrigerated cargo containers within the borders of the city.

We look forward to meeting with you to discuss this critical issue. Thank you in advance for your prompt attention to this issue.

Sincerely,


James T. McDermott, Jr.
Executive Director
Philadelphia Regional Port Authority


Brian Preski, Esq.
Chairman
Philadelphia Regional Port Authority

On behalf of:

Phil Donohue
Director, Corporate Commodities
Hamburg Sud

Carlos Diaz
Director, Refrigerated Cargo
CP Ships

Fred Sorbello
President
Mullica Hill Group Companies

David Whene
Senior Vice President, Operations
Greenwich Terminals, LLC

Dan Wackerman
Vice President
John A. Steer Co.

Vincent D'Anella
President
Transmode Express

Laurie Bryant
Executive Director
Meat Importers' Council of America

Michael Holt
Executive Vice President
Delaware Avenue Enterprises

Kim D'Anella
Logistics Manager
MAC Foods

Tom Kenney
Account Executive
Delaware Avenue Distribution

Anthony Randell
Import Trade Manager
P&O Nedlloyd

cc: Stephanie Naidoff, Department of Commerce
Clarena I.W. Tolson, Philadelphia Department of Streets
Loree Jones, Managing Director's Office
Duane Bumb, Department of Commerce
Frank Newsham, Streets Department
Jeffrey Batoff, Obermayer, Rebinann, Maxwell & Hippel

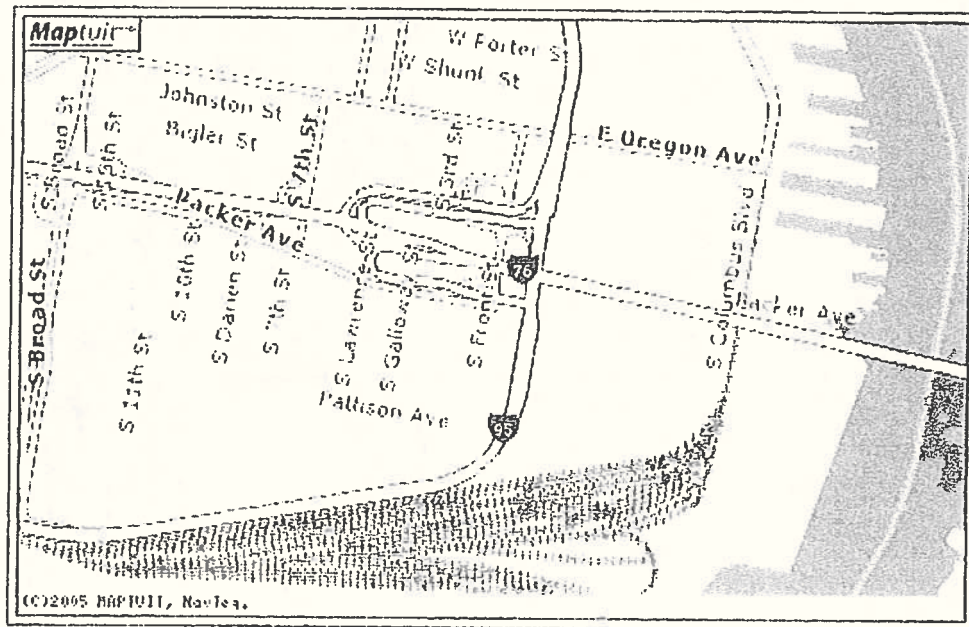


**Philadelphia Regional
Port Authority**

**Overweight Container Working Group
March 14, 2005**

Objective: To identify a process whereby the City of Philadelphia will issue permits to allow for the movement of *sealed refrigerated containers* within the City up to 107,500 pounds Gross Vehicle Weight (GVW).

TO NEW JERSEY



Option 1

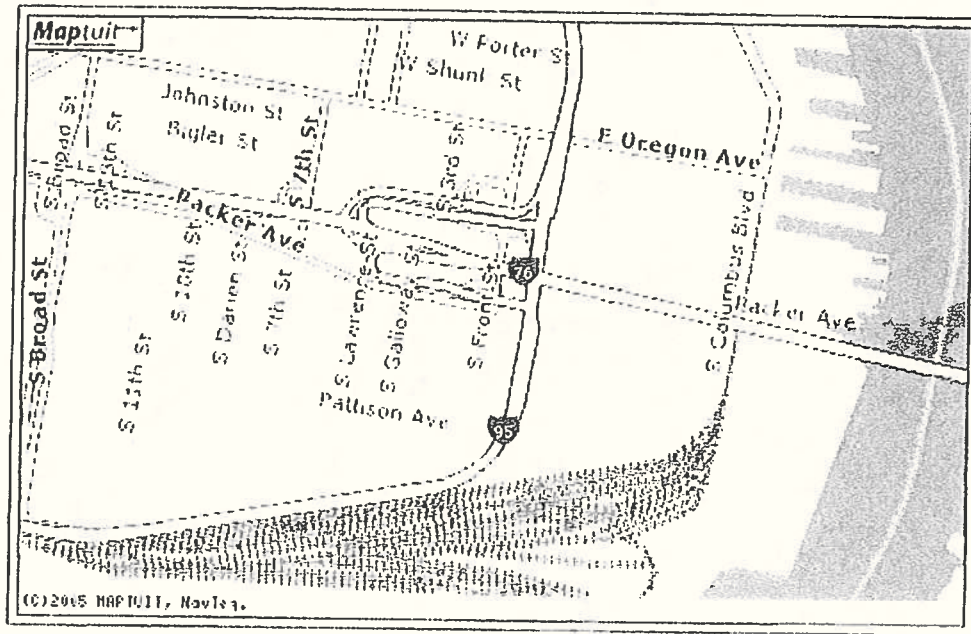
From Packer Avenue Terminal; Left on Columbus Blvd to Pattison Avenue; Right onto Front Street to Walt Whitman Bridge Ramp.

Option 2

From Packer Avenue Terminal; Right on Columbus Blvd to Oregon Avenue; Left onto Front Street to Walt Whitman Bridge Ramp.

