

## INTERLOCAL COOPERATION AGREEMENT (Agreement)

Between

THE DEPARTMENT OF PUBLIC SAFETY (The "Department")

-and-

Denton PD

(The "Allied Agency")

### I. AUTHORITY

Allied Agency and the Department are contracting under the authority of Texas Government Code Chapter 791 (The Interlocal Cooperation Act).

Allied Agency and the Department certify that each have the authority to perform the services agreed upon by authority granted in Transportation Code, Chapter 621, Subchapter F.

### II. GENERAL AGREEMENT

In accordance with Transportation Code § 621.402, the Department has established the following parameters for approved Allied Agencies seeking to enforce the defined State Laws within Transportation Code § 621, Subchapter F.

In order to maximize the uniform enforcement of statute, the undersigned parties enter into this Agreement regarding training, approved scale use, annual scale recalibration standards, violation report requirements and mandated annual reporting to the Department.

### III. DEPARTMENT RESPONSIBILITIES

In order to better implement and maintain the standards in this Agreement, the Department will:

1. Train, retrain (as necessary or desirable), test, and certify the officers of any qualified Allied Agency.
2. Forward any weight enforcement complaints / challenges to the issuing Allied Agency.

The Department may conduct random, in-person observation of weight enforcement

inspections conducted by an Allied Agency in order to ensure that the Allied Agency's officers are adhering to Department certification standards.

#### **IV. ALLIED AGENCY RESPONSIBILITIES**

##### **A. Certification Training**

The Allied Agency must enroll **their commissioned, full-time** officers in the 40 hour, Basic CVE course conducted at the direction of the Motor Carrier Bureau. In order to meet the "weight enforcement officer" certification standard, a minimum score of 80% must be obtained. After initial certification, mandated re-certification training will take place following each legislative session. In order to maintain certification, each weight enforcement officer must score a minimum of 80%. The Department will immediately suspend any officer who fails to re-certify. The Allied Agency must prohibit that officer from conducting or assisting with any weight enforcement activities.

The Allied Agency may discontinue agency certification at any time by notifying the Department in writing. If a certified officer separates from an Allied Agency, the Department must receive notification of separation within ten days.

##### **B. Application of Statute**

**During the course of duty, an Allied Agency "Weight Enforcement Officer" will adhere to the "reasonable suspicion" requirements in weighing a commercial motor vehicle as inferred by Transportation Code § 621.402. There must be an articulable reason to detain a vehicle prior to utilizing any type of approved scale to determine actual weight. A fixed location signaling all commercial traffic to enter a weight enforcement site is in direct conflict with this mandate.**

##### **C. Approved Scales**

The Allied Agency must purchase / utilize scales from the approved Scale List found at the following URL:

<http://www.dps.texas.gov/cve/Publications/approvedScaleList.pdf>

The approved scales must be re-calibrated during each calendar year by a certified scale technician or vendor. All individual scale calibration records must be retained for the current year plus the two previous years and are subject to review during contested judicial proceedings and random Department audit.

##### **D. Violation Report Requirements**

In addition to typical driver / vehicle information and infractions, the following information must be included on all weight enforcement violation reports:

- US DOT Number / TX DMV Number
- State identification / registration identification of units and company unit numbers (license plate numbers for the power units and towed vehicle)
- Registered weights and the Gross Vehicle Weight Ratings of each vehicle
- Axle configuration diagram with corresponding axle distance measurements and the recorded actual weights measured of each axle, tandem axle, and tri-axle
- Overweight permit number
- Load disposition
- Gross weight and group weight.

### **E. Annual Reporting Requirements**

The Allied Agency must submit an annual report of its weight enforcement activities for each calendar year to the Department. The report must be directed to the Motor Carrier Bureau in Austin, Texas. The report must be received by January 31<sup>st</sup> of each year for the prior year's enforcement activities. The Annual Reporting Requirements under this Paragraph E will survive the termination date of this Agreement.

### **V. TERMINATION OF CERTIFICATION**

**\*\*\* UNLESS RENEWED, THIS AGREEMENT WILL EXPIRE ON AUGUST 1, 2019. \*\*\***

**To prevent a loss of authority to conduct weight enforcement inspections, please mail or FAX your renewal request to the Department no more than 60 or less than 30 days prior to the expiration of this Agreement. If the renewal has not been executed by both parties before the Agreement expiration date, certified officers must cease performing all weight enforcement activities, until the renewal has been fully executed.**

The Department may issue a warning to the Allied Agency if the Allied Agency fails to comply with Agreement requirements in such a way that the Department deems that the weight enforcement action being taken is contrary to established training and statute. Failure to immediately correct the compliance issue(s) may result in termination of the Agreement and decertification of the Allied Agency.

### **VI. PROGRAM COORDINATORS**

The Allied Agency's weight enforcement coordinators are responsible for all communications and contacts required to manage this Agreement. The coordinators must provide any updates regarding contact information within 30 calendar days. The current program coordinators for this Agreement are:

**Allied Agency:**

Denton T. D.

**Department:**

DEPARTMENT OF PUBLIC SAFETY  
Texas Highway Patrol  
Motor Carrier Bureau

Ofc. William Borsora  
Program Coordinator

Captain Omar Villarreal - Manager  
Program Coordinator

601 E Hickory St. Ste. E 76205  
Address

MCB, P.O. Box 4087  
Austin Texas 78773-0522  
Address

940 391 7127  
Voice Phone Number

(512) 424-2053  
Voice Phone Number

940 349 7966  
Fax Number

(512) 424-5712  
Fax Number

Scott.Borsora@cityofdenton.com  
E-mail Address

omar.villarreal@dps.texas.gov  
E-mail Address

**Evidence of Acceptance:**

---

Signature of Authorized Official

---

Political Subdivision

---

Name

---

Title

---

Date

**Renewal request for the**  
**MEMORANDUM OF UNDERSTANDING**

WITH THE Denton Police Department

We have complied with all federal, CVSA, and state requirements, and are current in filing all reports required by the MOU. We request renewal of the MOU, and have provided any necessary corrections to the contact information provided below.

Existing Information

Updated Information:

Denton Police Department  
17560005146

State Tax ID Number

State Tax ID Number

Officer Scott Burson

Program Coordinator

Program Coordinator

601 E East Hickory St  
Denton TX 76205

Address

Address

~~(940) 391-7127 or (940) 390-3626~~

Voice Phone Number

(940) 391-7127

Voice Phone Number

(940) 349-7966

Fax Number

Fax Number

Scott.Burson@cityofdenton.com

E-mail Address

E-mail Address

Based on the last two digits of your Taxpayer Identification, you are scheduled to renew your MOU with the department before **8/1/2019**, and on the same date every **odd** year thereafter.

**TO PREVENT LOSS OF AUTHORITY TO CONDUCT CVSA INSPECTIONS**, please send this request form to the department thirty to sixty days before your MOU will expire by FAX to (512) 424-5262, or by mail to the Motor Carrier Bureau, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0522.

The information reflected above is correct and current. Please send us a renewal MOU.

Signature



Title

Police officer  
CVE Program Mgr

Date

16 Apr 2018