

SECOND REGULAR SESSION

SENATE BILL NO. 929

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time January 18, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6022S.01I

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

22 and inconvenience to the traveling public, while still allowing the
23 public to benefit from new transportation technologies, the department
24 of transportation shall minimize the number of any type of sensor
25 placed in a road by private or public entities, and shall develop an
26 equitable cost-sharing model among entities desiring data from existing
27 sensors.

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

35 5. The department of transportation shall avoid unnecessary
36 duplication of roadside infrastructure and associated construction
37 work adjacent to roads by allowing transportation sensor system
38 service providers to utilize existing roadside structures and power
39 connections controlled by the department for the installation of system
40 components, provided that the service provider ensures no costs or
41 liability are incurred by the state.

42 6. Transportation sensor system service providers shall provide
43 unrestricted real-time data access to their transportation sensor
44 systems and associated equipment to the state. Such real-time data
45 shall be considered open records under the provisions of chapter 610,
46 and shall be provided in real time if requested under the provisions of
47 such chapter. Whenever possible, the data shall be provided to the
48 requesting entity in the same manner and form it is provided by the
49 sensors. If release of the data may present a danger or create a
50 liability to public safety, the department of transportation may seek a
51 court order to restrict access to the sensor data.

52 7. The department of transportation may purchase existing
53 sensors from public or private entities for an amount not greater than
54 the equipment purchase price plus installation costs minus any
55 depreciation. The depreciation schedule shall be calculated on the
56 same depreciation schedule allowed by the Internal Revenue Service.
57 In the case of transfer of ownership to the department of
58 transportation, the transferring entity shall retain access to the data,

59 free of charge, for as long as it is utilizing the data to provide services
60 within the state.

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

66 9. Application to establish a transportation sensor system or
67 provide transportation sensor system services shall be made to the
68 department of transportation in the form of a request for a
69 memorandum of understanding, signed by the entity seeking to
70 establish the sensor system or provide transportation sensor system
71 services. The department shall approve or deny requests for a
72 memorandum of understanding within ninety days of receipt, and any
73 denial shall state the reason or reasons for the denial. Any such
74 decision is subject to review by the administrative hearing commission.

75 10. The director of the department of transportation may
76 promulgate rules as necessary to implement the provisions of this
77 section. Any rule or portion of a rule, as that term is defined in section
78 536.010 that is created under the authority delegated in this section
79 shall become effective only if it complies with and is subject to all of
80 the provisions of chapter 536, and, if applicable, section 536.028. This
81 section and chapter 536 are nonseverable and if any of the powers
82 vested with the general assembly pursuant to chapter 536, to review, to
83 delay the effective date, or to disapprove and annul a rule are
84 subsequently held unconstitutional, then the grant of rulemaking
85 authority and any rule proposed or adopted after August 28, 2018, shall
86 be invalid and void.

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