# H.R.763 -- Safe and Efficient Transportation Act of 2011 (Introduced in House - IH)

112th CONGRESS

1st Session

**H. R. 763**

To amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**February 17, 2011**

Mr. MICHAUD (for himself and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

**A BILL**

To amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

- *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

- This Act may be cited as the `Safe and Efficient Transportation Act of 2011'.

## SEC. 2. MODERNIZED WEIGHT LIMITATIONS FOR CERTAIN VEHICLES.

- Section 127 of title 23, United States Code, is amended by adding at the end the following:

- `(i) Additional Exception to Weight Requirements-

  - `(1) IN GENERAL- Notwithstanding subsection (a), a State may authorize a vehicle with a maximum gross weight, including all enforcement tolerances, that exceeds the maximum gross weight otherwise applicable under subsection (a) to operate on the Interstate System routes in the State, if--

    - `(A) the vehicle is equipped with at least 6 axles;

    - `(B) the weight of any single axle on a vehicle

does not exceed 20,000 pounds, including enforcement tolerances;

- `(C) the weight of any tandem axle on a vehicle does not exceed 34,000 pounds, including enforcement tolerances;

- `(D) the weight of any group of 3 or more axles on a vehicle does not exceed 51,000 pounds, including enforcement tolerances; and

- `(E) the gross weight of the vehicle does not exceed 97,000 pounds, including enforcement tolerances.

- `(2) SPECIAL RULES-

  - `(A) SPECIAL EXCEPTION FOR CERTAIN STATES- This subsection shall not apply to any vehicle exceeding the maximum gross weight requirements under subsection (a) which could have operated lawfully within a State before the date of the enactment of this subsection or otherwise restrict a vehicle that may lawfully operate under another provision of this section.

  - `(B) INCREASE IN AXLE WEIGHT REQUIREMENT- A State may authorize a vehicle to exceed the maximum axle weight requirements under any one axle grouping in subparagraph (B), (C), or (D) of paragraph (1) by not more than 2,000 pounds.

- `(3) APPROVAL BY STATE LEGISLATURE- Any State seeking to authorize a vehicle to operate on the Interstate System routes within its boundaries under paragraph (1) or to increase the maximum axle weight requirements under paragraph (2) shall do so pursuant to authority provided by State by statute.

- `(4) REPORTING REQUIREMENTS-

  - `(A) ANNUAL REPORT- If a State authorizes vehicles described in paragraph (1) to operate on highway routes in the State in a fiscal year, the State shall submit to the Secretary for the fiscal year an annual report at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, the following:

    - `(i) An identification of highway routes in the State, including routes not on the Interstate System, on which the State authorizes vehicles described in paragraph (1) to operate.

    - `(ii) A description of the operating requirements and gross vehicle weight limits applicable to the vehicles described in paragraph (1).

    - `(iii) Safety statistics, including vehicle

miles traveled data, concerning the vehicles described in paragraph (1).

`(B) 5-year ASSESSMENTS- Following the 5th fiscal year in which a State authorizes vehicle operations described in paragraph (1), and following each 5th fiscal year thereafter, the State shall include in the State's annual report under subparagraph (A) an assessment, developed by the Secretary under regulation, of the impacts that vehicles described in paragraph (1) have had on pavement and bridge maintenance costs incurred by the State in the preceding 5 fiscal years.

`(C) PUBLIC AVAILABILITY- The Secretary shall make all information required under subparagraph (A) and (B) available to the public.

`(5) TERMINATION- The Secretary may terminate the operation of vehicles authorized under this subsection on a specific route if the Secretary determines that such operation poses an unreasonable safety risk based on an engineering analysis or an analysis of safety data or any other applicable data the Secretary may use.

`(6) WAIVER OF HIGHWAY FUNDING REDUCTION- Notwithstanding subsection (a), the total amount of funds apportioned to each State under section 104(b)(1) for any period may not be reduced under subsection (a) if the State authorizes a

vehicle described in paragraph (1) to operate on the Interstate System in the State in accordance with this subsection or subsection (j).