NOTES:

TO SOUTH PHILADELPHIA (Delaware Avenue Distribution Center)

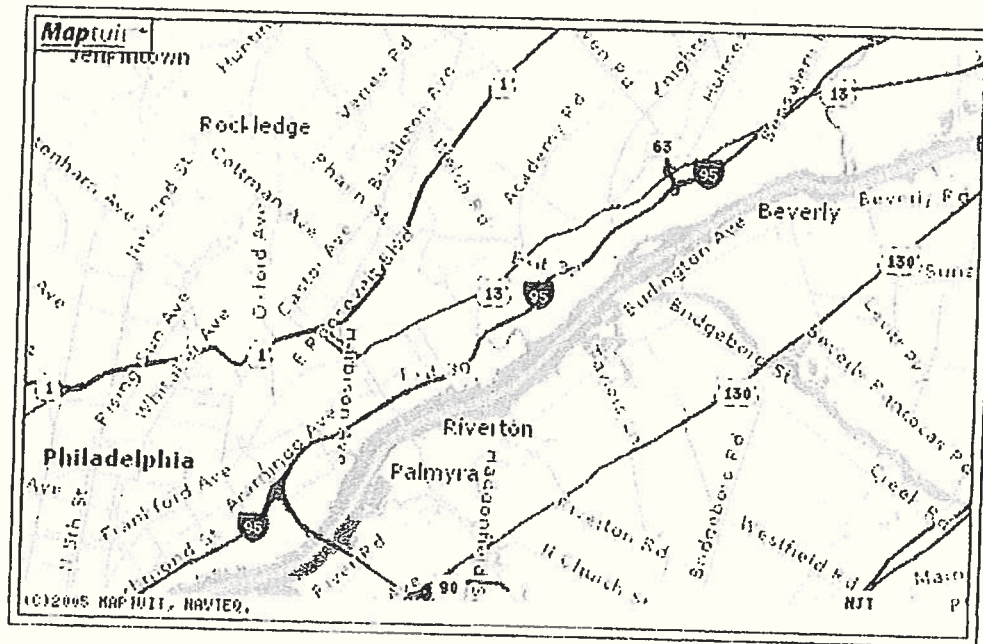


Option 1

From Packer Avenue Terminal; Left on Columbus Blvd to Pattison Avenue; Straight to 700 Pattison Avenue.

NOTES:

TO NORTHEAST PHILADELPHIA RFDI Freezers



Option 1

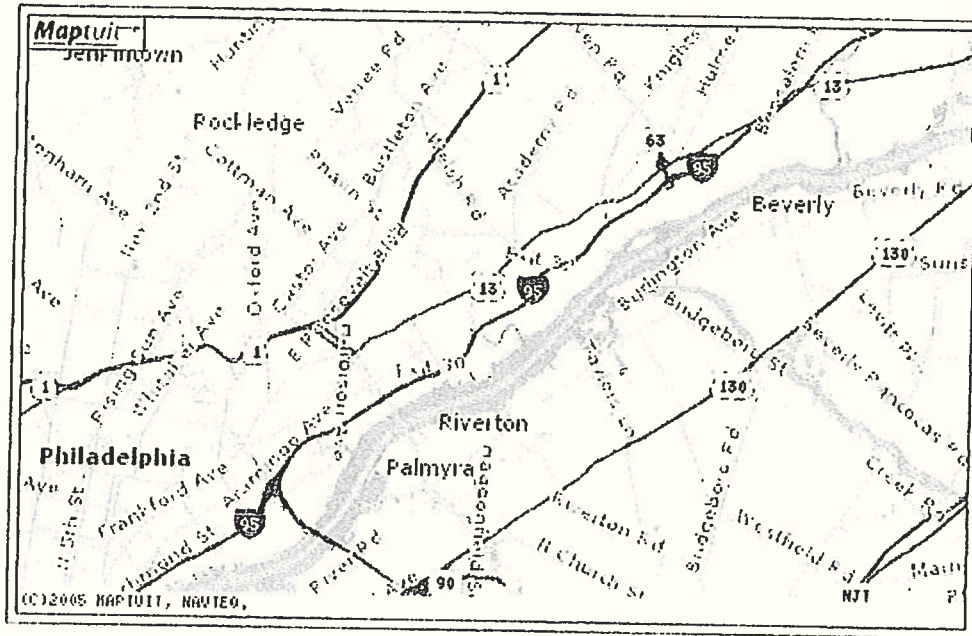
Columbus Blvd North to Interstate 95N On-Ramp; I95 N. to Academy Road Exit; Left onto Grant Avenue to Roosevelt Blvd; Right onto Roosevelt Blvd; Right onto Red Lion Avenue to 2701 Red Lion Ave.

Option 2

Columbus Blvd to Aramingo Avenue to Harbison Avenue; Right onto Roosevelt Blvd; Right onto Red Lion Avenue to 2701 Red Lion Ave.

NOTES:

TO NORTHEAST PHILADELPHIA B. Barks Warehouse



Option 1

Columbus Blvd North to Interstate 95N On-Ramp; I95 N. to Academy Road Exit; Left onto Grant Avenue to Bluegrass Rd; Right onto Bluegrass Rd; to 9400 Bluegrass Rd.

Option 2

Columbus Blvd to Aramingo Ave. to Harbison Ave.; Right onto Roosevelt Blvd; Right onto Grant Avenue; Left onto Bluegrass Rd; to 9400 Bluegrass Rd.

NOTES:

P&O
Cold Logistics

19840 Rancho Way
Dominguez Hills, CA 90221
Telephone (310) 632-6265
Facsimile (310) 900 7050

Mr. Laurie Bryant.
Meat Importers Council of America, Inc.
1901 North Fort Myer Drive
Arlington, VA 22209

March 4th, 2005

Re. Container Road Weight Limitations – Los Angeles and Long Beach.

Dear Laurie.

As part of our periodic review of current regulatory requirements we would like as a matter of course to remind the MICA Membership of the legal road-weight limitations for local pier drayage from the Ports of Long Beach and Los Angeles on both 20ft and 40ft containers. Federal and State regulations impose the limitations shown in the attachment to standard weight loads on steamship supplied equipment (chassis) or overweight loads via specialized third-party equipment with legal permits.

For loads from the Ports of Los Angeles and Long Beach the maximum Gross Vehicle Weight limitation (truck, fuel, chassis, genset, container and cargo) for a standard 20ft (steamship) container utilizing a 2-axle chassis, 3-axle truck is 80,000 lbs. The maximum Gross Vehicle Weight limitation for a permitted 40ft overweight container utilizing a specialized 3 axle chassis and 4 axle truck is 95,000 lbs. Due to variation of equipment weights, the application of cargo limitations is not exact.

As an industry, we are obliged to comply with all legal requirements. Accordingly, please advise your membership of the above.

I am available to answer any questions that the membership may have.

Page 2.

Yours Sincerely.

Barry Davidson.
Business Development Manager – Western Region
P&O Cold Logistics

Company Letterhead

Date

The Hon. Clarena I.W. Tolson
Commissioner, Philadelphia Department of Streets
7th Floor, Municipal Services Bldg
Philadelphia, PA 19102-1776

Dear Commissioner Tolson,

We are writing to you to advise our strong support of the request from the Philadelphia Regional Port Authority for a change in permitting that would increase the weight of the load from 44,600 to 65,000 pounds and would require trucks with tri-axel trailers having a gross vehicle weight of no greater than 107,500 pounds.

As world markets become more competitive we, and our overseas suppliers, must to utilize any strategic advantage available to ensure we are able to compete for product. Because many ocean carriers now offer high cube containers to other world markets, we need to maximize the utilization of the containers supplied to remain competitive in this market.

