MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 3, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 3, 1983, at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senator's Etchart, Hager, Elliott, Shaw, Tveit, Graham present. Senator's D. Manning and Daniels arrived late. Senator Stimatz was absent.

HOUSE BILL 437: Hearing commenced on House Bill No. 437, introduced by Representative Neuman. Representative Newuman told the committee this is the long truck bill. This bill revises the truck weight and size law by providing that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the distance between the first and last axles is 36 feet or more. This bill also prohibits special permits for vehicle combinations of more than two vehicles. Special permits that are granted may specify routes and other conditions of operation. There is an amendment that the Highway Department is proposing, and I support it. Mr. Beck from the Highway Department will explain the amendment. With that, I will turn the hearing over to Ben Havdahl.

Ben Havdahl, representing the Montana Motor Carriers Association, told the committee this bill proposes to lift the artificial cap on gross weights of truck combinations now permitted by law to operate on Montana highways and allows the gross weight of vehicle combinations to be determined by the "bridge formula" adopted by the Legislature in 1967. The "bridge formula" is also Federal law and is designed to protect highway bridges from weight concentration requiring the spacing of truck axles and the distribution of weight over multiple axles at specified distances.

Mr. Havdahl went on to say the bill would also allow an additional ten feet..... from 85 feet to 95 feet..... in length for vehicle combinations operating under special permits. Existing law provides for vehicle axle weight maximums to protect highway pavements and sets a maximum of 20,000 pounds for a single axle and 34,000 pounds for a tandem or double axle. The bill would not change the allowable axle weights. Highway pavements are affected by the amount of weight that the axles bear and the number of times the axle impacts the pavement when a vehicle is in motion. This bill insures against the application of excessive axle weights at the same time provides for more freight capacity for a vehicle combination. Axle spacing is equally as important in design of bridges and impact on pavements as is axle weights. This is illustrated by what happens when a person

tries to walk across ice that is hardly thick enough to support a person's weight. The result is he or she falls through the ice. If a person stretches out prone on the same ice and scoots across it, it is unlikely that the ice will break. This is true because the load or weight is spread over a larger area. A similar comparison can be made between trucks crossing a bridge.

It would allow an increase in gross vehicle weights as determined by the "bridge formula" without exceeding or approaching the present axle weight limitations. It would result in more truck productivity and less transportation costs.

The bill provides that gross weight of combinations with various axle groupings be established by the existing bridge formula in both State and Federal law without exceeding axle weights.

(a) 7-axle combination from 105,500 pounds to 112,500 pounds, average axle weight would be 17,000 pounds.

(b) 8-axle combination from 105,500 pounds to 117,425 pounds, average axle weight would be 15,154 pounds.

(c) 9-axle combination from 105,500 pounds to 122,625 pounds, average axle weight would be 14,078 pounds.

The bill would not allow for the operation of any new vehicle combinations such as "triple trailers". It specifically limits the number of trailers permitted in a vehicle combination to no more than two.

Mr. Havdahl went on to say illegally overweight trucks that result in heavier than legal axle loads are a contributing factor to highway deterioration. The amount of gross weight a truck carries is not a factor in highway damage if proper axle weights are adhered to.

Other legislation to be considered by this Legislature is designed to deal with that problem....one measure would increase overweight fines 200 percent. Controlling truck speed is another factor and the motor carrier industry supports strict enforcement of the 55 m.p.h. limit for trucks. The House passed HB437 with a strong vote 91 to 8; the House Highways and Transportation Committee gave the bill a unanimous "DO PASS" after hearing support for the bill from more than a dozen trade associations and farm groups. Included were: Montana Grain Growers Association; Montana Citizens Freight Rate Association; Montana Intermountain Oil Marketers Association; Montana Stock Growers Association; Montana Woolgrowers Association; Montana Cow Belles; Montana Logging Association;

Montana Farmers Union; Montana Wood Products Association; Montana Farm Bureau; Montana International Trade Council; National Farm Organization; Women in Farm Economics; Montana Motor Carriers Association; and the Montana Department of Highways. The Montana Automobile Association opposed the bill.

The House passed an amendment to the bill as follows: "Special permits for vehicle combinations may specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including, but not limited to, required equipment, speed, stability, operational procedures and insurance."

Mr. Havdahl said this amendment would provide guidelines to be considered by the Gross Vehicle Weight Division of the Montana Department of Highways in considering permits for operating vehicle combinations over the statutory allowable length up to 95 feet in length.

Mr. Havdahl gave each committee member Exhibt 1 and 2, and went over them in detail.