- `(j) Vehicles Lawfully Operating on December 1, 2010- In addition to authority otherwise provided to a State under this section, a State may permit a vehicle with a gross vehicle weight which could have lawfully operated on the Interstate System in the State on December 1, 2010, to operate on the Interstate System in that State upon enactment of this subsection.'.

## SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRASTRUCTURE IMPROVEMENT PROGRAM.

- (a) In General- Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

**`Sec. 167. Safe and efficient vehicle bridge infrastructure improvement program**

- `(a) Establishment- The Secretary shall establish a safe and efficient vehicle bridge infrastructure improvement program in accordance with this section.

- `(b) Apportionment of Funds to Eligible States-

- `(1) IN GENERAL- On October 1 of each fiscal year, the Secretary shall apportion, in accordance with paragraph (2), the sums made available out of the Safe and Efficient Vehicle Trust Fund for that fiscal year to carry out this section.

- `(2) RATIO TO ELIGIBLE STATES- The sums made available out of the Safe and Efficient Vehicle Trust Fund shall be apportioned among eligible States in a ratio that--

  - `(A) the total vehicle miles traveled on Interstate System highways by vehicles authorized to travel on such highways pursuant to section 127(i) in each eligible State, as determined by the Secretary; bears to

  - `(B) the total vehicle miles traveled on Interstate System highways by vehicles authorized to travel on such highways pursuant to section 127(i) in all eligible States, as determined by the Secretary.

- `(c) Eligible Projects- An eligible State that receives an apportionment in a fiscal year under subsection (b) shall use the amounts of the apportionment for projects eligible for assistance under section 144 for bridges determined to be eligible for replacement or rehabilitation under subsection (b) or (c) of such section.

- `(d) Contract Authority- Funds made available out of the

Safe and Efficient Vehicle Trust Fund to carry out this section shall be available for obligation in the same manner as if the funds were made available from the Highway Trust Fund (other than the Mass Transit Account).

- `(e) Eligible State Defined- In this section the term `eligible State' means a State that authorizes a vehicle described in section 127(i) to operate on the Interstate System within its borders.'.

- (b) Clerical Amendment- The table of sections of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

  - `167. Safe and efficient vehicle bridge infrastructure improvement program.'.

## SEC. 4. SAFE AND EFFICIENT VEHICLE CHARGES.

- (a) In General- Subsection (a) of section 4481 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

- `In the case of the use of any highway motor vehicle described in section 127(i) of title 23, United States Code, in lieu of the rate in the table, the rate shall be equal to the lesser of--

- `(1) $100 per year, plus $22 for each 1,000 pounds (or function thereof) in excess of 55,000 pounds, or

- `(2) $800 per year.'.

- (b) Effective Date- The amendment made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

## SEC. 5. SAFE AND EFFICIENT VEHICLE TRUST FUND.

- (a) In General- Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end the following new section:

## `SEC. 9512. SAFE AND EFFICIENT VEHICLE TRUST FUND.

- `(a) Creation of Fund- There is hereby established in the Treasury of the United States a fund to be known as the `Safe and Efficient Vehicle Trust Fund', consisting of such amounts as may be--

- `(1) appropriated to the Safe and Efficient Vehicle Trust Fund as provided in this section, or

- `(2) credited to the Safe and Efficient Vehicle Trust Fund as provided in section 9602(b).

- `(b) Transfer to Safe and Efficient Vehicle Trust Fund of Amounts Equivalent to Certain Taxes- There are hereby appropriated to the Safe and Efficient Vehicle Trust Fund amounts equivalent to the taxes received in the Treasury under section 4481(a) which are attributable to the use of any highway motor vehicle described in section 127(i) of title 23, United States Code.

- `(c) Expenditures From Safe and Efficient Vehicle Trust Fund- Amounts in the Safe and Efficient Vehicle Trust Fund shall be available, as provided by appropriations Acts, for fiscal years beginning 1 year after the date of the enactment of this Act for projects eligible for assistance under section 144 of title 23, United States Code.'.

- (b) Conforming Amendments-

- (1) Paragraph (1) of section 9503(b) of such Code is amended by striking the period at the end and inserting `, and taxes received under section 4481 shall be determined without regard to those received in the Treasury under section 4481(a) which are attributable to the use of any highway motor vehicle described in section 127(i) of title 23, United States Code.'.