As a consequence of our inability to move overweight containers off the pier we are being forced to reconsider the use of Philadelphia as the main port of entry for meat we import into the US in favor of those ports that do make some dispensation for overweight containers to be transported on specialized equipment to off pier sites.

Thank you for your attention on this important matter.

Sincerely yours,

**OVERWEIGHT CONTAINER WORKSHOP AGENDA
DISCUSSION OUTLINE
DATE: NOVEMBER 15, 2004**

Since 1978, Philadelphia (Packer Ave.) has been the U.S. leader for imported beef container cargo. The question, why all of a sudden an industry concern?

1. Containerization over the past 25 years has been predominately a 20' container trade. However, the trend has moved toward a more global accepted 40' container trade for better utilization of International Cargo Trade.
2. To understand the investment made for this trade-lane.
 - a. Number of recent ships committed to trade.
3. To understand the efficiencies of 40' container utilization.
 - a. Reduce terminal moves. (X)
 - b. Increase vessel turn-ratio.
 - c. Reduce truck moves on highways. (X)
 - d. Environmental benefits.
4. To understand the current overweight laws.
 - a. New Jersey
 - b. Pennsylvania
5. To understand how 26 years of Infrastructure helps keep our Ports thriving.
6. To understand a total City and Statewide Initiative and will make Philadelphia a very marketable Port of Entry for other trade-lanes.
7. What will it take to keep the Partnership strong between Australia, New Zealand and now South America.
 - a. Limited corridor Packer Ave. to bridge.
 - b. Tri-axle chassis investment.

Please note that Dan Kirk of P & O Lines has taken many of these thoughts and incorporated into a Power Point Presentation for Monday. I want to thank Dan for his time and effort from all of us.

MEETING NOTES 11/15/04

➤ SETTING THE STAGE

The Ports of Philadelphia and Gloucester are two of the world's great ports. It's structure contributes greatly to our regions economic and employment success. Both the States of Pennsylvania and New Jersey have invested heavily to maintain their world refer recognition as the gateway to the United States.

Recently, both the City of Wilmington and Delaware itself realized the economic impact of having such a maritime port facility. They also have invested heavily into their own port structure and have benefited tremendously much at the expense of our regional Pennsylvania and New Jersey Ports.

Other ports are now also bidding for this lucrative industry. Baltimore (MD), Norfolk (VA), and Wilmington (NC) are competing for our economic business. These states and cities alike are offering incentives to our major steamship lines to utilize their ports. Our state governments must compete back. We can no longer rest upon our logistical edge as the Gateway to the United States. We must remain competitive as well.

MEETING NOTES 11/15/04

➤ SUBJECT – MOVEMENT OF OVERWEIGHT CONTAINERS

As more world markets open up to the U.S. overweight container shipments have increased dramatically. Even though overweight containers don't seem to present problems abroad. They have become tremendous obstacles in how we do business as ocean carriers, importers, truckers and warehouses alike. Doing business in our regional Ports of Philadelphia and Gloucester has lost some of it's competitive edge.

With more world markets open to the U.S. World Trade has become extremely competitive. Ocean carriers, importers and exporters have to utilize any strategic advantage available. Because many ocean carriers now offer high cube containers to all other world markets. Importers and exporters need to maximize the utilization of containers supplied by ocean carriers to remain in business.

As a consequence of our inability to move overweight containers off our piers, steamship lines and importer/exporter may have to reconsider the use of our ports.

Seemingly, other ports (State Governments) have already changed to meet this vital industry need through a permitted trade zone. This radius zone would allow for movement of these containers to their designated distribution facilities enabling the existing infrastructure to continue servicing the ports needs. Without permitted movement of overweight containers, the existing infrastructure offers no support.

MEETING NOTES 11/15/04

➤ THOSE AFFECTED

When the ports loose business, the "infrastructure" loses jobs. Our ports greatest strengths are it's **Logistically Position** with it's ability to reach over 1/2 our countries population within a 750 mile radius and it's **Infrastructure**. Infrastructure is not simply highways, but the complex business structure that has developed over the past 25 years. These industries represents hundreds of thousands of jobs. They include:

Banks	Steamship Line Offices
International Banks	Packing Firms
Consulate Offices	Railroads
Air Transportation	Ship Repair Companies
Foreign Freight Forwarders	Ship Yards
Custom House Brokers	Steamship Agents
Ship Chandlers	Stevedores
Heavy Lift Facilities	Terminal Operators
Forklift Handling Co.	Towing & Lighterage Co.
Cold Storage Warehousing	USDA Inspection Services
Hotels	Restaurants
	Taxi Cabs

The list I'm sure can go on and on.

MEETING NOTES 11/15/04

➤ REFRIGERATED WAREHOUSE SERVICING THE PORTS OF PHIALDELPHIA AND GLOUCESTER

ARCTIC COLD STORAGE, INC.		PA
CPS FREEZERS, INC.	USDA MEAT I- HOUSE	NJ
B.BARKS REFRIGERATED WHS LTD	USDA MEAT I- HOUSE	NJ
GARDEN STATE FREEZERS, INC.	USDA MEAT I- HOUSE	NJ
LUCCA'S COLD STORAGE, INC.	USDA MEAT I- HOUSE	NJ
MULLICA HILL COLD STORAGE, INC	USDA MEAT I- HOUSE	NJ
MANFREDI COLD STORAGE, INC.	USDA MEAT I-HOUSE	PA
**HOLT CARGO SYSTEMS, INC.	USDA MEAT I-HOUSE	PA/NJ
PATANE BROS. FREEZER WHSE CO.		NJ
PHILADELPHIA WHSE & COLD STORAGE		PA
SOUTH JERSEY COLD STORAGE LLC	USDA MEAT I-HOUSE	NJ
TIMBERLINE COLD STORAGE	USDA MEAT I-HOUSE	NJ
QUAKER CITY COLD STORAGE CO., INC.		PA
ROSENBERGER'S COLD STORAGE WHSE, INC		PA
U.S. COLD STORAGE CORPORATION		PA
**GRW, INC.	USDA MEAT I-HOSUE	NJ

** PORT SIDE WAREHOUSES

OVERWEIGHT CONTAINER COMPARISON

NEW JERSEY / PENNSYLVANIA

	NEW JERSEY	PENNSYLVANIA
<u>90,000 LB BLANKET PERMIT</u>	YES	YES
AXLE LIMITATIONS		
DRIVE AXLE	20,000	21,000
TRACTOR TANDOM AXLE	34/38,000	42,42,000
TRAILER TRI AXLE	38/56,400	63,000
PERMIT FEES	\$100.00 /UNIT PER YEAR	\$100.00 – 15 UNTIS

	NEW JERSEY	PENNSYLVANIA
<u>OVER 90,000 LB PERMITS</u>	YES	NO
AXLE LIMITATIONS		
DRIVE	20,000	N/A
TRACTOR	38,000	N/A
TRI AXLE	56,400	N/A

FEES (INDIVIDUAL BASIS ONLY) **\$10.00 BASE FEE PLUS**
 \$ 5.00 PER TON OVER 80,000

i.e. 102,000 lbs. = \$10.00 x (11x\$5.00) = \$65.00 + \$47.50 Service Fee + \$112.50

Allowing heavier trucks could give S.C. competitive advantage

By DANIEL BROCK
dbrock@schiznews.com

All international shipping containers hauled by truck in South Carolina will be allowed to weigh up to 100,000 pounds under the new permit rules unveiled earlier this month by the S.C. Department of Transportation.