Gary Wicks, Director, Department of Highways told the committee they support HB437. The recommendation came out of the Governor's Transportation Advisory Council. This is an opportunity to improve the productivity of transportation in Montana. We support all the things that Mr. Havdahl said in his opening remarks. We don't believe there will be increased damage to the highways. I do have amendments, which he passed out to the committee, see Exhibit 3. He went over these amendments.

Mr. Gary Wicks went on to say that because of a recent change in federal law which preempts the State's authority in the regulation of some vehicle lengths, the Department of Highways is proposing amendments to House Bill 437. The Federal Highway Improvement Act of 1982 prohibits states from imposing overall length limitations on truck tractor-semitrailer and truck tractor-semitrailer-trailer combinations. It also prohibits states from imposing semitrailer length limits of less than 48 feet in the truck tractor-semitrailer combination and less than 28½ feet in the truck tractor-semitrailer-trailer combination. The 28½ foot limit also applies to the trailer. A copy of the new federal law is attached to Exhibit 3. The Federal Highway Administration (FHWA) is proposing to adopt rules which would require states to comply with the federal law by October, 1983. A copy of the notice of the proposed rulemaking is also attached to Exhibit 3. If the various states do not comply, the federal law (Section 413) provides that the Secretary of Transportation must bring a civil action for injunctive relief to

assure each state's compliance. The result of such an injunction on Montana law would be to stop the state from enforcing its length limitations, at least on those combinations covered by federal law. The vehicles in those combinations then would have no length limitations at all.

Mr. Wicks said the proposed amendment would comply with federal law and provide for a maximum semitrailer and trailer length. Because no overall length limitations for those two combinations is permitted and the maximum length of a truck tractor-semitrailer-trailer combination is likely to be 75 feet, the department has also proposed to change the maximum length without special permit for other combinations from 65 to 75 feet, in an effort to treat them similarly. The amendment would allow trailers and semitrailers to be longer than the given maximum but only by special permit and only up to a maximum overall length of 95 feet, as originally proposed in House Bill No. 437.

Mr. Kenneth Heald, 1200 Bayhill Drive, San Bruno, California, representing the Western Highway Institute, spoke in support of House Bill No. 437. His testimony delt with the technical resources concerning research dealing with more productive trucks. He read from prepared testimony, see Exhibit 4. In summary Mr. Heald said WHI's 17 years of testing and research on long truck combinations has shown that such combinations can carry more goods with less adverse impact on pavement and bridges; that they can operate compatibly on modern highways with other traffic; that they have adequate horsepower and traction capabilities; that they meet and even exceed established braking and braking stability standards; that fuel savings of up to 1/3 can be achieved and that their safety performance is as good or better than other highway vehicles. The many years of safe and compatible operation by these units are the ultimate proof of their potential.

The time allowed for proponents ended. Those people wishing to go on record as in support of this bill are:

Bob Stephens, Montana Grain Growers Association
Jo Brunner, Women Involved in Farm Economics,
See Exhibit 5 for written testimony
Pat Underwood
Mike Rice, Transystems, Inc., Great Falls, MT
Keith L. Olson, Montana Logging Association,
Kalispell
Bob Lamley, Champion International, Milltown, MT

Tom Harrison, Montana Automobile Association, spoke in opposition to House Bill No. 437. He gave the committee a newspaper article and read it to the Committee. See Exhibit 7. Included in the article was the statement: "as you build up the weight of trucks, you find that the fatality probability continues to increase with the weight of the truck. The probability of a fatality occurring in a collision between an automobile and a large (10,000 pounds and up) truck....is 10 to 1 compared with lighter vehicles."

Mr. Harrison passed out Exhibit 8, "The Impact of Trucks on Highway Accidents", a report to the Board of Trustees of the AAA Foundation for Traffic Safety, October 6, 1980. He went through parts of this report.

Mr. Harrison passed out Exhibit 9, a special report, "Highways and Railroads in Montana: Problems and Opportunities". He went through parts of this.

Mr. Harrison passed out Exhibit 9, the revised edition of "Increased Truck Size and Weight, the Impact on Highways, Safety, and Energy". He read the following from the introduction: "Engineering studies show that there is an exponential relationship between truck weight and road damage. For example an increase from 73,280 pounds to 80,000 pounds leads to a 50 percent increase in a truck's impact on a roadway. The bulk of the interstate system was designed for 73,280 pound trucks. Despite this fact all but three states (Illinois, Missouri, and Arkansas) allow 80,000 trucks. During the past two sessions, Congress has considered legislation to force all states to permit 80,000 pound trucks on the Interstate System. A bill to allow 86,000 pound trucks died in committee.