- (2) The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following:

- `Sec. 9512. Safe and Efficient Vehicle Trust Fund.'.

- (c) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act.

# Coalition Against Bigger Trucks

## HEAVY TRUCKS PUT OHIO BRIDGES AT RISK

Bigger trucks increase the risk of bridge failure, accelerate bridge deterioration and add to the cost of maintaining highway infrastructure. Heavy trucks contribute to the deterioration of bridges, according to highway engineers.

**Even without bigger and heavier trucks we are facing a national bridge crisis**

- Our bridges are old. Almost half of the bridges on the National Highway System are more than 40 years old. (US DOT 2008 National Bridge Inventory)
- Our bridges are in poor condition. One of every four bridges – 151, 397 – in the nation is structurally deficient.
- Our bridges were designed when there were far fewer trucks. Forty years ago, when more than half of our bridges were built, there were about 2 million trucks on the road. Today, there are about 7 million trucks on the road.
- Our bridges were designed when trucks were much lighter. Until the mid-1970's, the legal limit on trucks was 73,280 pounds. Today it is 80,000 pounds. Supporters of bigger trucks want to increase truck weights to 97,000 pounds for single trailer trucks and over 100,000 pounds for double and triple trailer trucks.

As the nation's bridges go, so do the bridges in Ohio. Many are old, in need of repair, and they were designed and built when there were fewer trucks on the road and the trucks were lighter and smaller than today's trucks. All of these factors mean that allowing even heavier and longer trucks on Ohio roads would accelerate bridge deterioration and increase the risk of bridge failure.

- 14,445 bridges in Ohio are more than 40 years old. (US DOT 2010 National Bridge Inventory)
- 6,598 bridges in Ohio are designated by the US DOT as structurally deficient or functionally obsolete. (US DOT 2010 National Bridge Inventory)

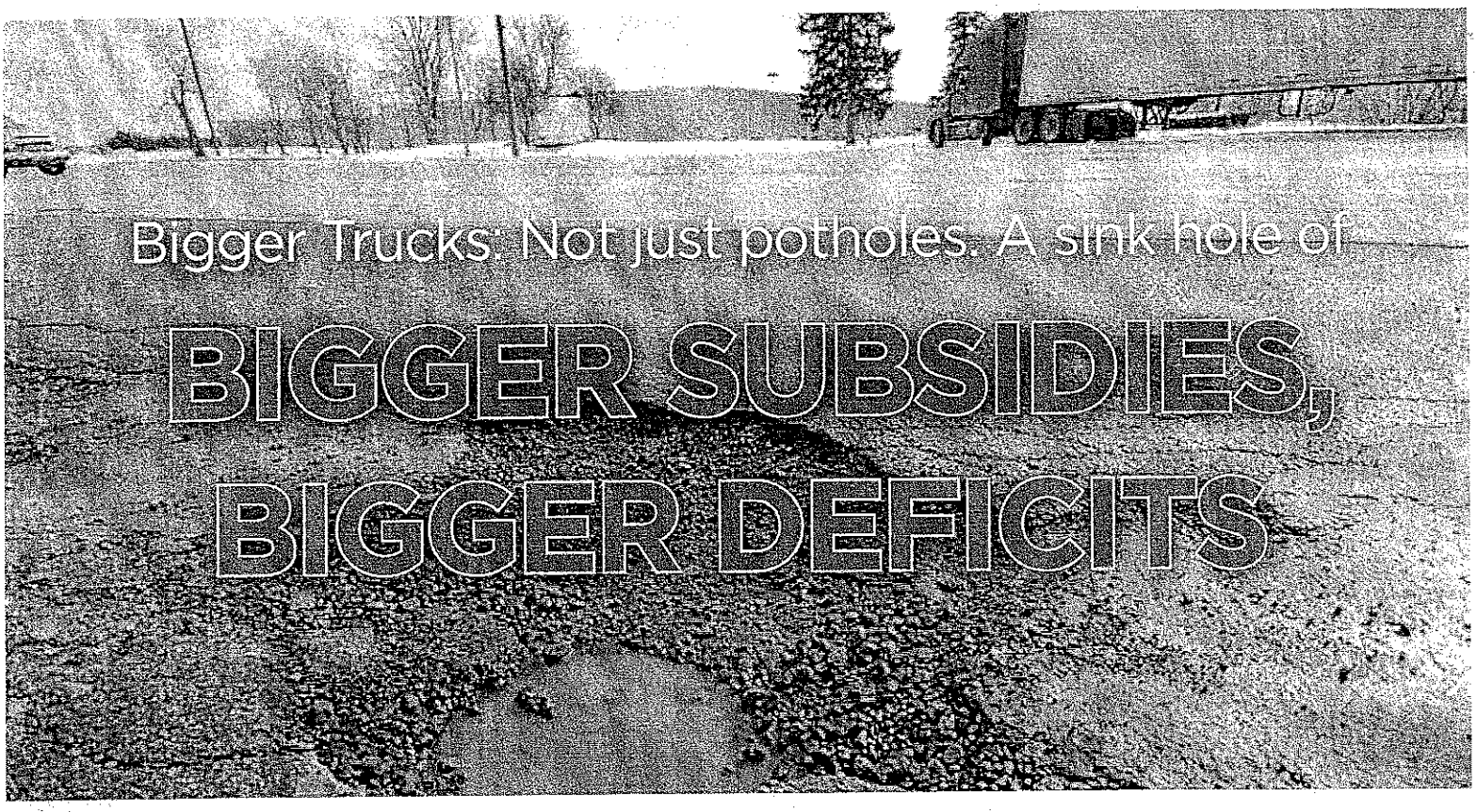
**Heavy trucks cause bridges to deteriorate**