EXECUTIVE SUMMARY

SPA Chief Commercial Officer Paul McClintock said the new permit structure could increase export business at the port by 30% or 40%.

other S.C. industries, including agriculture and recycling, more competitive.

SPA Chief Commercial Officer Paul McClintock said the new permit structure could increase export business at the port by 30% or 40%.

Previously, shipping containers in South Carolina were allowed to weigh 90,000 pounds, while limits in neighboring states were higher. North Carolina allows for 94,500 pounds, and the Georgia restriction was 100,000 pounds and included no route regulations.

The recent announcement expands on

a pilot program the S.C. DOT launched earlier this year to allow refrigerated containers up to 100,000 pounds to be permitted for truck transport.

McClintock said the enhanced permitting structure opens overseas markets to S.C. farmers, who were shut out of exporting because the state's lower weight requirements weren't cost-effective for shipping lines.

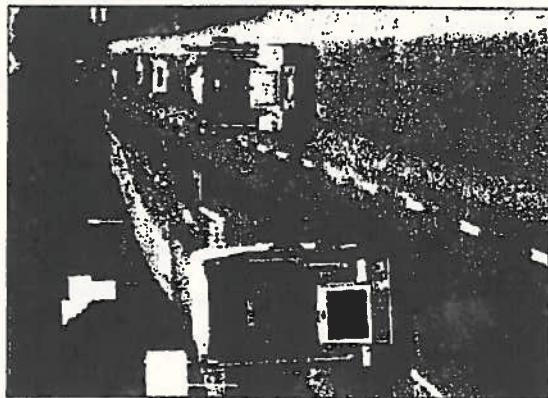
Port officials said the new rule is essentially a 100,000-pound increase, as opposed to a 10,000-pound bump.

"It wasn't going to be anything before. We weren't carrying the business," McClintock said of the exports. "We're now going to participate in all this cargo that we weren't before."

And that's what the increase was meant to do, according to Transportation Secretary H.B. "Buck" Limehouse.

"Part of our job at S.C. DOT is to support economic development," Limehouse said. "Our highways, ports and rail systems are the infrastructure for economic development. We all work together to make South Carolina as competitive as we can in global markets."

Jim Newsome, the maritime agency's president and CEO, described the permitting increase as "an extremely important development" for export cargo business, which historically faced disadvantages



Port officials say the higher truck weight limit will open up the export market, expanding the sector by up to 30% or 40%. (Photo/James T. Hammond)

linked to weight restrictions.

"Secretary Limehouse and S.C. DOT have shown great leadership and foresight by improving our competitive capability in world markets," Newsome said.

The state's recycling industry also will likely see a boon, according to McClintock. Waste paper is the country's No. 1 export to Asia, he said; it comes back to

the U.S. in the form of packaging.

"That export has to go out heavy or it doesn't go out at all. So, instead of winding up in our landfills, now there's a market to ship it off overseas," McClintock said.

He added that the new rules likely will make Charleston more attractive for large companies that import heavy commodities such as power tools and tile, such as Lowe's or Home Depot, when they're looking to build distribution centers.

McClintock said he now has a new card to play in dealing with shipping lines by making use of Charleston's 48-foot harbor depth.

"They understand that this deep water's valuable. They understand that they can load heavier ships and deeper ships in here and more cargo," McClintock said.

For instance, with a 5-foot depth advantage over Savannah on outgoing ships, vessels can load about 500 extra 40-foot containers.

"However, you've got to have the cargo," McClintock said. "I could have 100 feet of water and it doesn't matter if I don't have the cargo. And that's what this (the permit increase) does: This helps solve the cargo problem." ■

Reach Daniel Brock at 843-849-3144.

2011 BOOK OF LIST

SCDOT Oversize/Overweight Permit Office

**Increase of Gross Vehicle Weight to 100,000 lbs on specified routes
for intermodal refrigerated containerized trucks/trailers used for
commercial freight transfers**

PILOT PROJECT

**Revised
November 2009**

WHEREAS, Federal law limits truck gross vehicle weight on interstates and other designated federal routes to 80,000 lbs, however, states are allowed to issue oversize/overweight (OS/OW) permits for vehicles and loads exceeding legal gross vehicle weight (GVW) limits. South Carolina currently issues OS/OW permits for containerized loads up to 90,000 lbs. Container trucks are considered to be nondivisible loads.

WHEREAS, there are no national standards limiting the GVW for OS/OW permitted container trucks. Without a national standard, Georgia and North Carolina have established OS/OW limits for containers at 100,000 lbs and 94,500 lbs, respectively. Increasing the GVW may impact transportation infrastructure.

WHEREAS, Section 57-3-110(5), South Carolina Code of Law, 1976, as amended, authorizes the South Carolina Department of Transportation (SCDOT) to initiate and conduct such programs and pilot projects to further research and development efforts.

WHEREAS, SCDOT desires to research and develop efforts to determine impacts to South Carolina infrastructure through a pilot project designed to assess the cost and benefits of increasing the GVW limit from 90,000 lbs. (40,909.09 kg) to a GVW of 100,000 lbs (45,454.55 kg) for five-axle or greater trucks/trailers designed to transport containerized loads for commercial freight transfers; and

WHEREAS, Section 57-3-130, South Carolina Code of Laws, 1976 as amended, allows SCDOT, at its discretion and for good cause being shown to be in the public interest, to increase the GVW for permitted containerized loads and issue OS/OW permits to operate or move vehicles or loads of a size and weight exceeding the maximum legal limit; and

WHEREAS, Section 57-3-130, South Carolina Code of Laws, 1976 as amended, provides for the assessment of \$30 for a single trip OS/OW permit and \$100 for a multiple trip (annual) permit; and

WHEREAS, refrigerated containers represent an easily identifiable subgroup of the container truck industry, thus making refrigerated containers the ideal subject for an experimental pilot program to determine the feasibility of raising the allowable GVW for all permitted OS/OW container trucks,

NOW, THEREFORE, in consideration of the above premises, SCDOT desires to implement the following:

I. PILOT PROJECT DESCRIPTION

Effective January 1, 2010, the SCDOT Oversize/Overweight Permit Office (OS/OW) will begin a twelve (12) month pilot project to assess the feasibility of increasing the permitted load limit for container trucks from the current Gross Vehicle Weight (GVW) of 90,000 lbs. (40,909.09 kg) to a GVW of 100,000 lbs (45,454.55 kg) (hereinafter "Pilot Project"). The Pilot Project will be limited to intermodal refrigerated containers in order to limit the test group to an easily identifiable subgroup of the container truck industry.

