

SECOND REGULAR SESSION

HOUSE BILL NO. 2207

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERRY.

6047H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to transportation sensors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.231, to read as follows:

304.231. 1. As used in this section, the following terms shall mean:

(1) "Transportation sensor system", one or more sensors installed in, on, or adjacent to a roadway which individually or in conjunction with one another provide data on vehicle characteristics including, but not limited to, weight. Such term shall include, but not be limited to, weigh-in-motion systems;

(2) "Transportation sensor system service", a service provided by utilizing a transportation sensor system or the data produced thereby including, but not limited to, weigh-in-motion weigh station bypass services.

2. The department of transportation may authorize, operate, and approve construction designs for transportation sensor systems, but shall avoid unnecessary construction on the roadway and allow transportation sensor system service providers to determine the site locations and schedule system deployments according to demand and traffic volume. The department may, through a memorandum of understanding with the Missouri state highway patrol, allow the Missouri state highway patrol to provide transportation sensor system services.

3. In order to avoid installation of duplicative sensor systems and inconvenience to the traveling public, while still allowing the public to benefit from new transportation

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 technologies, the department of transportation shall minimize the number of any type of
19 sensor placed in a road by private or public entities, and shall develop an equitable cost-
20 sharing model among entities desiring data from existing sensors.

21 **4. If an existing network of transportation sensors installed in public roads and the**
22 **data provided by them can be utilized by a transportation sensor system service provider**
23 **without cost to the state or disruption of other services, the sensors and data shall be made**
24 **available to other entities and the costs shared with the original cost-bearing entity in**
25 **accordance with the model developed under subsection 3 of this section.**

26 **5. The department of transportation shall avoid unnecessary duplication of**
27 **roadside infrastructure and associated construction work adjacent to roads by allowing**
28 **transportation sensor system service providers to utilize existing roadside structures and**
29 **power connections controlled by the department for the installation of system components,**
30 **provided that the service provider ensures no costs or liability are incurred by the state.**

31 **6. Transportation sensor system service providers shall provide unrestricted real-**
32 **time data access to their transportation sensor systems and associated equipment to the**
33 **state. Such real-time data shall be considered open records under the provisions of chapter**
34 **610, and shall be provided in real time if requested under the provisions of such chapter.**
35 **Whenever possible, the data shall be provided to the requesting entity in the same manner**
36 **and form it is provided by the sensors. If release of the data may present a danger or**
37 **create a liability to public safety, the department of transportation may seek a court order**
38 **to restrict access to the sensor data.**

39 **7. The department of transportation may purchase existing sensors from public or**
40 **private entities for an amount not greater than the equipment purchase price plus**
41 **installation costs minus any depreciation. The depreciation schedule shall be calculated**
42 **on the same depreciation schedule allowed by the Internal Revenue Service. In the case**
43 **of transfer of ownership to the department of transportation, the transferring entity shall**
44 **retain access to the data, free of charge, for as long as it is utilizing the data to provide**
45 **services within the state.**

46 **8. In the event a transportation sensor system service provider provides data to the**
47 **state at no cost, a state agency may grant additional permissions to the service provider's**
48 **subscribers or clients at reduced or no cost, including but not limited to commercial vehicle**
49 **bypass services and associated weigh station pull-in rates.**

50 **9. Application to establish a transportation sensor system or provide transportation**
51 **sensor system services shall be made to the department of transportation in the form of a**
52 **request for a memorandum of understanding, signed by the entity seeking to establish the**
53 **sensor system or provide transportation sensor system services. The department shall**

54 **approve or deny requests for a memorandum of understanding within ninety days of**
55 **receipt, and any denial shall state the reason or reasons for the denial. Any such decision**
56 **is subject to review by the administrative hearing commission.**

57 **10. The director of the department of transportation may promulgate rules as**
58 **necessary to implement the provisions of this section. Any rule or portion of a rule, as that**
59 **term is defined in section 536.010, that is created under the authority delegated in this**
60 **section shall become effective only if it complies with and is subject to all of the provisions**
61 **of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are**
62 **nonseverable and if any of the powers vested with the general assembly pursuant to**
63 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
64 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
65 **proposed or adopted after August 28, 2018, shall be invalid and void.**

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