Engineers agree that heavy trucks contribute to the deterioration of bridges. Allowing heavier trucks will accelerate deterioration. Bridges are designed with a safety margin of error to ensure against bridge failure. Heavier trucks erode that margin of error and increase the risk of failure.

**We cannot buy our way out of this problem**

Money will not solve our bridge infrastructure problem because we are never going to be able to repair or replace all the bridges we need to, due to sheer lack of time and resources. It would cost $188 billion to repair *current* structurally deficient bridges around the country. (US DOT Conditions and Performance Report, 2006)

Allowing heavier and longer trucks to operate on Ohio roads would add new costs and increase the burden on taxpayers. Increasing truck size and weight would require that many bridges in the state be replaced, strengthened or posted – all of which would impose additional costs on the state and ultimately the taxpayer. Although the full extent of the damage to bridges from the operation of bigger trucks is unknown, the US DOT estimated that allowing LCVs nationwide would cost $53 billion in capital improvements. (US DOT Comprehensive Truck Size and Weight Study, 2000)



# Bigger Trucks: Not just potholes. A sink hole of BIGGER SUBSIDIES, BIGGER DEFICITS.

Our highways and bridges are in rough shape because we don't have the resources to keep them in good condition. Yet, nearly every single truck trip on a U.S. road is an exercise in deficit spending because trucks on the road today don't cover the cost of the damage they do. Allowing even bigger trucks would make this problem even worse.

The additional cost of repairing bridge damage caused by raising truck weights to 97,000 pounds could top $53 billion alone. That's in addition to road damage. (USDOT Comprehensive Truck Size and Weight Study, 2000)

## Trucks already receive $2 billion in subsidies. Bigger trucks mean even bigger subsidies.

## Trucks cover only 80% of damage now, will only cover 50% of damage if bigger trucks are allowed to pound the pavement.