II. DURATION OF PILOT PROJECT

From 12:00 a.m. January 1, 2010 until 11:59 p.m. December 31, 2010, with an option to extend the test period further with the approval of the Deputy Secretary for Engineering. The decision to extend or modify the Pilot Project may be based on evaluation of road and safety data, evidence of excessive tire debris, input from law enforcement agencies, input from OS/OW, Congressional action, the performance of a cost/benefit analysis, or other factors pertinent to the viability of the Pilot Project.

III. SCOPE OF PILOT PROJECT

The Pilot Project is limited to the following criteria:

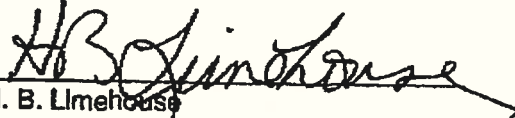
1. Truck/trailer and Refrigerated Container Restrictions. The Pilot Project is intended to apply to trucks and trailers with five or greater axles capable of transporting 40 feet (40') or greater containers being transported for commercial intermodal freight transfers. Only refrigerated containers may be permitted under the Pilot Program. Refrigerated containerized loads less than 40 feet (40') are not subject to this Pilot Project unless they are transported on trailers designed for 40' or longer containers.

3. Vehicle Weight and Load Restrictions: The GVW is not to exceed 100,000 lbs. for the truck or truck/trailer combination. The maximum load per tandem is 44,000 lbs. and the maximum load per tridem is 55,000 lbs. The maximum load for steering axle is 20,000 lbs.

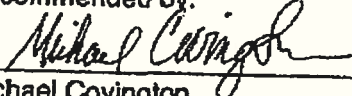
4. Fee: Permittees may purchase a single-trip permit for \$30 and multi-trip permits for \$100. Pilot Program permits, which specifically reference the Pilot Program, will be issued upon compliance with the Pilot Program criteria. All permits will expire no later than December 31, 2010, unless extended under Section II above, regardless of purchase date.
5. Notice: Public notice of the Pilot Program will be given through a press release.
6. Specified Routes: Trucks/trailers transporting permitted refrigerated containerized loads subject to the Pilot Program are to travel only on routes specified on the permit.
7. Pilot Program Measures: All transportation factors will be taken into consideration to measure the outcome of the Pilot Program, including, but not limited to: fuel efficiency, impact on highway maintenance costs, and safety. SCDOT will analyze interim results after nine (9) months of initiation of the Pilot Program and issue a report prior to December 31, 2010 summarizing the results of the Pilot Program. The report may recommend continuing the Pilot Program, ending the Pilot Program, revising the Pilot Program, or expanding the Pilot Program to all containerized loads and making it permanent.

Date: Nov 24, 2009

South Carolina Department of
Transportation


H. B. Limehouse
Secretary of Transportation

Recommended by:


Michael Covington
Director of Administration

**SOUTH CAROLINA
REFRIGERATED CONTAINERIZED CARGO
PILOT PROGRAM APPLICATION**
FAX # 803-737-2199 VOICE # 803-737-OSOW (6769)

****USE OF INTERMODAL REFRIGERATED CONTAINERS ONLY****

Issue To: _____
SCDOT Escrow Account #: _____ Contact Name: _____
Address: _____ City: _____ State: _____ Zip code: _____
Telephone # _____ USDOT#: _____
Fax #: _____ E-mail: _____
Credit Card No: _____ Expire Date: _____
(An additional \$5.00 fee will be charged by the credit card authorizer.)

MAXIMUM WEIGHTS: 20,000 LBS SINGLE, 44,000 LBS PER TANDEM, 55,000 LBS PER TRIDEM;
NOT TO EXCEED 100,000 LBS ON 5 OR MORE AXLES

MAXIMUM OVERALL HEIGHT: 13' 6"

MAXIMUM OVERALL WIDTH: 8' 6"

A MINIMUM TRAILER LENGTH OF 40' IS REQUIRED

Check only one:

_____ **Single Trip (\$30.00)**

_____ **Multi Trip (\$100.00)** (Multiple trip permit to expire on December 31, 2010)

Tractor Tag # _____ State _____

COMPLETE Truck VIN _____

Gross Weight: _____ Number of Axles: _____

Weight Per Axle 1- _____ 2- _____ 3- _____ 4- _____ 5- _____ 6- _____ 7- _____

Distance between Axles 1&2 _____ 2&3 _____ 3&4 _____ 4&5 _____ 5&6 _____ 6&7 _____

Trip From (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

Trip To (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

Jim Henderson

From: Pesavento, Matthew [MPesavento@SCSPA.com]
Sent: Tuesday, November 02, 2010 5:13 PM
To: Pesavento, Matt
Subject: SCDOT Offers 100,000-lb. Permit for Shipping Containers
Attachments: SCDOT overweight announcement.doc

Good afternoon. Hope all is well with you.

It gives me great pleasure to announce that the SCDOT has given their approval for international shipping containers to be permitted up to 100,000 lbs. This change is effective immediately (Nov. 1st), and I have attached the official press release that was issued by SCDOT. I have also included an article below that ran in today's Charleston Regional Business Journal. Needless to say, we are very excited about this development, and think it is going to be very helpful for our customers.

If you should have any questions, please do not hesitate to contact me. Also, once the actual permit is made available to me, I will forward this, as well.

Thank you very much, and I hope this news will be received positively.

Best Regards,
Matt Pesavento

Regional Manager, Atlanta Office
South Carolina State Ports Authority

678-775-6731 - office
678-775-6732 - fax
404-391-5537 - mobile
mpesavento@scspa.com

<http://www.charlestonbusiness.com/news/36668-allowing-heavier-trucks-could-give-s-c-advantage>

Allowing heavier trucks could give S.C. advantage

By Daniel Brock
dbrock@scbiznews.com
Published Nov. 2, 2010

All international shipping containers hauled by truck in South Carolina will be allowed to weigh up to 100,000 pounds under new permit rules unveiled Monday by the S.C. Department of Transportation.

Officials with the S.C. State Ports Authority applauded the move and said it will make the Port of Charleston and other S.C. industries, including agriculture and recycling, more competitive.

SPA Chief Commercial Officer Paul McClintock said the new permit structure could increase export business at the port by 30% or 40%.

Previously, shipping containers in South Carolina were allowed to weigh only 90,000 pounds, while limits in neighboring states were higher than that. North Carolina allows for 94,500 pounds, while the Georgia restriction was 100,000 pounds, and included no route regulations.

Monday's announcement followed a pilot program launched earlier this year by the S.C. DOT that allowed refrigerated containers up to 100,000 pounds to be permitted for truck transport.

McClintock said the enhanced permitting structure opens overseas markets to South Carolina farmers, who were shut out of exporting because lower weights required in the state weren't cost effective for shipping lines.