The most recent federal study to look at the issue showed that the federal government already subsidizes heavy truck operations almost $2 billion every year. (FHWA Addendum to Highway Cost Allocation Study, 2000)

- 80,000-pound single-trailer trucks only pay 80% of the cost of the damage they cause.
- The same study showed that increasing truck weights up to 97,000 pounds would result in trucks only paying for about 50% of the damage they do.
- If inflated to 2007 dollars, trucks on the road today would need to pay an additional $0.28 per gallon of diesel just to break even and 97,000-pound trucks would need to pay an additional $1.17 per gallon. (Full Recovery of Highway Costs Associated with Bigger Trucks, Norbridge, 2007)

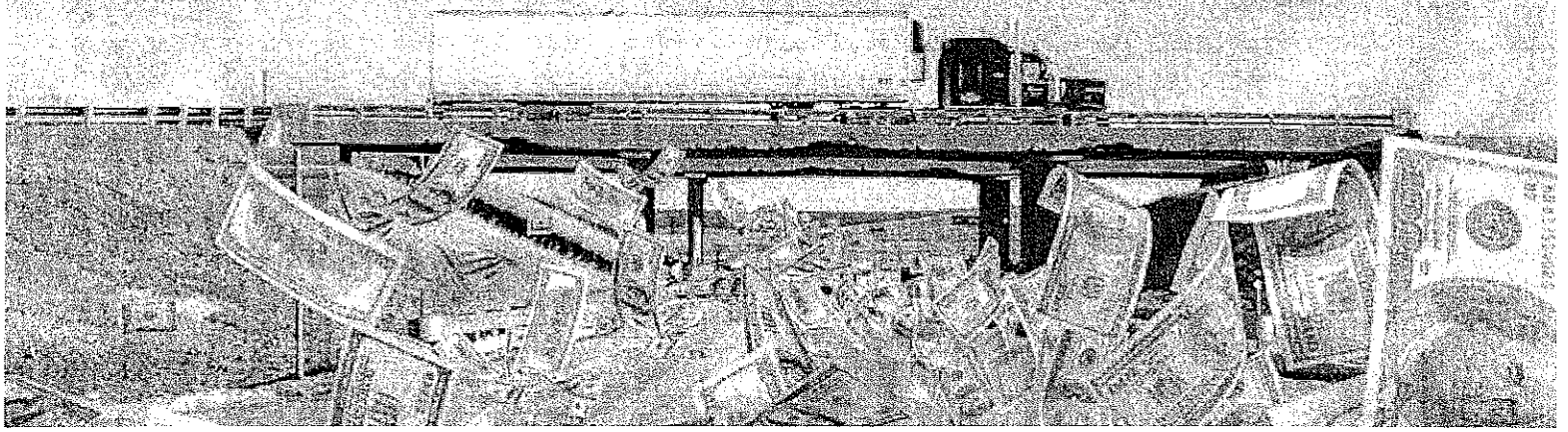
## Bigger trucks mean Bigger spending, Bigger deficits. The Highway Trust Fund is already broke.

- The Highway Trust Fund has already needed two cash infusions to stay solvent. Bigger trucks will make it worse.
- State highway departments are running out of money for key highway projects. Cities and schools across the country are cutting budgets to do more with less.
- Allowing even bigger trucks makes a problem we already can't afford to solve even worse. It means that every single truck trip costs other taxpayers even more money.

> **"WHEN LONGER COMBINATION VEHICLES (LCVs) AND OTHER HEAVY TRUCKS DO NOT PAY THE FULL COSTS OF THEIR OPERATIONS, OTHER MOTORISTS MUST MAKE UP THE DIFFERENCE. THIS IS INEQUITABLE TO THE HIGHWAY USERS WHO MUST SUBSIDIZE LCV OPERATIONS."**
>
> – WESTERN UNIFORMITY SCENARIO ANALYSIS, USDOT, 2004

# Bigger Trucks don't just break bridges,

# THEY BUST BUDGETS



## Heavy trucks literally make bridges bounce, buckling pavement and stressing steel.

Engineers agree that heavy trucks already cause enormous damage to bridges, causing massive vibrations that literally make bridges bounce. Allowing heavier trucks will accelerate this deterioration. Bridges are designed with a safety margin of error to ensure against bridge failure. But heavier trucks erode that margin of error and increase the risk of catastrophic failure.

## We can't afford to spend another $53 billion to pay for damage to bridges caused by bigger trucks.

Spending money will not solve our bridge infrastructure problem because we are never going to be able to repair or replace all the bridges we need to, due to sheer lack of time and resources. It would cost $168 billion to repair current structurally deficient bridges around the country. (US DOT Conditions and Performance Report, 2006)

We would have to spend an additional $53 billion to rebuild bridges if we allowed truck sizes and weights to go even higher than they are today. (US DOT Comprehensive Truck Size and Weight Study, 2000)

## Instead of a $53 billion bridge bailout, why not preserve the bridges we already have?

Allowing heavier and longer trucks to operate would add new costs and increase the burden on taxpayers. Increasing truck size and weight would require that many bridges in the state be replaced, strengthened or posted — all of which would impose additional costs and unfunded mandates on cash-strapped state governments and, ultimately, the American taxpayer.

THE ALTERNATIVE? Keep the 80,000-pound weight limit and stop the spiraling cost of bridge repair BEFORE DAMAGE HAPPENS.

**FAST FACTS: AMERICA'S BRIDGES ARE CRUMBLING. AND BIGGER TRUCKS WILL MAKE IT WORSE.**

- More than half of the bridges on the National Highway System are more than 40 years old. (US DOT 2010 National Bridge Inventory)
- 1 of every 9 bridges — 69,223 — in the nation is already structurally deficient. (US DOT 2010 National Bridge Inventory)
- Forty years ago, when more than half of our bridges were built, there were about 2 million trucks on the road. Today, there are about 7 million trucks on the road.
- Until the mid-1970's, the legal limit on trucks was 73,280 pounds. Today it is 80,000 pounds. The proposals before Congress and in many states are to increase truck weights to 97,000 pounds and higher.

## Resolution on Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1618/ S.779)

**Issue:** Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1618/S.779).

**Adopted Policy:** NACo supports the Safe Highways and Infrastructure Preservation Act (SHIPA, H.R. 1618/S. 779) and strongly opposes any legislation that seeks to increase truck size or weight beyond the current federal standards, putting highways, roads, and bridges at risk of increased damage or deterioration.

**Background:** There is concern that attempts are being made at the federal level to increase the federal standards for size, weight and allowable number of trailers beyond the capacity of existing road infrastructure. H.R. 1618 and S. 779 would maintain the current federal size and weight standards on the Interstate System and extend these standards to the National Highway System. Bigger and heavier trucks cause greater acceleration of the deterioration of states' highways, roads, and bridges, putting further pressure on local taxpayers to fund infrastructure. Investments in our county, state and federal road systems have not kept up with the increased traffic levels. Current funding for roads and bridges across all government levels in the states is inadequate and investments by local governments have been curbed by cuts in municipal state aid, county state aid and a shrinking federal highway program fund. NACo, along with many county and municipal associations, strongly opposes all legislation that attempts to shift costs and liability of private business on to local governments and threatens local control of local roads. Longer Combination Vehicles, LCVs, have an 11 percent higher fatal accident involvement rate than single tractor trailers. Triples have poor stability performance and create a larger crash area when involved in an accident. Heavier tractor trailers have an increased risk of rollover because they have a higher center of gravity. Increasing truck weight likely will lead to brake maintenance problems and longer stopping distances. Larger trucks are harder to steer because of their extra axle. These trucks are responsible for close to 2.4 deaths for every 100 million vehicle miles, which is a 50 percent higher rate than smaller trucks.

**Fiscal/Urban Rural Impact:** Maintaining current federal truck size and weight standards on the Interstate System and imposing similar standards on

the rest of the National Highway System would limit the increased risk of damage or deterioration of highways, roads and bridges and the associated costs with maintaining state and local highways, roads and bridges in both urban and rural counties and limit the increased safety risks such as accidents due to rollovers, stopping problems, steering problems, and increased risks of deaths in accidents involving these vehicles.

Adopted July 20, 2010

CABT
Coalition Against Bigger Trucks

# Bigger Trucks Mean More Dangerous Highways

Proponents of bigger trucks are pushing hard to increase the weight of single-trailer trucks from the current 80,000 pounds to 97,000 pounds. Some groups even want to end the current "freeze" on the expansion of longer combination vehicles – double and triple-trailer trucks.

They say that allowing heavier and longer trucks is a proven way of improving highway safety while maintaining current road standards. Unfortunately, this ignores the conclusions of independent studies, which have concluded that there are serious safety concerns with heavier and longer trucks.