In effect, port officials said, the new rule is a 100,000-pound increase, as opposed to a 10,000-bump.

"It wasn't going to be anything before. We weren't carrying the business," McClintock said of the exports. "We're now going to participate in all this cargo that we weren't before."

And that's what the increase was meant to do, according to Transportation Secretary Buck Limehouse.

"Part of our job at S.C. DOT is to support economic development," Limehouse said. "Our highways, ports and rail systems are the infrastructure for economic development. We all work together to make South Carolina as competitive as we can in global markets."

Jim Newsome, the maritime agency's president and CEO, described the permitting increase as "an extremely important development" for export cargo business, which had historically faced disadvantages linked to weight restrictions. "Secretary Limehouse and SCDOT have shown great leadership and foresight by improving our competitive capability in world markets," Newsome said.

The state's recycling industry also will likely see a boon, according to McClintock. Waste paper is the country's No. 1 export to Asia, he said. It comes back to the U.S. in the form of packaging.

"That export has to go out heavy or it doesn't go out at all. So, instead of winding up in our landfills, now there's a market to ship it off overseas," McClintock said.

He added the new rules likely will make Charleston more attractive for large companies such as Lowe's or Home Depot, who import heavy commodities such as power tools and tile when they're looking to build distribution centers.

McClintock said he has a new card to play in dealing with shipping lines by making use of Charleston's 48-foot depth.

"They understand that this deep water's valuable. They understand that they can load heavier ships and deeper ships in here and more cargo," McClintock said.

For instance, with a five-foot depth advantage over Savannah on outgoing ships, vessels can load about 500 extra 40-foot containers.

"However, you've got to have the cargo," McClintock said. "I could have 100 feet of water and it doesn't matter if I don't have the cargo. And that's what this (the permit increase) does: This helps solve the cargo problem."

Reach Daniel Brock at 843-849-3144.

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<http://www.eset.com>

SCDOT NEWS RELEASE

Phone (803) 737-1270 Fax (803) 737-1273

South Carolina Department of Transportation

SCDOT Offers 100,000-lb. Permit for Shipping Containers

Pilot program to permit heavier containers expanded and made permanent, improving competitiveness, enhancing efficiency and benefiting South Carolina industries

The South Carolina Department of Transportation (SCDOT), working with the South Carolina State Ports Authority (SCSPA), has announced all international shipping containers with a gross vehicle weight (GVW) up to 100,000 pounds are eligible for permitting for transporting by truck in South Carolina. This new policy is effective on Monday, November 1, 2010.

The previous overweight permit allowed up to 90,000 pounds GVW for shipping containers. The new permit allowing the weight increase will improve the state's competitiveness, enhance transportation efficiency and serve a number of key South Carolina industries. The decision was based on the results of a pilot program launched earlier in 2010 that allowed refrigerated containers up to 100,000 pounds to be permitted and shipped by truck. The pilot program was undertaken because neighboring states offered a greater permitting capability.

Transportation Secretary H.B. Limehouse Jr. said this decision is important to the economy of South Carolina. "Part of our job at SCDOT is to support economic development. Our highways, ports and rail systems are the infrastructure for economic development. We all work together to make South Carolina as competitive as we can in global markets," said Limehouse.

SCSPA President and Chief Executive Officer Jim Newsome, reacting to the upgraded permitting decision said, "This is an extremely important development for our export cargo base, which has long been at a disadvantage. Secretary Limehouse and SCDOT have shown great leadership and foresight by improving our competitive capability in world markets," said Newsome.

Business sectors benefiting from the new permit include those that export heavy products, such as forestry and agricultural industries. The expansion of the Panama Canal in 2014 will allow even larger cargo ships capable of carrying more than 8,000 containers to move goods from Asia to the Eastern seaboard of the United States. The upgraded container weight policy in South Carolina will put the Port of Charleston in a better position to compete for the significant increase in cargo moving through the Southeast.

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JPP

11-1-10

The Post and Courier

SCDOT ups container weight

Permits allow for shipping 100,000 pounds

By Allyson Bird

abird@postandcourier.com

Wednesday, November 3, 2010

A pilot program to allow overweight trucks on South Carolina roadways -- a change with major business implications for the state -- became a permanent fixture this week.

The S.C. Department of Transportation announced Monday that truckers could get permits for all international shipping containers that weigh as much as 100,000 pounds. Federal law limits trucks to 80,000 pounds, but states can grant permits that allow extra weight for rigs carrying shipping containers.



Photo by Wade Spees

Until it was changed, the 90,000-pound weight limit on truck loads put South Carolina at a disadvantage with neighboring states.

South Carolina law previously allowed for up to 90,000 pounds, but Georgia granted 100,000, and North Carolina allowed 94,500. That meant the same load that requires 10 containers in Georgia demanded 12 in South Carolina.

In other words, the Palmetto State couldn't compete.

It comes down to simple math: The more freight a shipper can cram into a container, the more efficient the load and the greater the profit potential.

Earlier this year SCDOT launched a pilot program that allowed refrigerated containers up to 100,000 pounds to be permitted and shipped by truck.

Chilled cargo generally is denser and heavier, so it requires extra work but, because it's primarily food, it maintains stable demand despite the recession.

The pilot permit program showed immediate results, according to State Ports Authority spokesman Byron Miller. He said the agency's refrigerated cargo business tripled.

With the new permit applying to all international containers and not just refrigerated cargo, port officials estimate that export business could expand by 30 percent to 40 percent. Miller said that growth depends on developing relationships with rail-served warehouses and agricultural interests that increasingly use containers to move their goods.

"All of those products, especially for South Carolina industries, have not been able to participate in the export market because of the inland cost differential," Miller said. "At 90,000 pounds it's not like you're just getting 10,000 more pounds ... The margins are so slim on some of these large-volume, heavy products that we were essentially shut out of the market."

SPA Chief Commercial Officer Paul McClintock studied how market share for containers of export frozen meat and poultry changed over the past few years in Charleston and Savannah. In 2005 the two ports remained relatively close: Charleston claimed 41 percent, and Savannah took 59 percent. Last year Charleston accounted for only 13 percent of business, while Savannah owned the remaining 87 percent.

SCDOT Secretary Buck Limehouse said the 100,000-pound initiative began as a pilot within the refrigerated cargo sector because of safety concerns. Heavier loads means greater risks on roadways because trucks take longer to stop, but Limehouse said his office found no increase in accidents.

"We can raise the weight on all containers, and this will make Charleston as competitive as it once was," Limehouse said. "After we did the pilot program I felt comfortable going ahead with all containers."

Truckers can participate in the new program by contacting the department's Oversize/Overweight Permit Office.

Reach Allyson Bird at 937-5594.

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SOUTH CAROLINA 100,000 LB. CONTAINERIZED CARGO
****USE OF INTERMODAL CONTAINERS ONLY****

FAX # 803-737-2199

VOICE # 803-737-OSOW (6769)

Issue To: _____
SCDOT Escrow Account #: _____ Contact Name: _____
Address: _____ City: _____ State: _____ Zip code: _____
Telephone # _____ USDOT#: _____
Fax #: _____ E-mail: _____
Credit Card No: _____ Expire Date: _____
(An additional \$5.00 fee will be charged by the credit card authorizer.)

MAXIMUM WEIGHTS: 20,000 LBS SINGLE, 48,000 LBS PER TANDEM, 55,000 LBS PER TRIDEM;
NOT TO EXCEED 100,000 LBS ON 5 OR MORE AXLES

MAXIMUM OVERALL: HEIGHT: 13' 6"

MAXIMUM OVERALL: WIDTH: 8' 6"

A MINIMUM TRAILER LENGTH OF 40' IS REQUIRED

Check only one:

_____ **Single Trip, 1 designated route per permit (\$30.00)**

_____ **Multi Trip, up to 5 designated routes per permit (\$100.00)**

Tractor Tag # _____ State _____

COMPLETE Truck VIN _____

Gross Weight: _____ Number of Axles: _____

Weight Per Axle 1- _____ 2- _____ 3- _____ 4- _____ 5- _____ 6- _____ 7- _____

Distance between Axles 1&2 _____ 2&3 _____ 3&4 _____ 4&5 _____ 5&6 _____ 6&7 _____

ROUTE 1:

TRIP FROM (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

TRIP TO (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

ROUTE 2:

TRIP FROM (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

TRIP TO (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

ROUTE 3

TRIP FROM (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

TRIP TO (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

ROUTE 4

TRIP FROM (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

TRIP TO (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

ROUTE 5

TRIP FROM (city/town in S.C. or state line): _____

Beginning Junction or Address (not needed if starting at state line): _____

TRIP TO (city/town in S.C. or state line): _____

Ending Junction or Address (not needed if ending at state line): _____

Complete routes in SC: _____

APPENDIX C: WEIGHT LIMITS/STATES & LOAD GUIDELINES

Cargill Confidential

1/10/2011

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Over The Road Weight Guideline Quick Reference Chart (lbs)

Equipment Description And Weight							Maximum Payload Weight Limit									
Dry Freight Aluminum Containers	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis		Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	4,200	6,000	6,800	10,500		18,500	39,300	43,500	44,800	46,800						
40' x 8' x 8' 6"	6,400	6,800				18,500				48,300	53,300	58,300	63,300	68,300	73,300	85,300
40' x 8' x 9' 6" High Cube	6,800	6,800				18,500				47,900	52,900	57,900	62,900	67,900	72,900	84,900
45' x 8' x 9' 6" High Cube	8,375	8,000				18,500				45,125	50,125	55,125	60,125	65,125	70,125	82,125
Dry Freight Steel Containers	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis		Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	5,000	6,000	6,800	10,500		18,500	38,500	42,700	44,000	46,000						
40' x 8' x 8' 6"	8,500	6,800				18,500				46,200	51,200	56,200	61,200	66,200	71,200	83,200
40' x 8' x 9' 6" High Cube	8,800	6,800				18,500				45,900	50,900	55,900	60,900	65,900	70,900	82,900
45' x 8' x 9' 6" High Cube	10,600	8,000				18,500				42,900	47,900	52,900	57,900	62,900	67,900	79,900
Reefer Aluminum Containers	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis	Genset w/Fuel	Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	6,200	6,000	6,800	10,500	3,000	18,500	37,300	41,500	42,800	44,800						
40' x 8' x 8' 6"	8,700	6,800			3,000	18,500				43,000	48,000	53,000	58,000	63,000	68,000	80,000
40' x 8' x 9' 6" High Cube	9,150	6,800			3,000	18,500				42,550	47,550	52,550	57,550	62,550	67,550	79,550
45' x 8' x 9' 6" High Cube	11,500	8,000			3,000	18,500				39,000	44,000	49,000	54,000	59,000	64,000	76,000
Reefer Steel Containers	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis	Genset w/Fuel	Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	6,800	6,000	6,800	10,500	3,000	18,500	36,700	40,900	42,200	44,200						
40' x 8' x 8' 6"	10,500	6,800			3,000	18,500				41,200	46,200	51,200	56,200	61,200	66,200	78,200
40' x 8' x 9' 6" High Cube	10,700	6,800			3,000	18,500				41,000	46,000	51,000	56,000	61,000	66,000	78,000
Steel Flat Racks Fixed Corner Posts	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis		Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	5,500	6,000	6,800	10,500		18,500	38,000	42,200	43,500	45,500						
40' x 8' x 8' 6"	11,000	6,800	6,800			18,500				36,900	41,900	46,900	51,900	56,900	61,900	73,900
Steel Flat Racks Collapsible Corner Posts	Tare Weight	Std Chassis	Slider Chassis	Tri-Axle Chassis		Tractor Weight	68,000	73,000	78,000	80,000	85,000	90,000	95,000	100,000	105,000	117,000
20' x 8' x 8' 6"	6,000	5,800	6,800	10,500		18,500	37,700	41,700	43,000	45,000						
40' x 8' x 8' 6"	11,500	6,800				18,500				43,200	48,200	53,200	58,200	63,200	68,200	80,200

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1/10/2011

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Permittable Cargo Weight Guideline (LBS)

	AL	AR	DE	FL	GA	LA	MD	MS	NJ ^{^^}	NC	PA	RI	SC	TN	TX	VA	VE	WV
Dry Freight Steel Containers	100,000	92,000	90,000	95,000	100,000	100,000	90,000	95,000	84,000	94,500	95,000	104,800	90,000	90,000	84,000	90,000	90,000	110,000
40' x 8' x 8' 6"	66,200	58,200	56,200	61,200	66,200	66,200	56,200	61,200	50,200	60,700	61,200	71,000	56,200	56,200	50,200	56,200	56,200	76,200
40' x 8' x 9' 6" High Cube	65,900	57,900	55,900	60,900	65,900	65,900	55,900	60,900	49,900	60,400	60,900	70,700	55,900	55,900	49,900	55,900	55,900	75,900
45' x 8' x 9' 6" High Cube	62,900	54,900	52,900	57,900	62,900	62,900	52,900	57,900	46,900	57,400	57,900	67,700	52,900	52,900	46,900	52,900	52,900	72,900
Reefer Steel Containers																		
40' x 8' x 9' 6"	64,200	56,200	54,200	59,200	64,200	64,200	54,200	59,200	48,200	58,700	59,200	69,000	54,200	54,200	48,200	54,200	54,200	74,200
40' x 8' x 9' 6" High Cube	64,000	56,000	54,000	59,000	64,000	64,000	54,000	59,000	48,000	58,500	59,000	68,800	54,000	54,000	48,000	54,000	54,000	74,000
Steel Flat Racks																		
Fixed Corner Posts																		
40' x 8' x 8' 6"	63,700	55,700	53,700	58,700	63,700	63,700	53,700	58,700	47,700	58,200	58,700	68,500	53,700	53,700	47,700	53,700	53,700	73,700
Steel Flat Racks																		
Collapsible Corner Posts																		
40' x 8' x 8' 6"	63,200	55,200	53,200	58,200	63,200	63,200	53,200	58,200	47,200	57,700	58,200	68,000	53,200	53,200	47,200	53,200	53,200	73,200