## Increased Fatal Accident Risk

- According to the August 2000 US DOT *Comprehensive Truck Size and Weight Study*, LCVs are likely to have fatal accident involvement rates at least 11% higher than today's single tractor trailers. DOT analyzed the accident experience of twin 28-foot combinations that are legal nationwide today. In DOT's words:

> "...under conditions of generally unrestricted use similar to that of single-trailer combinations, multi-trailer combinations – as they are currently designed and configured – could be expected to experience an 11 percent higher overall fatal crash rate than single-trailer combinations. This finding is significant in terms of the debate on 'the safety of LCVs.'"

## Crash Severity

- The severity of a crash is a simple matter of the weight of the vehicle and its velocity. When weight increases, so does the severity of the crash meaning that allowing bigger trucks would turn what are now accidents into serious accidents and serious accidents into fatalities. In 2009, 74,000 people were injured and 3,380 killed in crashes involving large trucks.

- LCVs create a larger crash footprint when involved in an accident. One factor contributing to LCVs' larger footprint is their length. Another is the danger of trailer separation. Studies have shown that trucks with multiple trailers are more likely to experience trailer separation. When trailers separate from the vehicle, that extends the area of the crash.

## Stability

- Heavier tractor-trailers will tend to have a higher center of gravity because the extra weight is typically stacked vertically. Raising the center of gravity increases the risk of rollovers. *Comprehensive Truck Size and Weight Study*, US DOT, Volume 3, p. VIII-8, 2000.

- LCVs - especially triples - have unusually poor stability performance. On one measure of stability - rearward amplification or the "crack the whip effect" - triples show more than 200% poorer performance than conventional tractor trailers (*Comprehensive Truck Size and Weight Study*, US DOT, Volume III, Figure VIII-11).

**Braking**

- Increasing truck weight is likely to lead to brake maintenance problems and longer stopping distances. Heavier singles often have an extra axle at the rear of the truck to prevent additional pavement damage, and on that axle are two additional brakes. The US DOT expressed specified concern about the ability to maintain those extra brakes. *Comprehensive Truck Size and Weight Study*, US DOT, Volume 3, p. VIII-10, 2000.

- Adding weight to a truck with brakes that are out of adjustment can lead to substantially longer stopping distances. Roadside inspections show that brake adjustment levels are a serious issue. Since 1998, the Commercial Vehicle Safety Alliance has inspected more than 1.1 million brakes during its annual Operation Air Brake campaigns. Over 17% of the trucks inspected were placed out of service due to braking issues, including 11% that were placed out of service due to brake adjustment defects.

**Equipment Wear**

- Adding weight to a truck makes it more likely that the truck's equipment will wear out sooner. Important truck components that are at risk include the brakes, suspension and tires. Should any of these parts wear out; there is a greater risk of serious accident. In a study on truck crash involvement in Washington State, the Insurance Institute for Highway Safety found that 77% of tractor-trailers involved in crashes had defective equipment.

**Speed Differential**

- Both heavier singles and longer combination vehicles are likely to have poorer power to weight ratios – they accelerate more slowly and have difficulty maintaining speed on upgrades, increasing speed differentials with other traffic and increasing the risk of accidents. According to a University of Texas study, a 15-mile per hour speed differential increases accident risk nine times.

- Motorists are also more likely to try to avoid heavier and longer trucks. By speeding up, slowing down, or changing lanes to avoid LCVs, motorists will cause conflicts with other traffic that will not show up on accident reports as truck-related incidents.

# National Organizations Opposing Truck Size & Weight Increases

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National Troopers Coalition

National Sheriffs' Association

National Association of Police Organizations

International Association of Chiefs of Police

Western States Sheriffs' Association

AAA

National Association of Counties

Owner-Operator Independent Drivers Association

International Brotherhood of Teamsters

Public Citizen

Consumer Federation of America

Advocates for Highway and Auto Safety

Truck Safety Coalition

Transportation for America

American Short Line and Regional Railroad Association

Railway Supply Institute

Association of American Railroads