COMMENTS:

Please note that if a state is not listed on this sheet, more information can be found on the '50 states' tab

Please note that all states between the origin and destination must be permittable if a max target weight is to be used
Washington and Oregon have the same weight standards as WV with permits, but require super chassis not permits

^{^^} Under certain circumstances more cargo is allowable. Please contact NERDSP on a case by case basis

APPENDIX D: HEAVY HAUL CORRIDOR COMMITTEE

Heavy Haul Corridor Committee		
#	Name	Representing
1	Councilman Steve Cote	Brady Chapman Holland
2	Tammy Jankowski	Choice Energy Services
3	Nolan Richardson	Richardson Stevedoring
4	Gary Jackson	City of Deer Park
5	James Stokes	City of Deer Park
6	Mayor Wayne Riddle	City of Deer Park
7	Ron Bottoms	City of La Porte
8	Tim Tietjens	City of La Porte
9	Brian Schneider	City of Morgan's Point
10	Ken Bays	City of Morgan's Point
11	Paul Davis	City of Pasadena
12	Connie Ramirez	City of Shoreacres
13	Mayor Dolly Arons	City of Shoreacres
14	Brad Baker	CP Chemical
15	Randy Drake	Drake Printing
16	Vic Jackson	Economic Alliance
17	Chad Burke	Economic Alliance
18	Jonathan Lee	ExxonMobil
19	Daniel Nelson	Frontier Logistics
20	Tim Vickers	Frontier Logistics
21	Ron Messner	Gulf Winds International
22	Steve Stewart	Gulf Winds International
23	Jack Rodriguez	Harris County Pct. 2
24	Charlie W. Neuhaus	Johnson Development
25	Michael A. Ogden P.E.	Klotz Associates
26	Russell Plank	National Property Holdings
27	Angie Molenaar	NOCS
28	Jim Henderson	NOCS
29	John Chapman	NOCS
30	Adam Mille	Preferred Freezer
31	Barrett Larkey	Preferred Freezer
32	Dave Wilkinson	Preferred Freezer
33	Ron Anderson	Preferred Freezer
34	Tammie Nielson	Representative Ken Legler
35	Debbie Kolacny	Representative Wayne Smith
36	Wayne Smith	Representative Wayne Smith
37	Donna Coleman	Senator Mike Jackson
38	Stuart Corder	TXDoT
39	Greg Oros	VersaCold
40	Steve Flink	VersaCold
Make up of Committee includes: 13 private companies, 5 cities, Harris County, TXDoT, the Economic Alliance, State Senator and two State Representatives		

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
2	OPEN/IN WORK	10/2/2012			Staff/Council			5.5	Form a committee to review uses of Carothers property and bring back recommendations to Council.	Council accepted two recommendations on 11/6/12. Will reassess after trial period ending 3/13.
3	OPEN/IN WORK	11/6/2012			Staff/Council			5.1	Negotiation of new contract with SVFD.	Ongoing.
4	OPEN/IN WORK	12/4/2012			Staff/Council			6.1	Consider transportation alternatives from hotels to new cruise terminal.	Update provided at 2/19 meeting. Ongoing discussions.
5	OPEN/IN WORK	12/4/2012			Staff/P&Z			5.4	Ord. No. 2012-24, "Deleting Existing Point Overlay Sign Regulations" was tabled for staff & P&Z review.	P&Z met on 2/21. Recommendations are attached.
6	OPEN/IN WORK	12/4/2012			Staff/P&Z			5.5	Human Directional/spinner signs prohibition sent back to P&Z to reconsider.	P&Z met on 2/21. Did not change recommendation to prohibit signs. (See attached.)
7	OPEN/IN WORK	1/8/2013			Staff/Council			4.2	Hold a contest to ask for new name of swimming pool complex. Council will judge entries.	In planning stages.
9	OPEN/IN WORK	1/22/2013			Ad hoc members/city manager			5.2	Ad hoc committee to deal with fire department issues.	Members appointed. Meeting dates not yet established.
10	OPEN/IN WORK	2/5/2013			City Secretary			3.4	Advertise for new applicants whenever board members terms are expiring.	Ongoing.

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on February 21, 2013 to hold a meeting to consider:

Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 6, "Sign Standards" in the following areas: Human Directional/Sign Spinners

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☐ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☐ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on February 21, 2013, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Recommendation to Council is that P & Z stands by its original recommendation to define Human Directional / Sign Spinners and prohibit the use in Seabrook

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	✓				<i>RC</i>
Mike DeHart				✓	
Buddy Hammann	✓				<i>BH</i>
Bolivar Lewis	✓				<i>BL</i>
Dodie Miller	✓				<i>DM</i>
Michael Potts	✓				<i>MP</i>
Michael Sharpe	✓				<i>MDS</i>

Michael Potts

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:
Alesia L. Hammock

Alesia L. Hammock
Secretary

**Planning & Zoning Commission
OFFICIAL REPORT**

The Planning and Zoning Commission of the City of Seabrook met on February 21, 2013 to hold a meeting to consider:

Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 6, "Sign Standards" in the following areas: Relocate the sign regulations from the Waterfront Overlay regulations to Article 6.

**THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING
RECOMMENDATION:**

APPROVAL ☐ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☒ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on February 21, 2013, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Amend 4.15.15 Signs A. freestanding Signs to allow
freestanding signs in the overlay district, height not to exceed
25', Area not to exceed 96 square ft. and minimum distance
between finished grade and the bottom of the sign no less
than 15 feet.

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	✓				RC
Mike DeHart				✓	
Buddy Hammann					BH
Bolivar Lewis	✓				BL
Dodie Miller	✓				DM
Michael Potts	✓				MP
Michael Sharpe	✓				MS

Michael Potts
Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Alesia L. Hammock
Alesia L. Hammock
Secretary

March 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2 Meador Park Tree Planting 10 am
3	4	5 Council	6	7 Open Space	8	9
10	11 Mayor's Night In	12	13 No Public Safety meeting	14 EDC (tentative)	15	16 Lucky Trails
17 Lucky Trails	18	19 Council	20	21 P&Z HCM&CA	22	23 Trash Bash Crawfish Festival
24	25	26	27	28	29 Holiday—City Hall Closed	30 Easter Egg Hunt
31 Easter						

April 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Council	3	4 Open Space	5	6
7	8 Mayor's Night In	9	10 Public Safety	11 EDC	12	13
14	15	16 Council	17	18 P&Z HCM&CA	19	20
21	22	23	24	25 Ethics	26	27 Rotary Shirmparee
28	29	30				