Mr. Harrison passed out Exhibit 10,"The Summary of Questionnaire of GAO'S Report to Congress on Excessive Truck Weight" and read: "1. Montana Highway Department officials were asked to rate various factors which contributed to our highway deterioration. They responded that, "heavy trucks," "trucks under permit," and "illegal overweight trucks" were all contributing to the highway deterioration of a "substantial extent." "Lack of funds" and the "age of the roads" were the only classifications rated higher by our highway officials as problems--and obviously, those are areas over which there is no control. Automobile traffic, on the other hand, was classed as having "little or no effect" on Montana's highway deterioration."

Mr. Harrison passed out Exhibit 11, an article entitled: "Proceed with Caution: An Expert Warns America's Roads are Unsafe at any Speed". He read parts of it to the committee: "The American Trucking Association maintained that pavement damage is caused by weathering of roads and a vast number of cars, not by the relatively few heavy trucks. How do you respond? That's just wrong. Last year one study by the U. S. Department of Transportation found that it takes 9,600 cars to equal the damage caused by one 80,000 pound truck operating over the same distance. The heavier trucks that are permitted under the new legislation are going to beat the roads to shreds. Although there is only a slight arithmetical increase from the present limit of 18,000 pounds per axle to the new limit of 20,000 pounds, there's a geometric increase in pavement wear--as much as 25 percent. That's because the pavement is already at its tolerance limit with 18,000 pounds. The damage will mount faster than the increased user fees can finance added repair."

Mr. Harrison passed out Exhibit 12, a Resolution adopted by the membership of the National Association of Counties on July 13, 1982. He read all of it and emphasized the last paragraph: "BE IT FURTHER RESOLVE, that the National Association of Counties will oppose increased national standards for truck length and width until their impact on highway costs and safety have been assessed and reflected in the highway user fees and appropriate safety regulations."

He asked that the following letters be introduced as evidence in opposition to HB437:

Letter from Ruth Hodge, Polson, MT, Exhibit 13
Letter from Edna A. Raunig, Great Falls, Exhibit 14
Letter from Herbert Devries, Polson, MT, Exhibit 15
Letter from Mr. & Mrs. Herbert Friske, Rollins, MT Exhibit 16
Mrs. F. B. Jeffers, Ennis, MT, Exhibit 17
Letter from Myrtle E. Primm, Havre, MT, Exhibit 18
Letter from Adelaide Russell, Three Forks, MT, Exhibit 19
Letter from Dr. Floyd C. Naegeli, Trout Creek, MT, Exhibit 20
Letter from Leo Green, Helena, MT, Exhibit 21
Letter from Philip Morton, Darby, MT, Exhibit 22
A newspaper clipping in opposition to HB437 from Edna R. Snyder, Cut Bank, MT, Exhibit 23
A letter from Mildred & Del Pile, Hamilton, MT., Exhibit 24

Mr. Bob Virts, representing the Montana Senior Citizens Association spoke in opposition to HB437. We are in complete agreement with the position taken by the Montana Automobile Association in its observation that passage of this bill would result in accelerated deterioration of Montana's highways, a burden which would eventually be left to the taxpayers to redress. We feel that because Montana has such a great amount of highway mileage in proportion to the population, HB437 should not be allowed to pass. As a retired railroader, seeing multiple-trailer outfits reminds me more of trains than trucks. Let's keep our freight trains on the tacks, not on the highways. He passed out Exhibit 25, an article on truck size, weight bill in Senate.

Larry Ryan, Missoula, passed out Exhibit 26, concerning "In the matter of adoption of a rule for the movement of triple trailer vehicle combinations and other special vehicle combinations", and read from that to the committee. It was written by the attorneys for the Montana Automobile Association, Helena, Mt.

Larry Tobiason, President, Montana Automobile Association, passed out Exhibit 27 for the information of the Committee. He is opposed to HB437.

There were no further opponents.

Senator Graham said he is wondering about the extra weight, and what is that doing to the highways.

Mr. Havdhal said the axle weight standards are designed to protect the highway pavement. The Bridge Formula both protects the highways and the bridges.

Senator Elliott addressed Mr. Harrison. Senator Elliott said he cannot understand their argument that the added weight will cause deterioration to the highways. Can you explain to me how the added weight, because of added length is more damaging to the highways.

Mr. Harrison said he tried to address it when he spoke, but delt with it confusedly. You have no indication that this will be detrimental to the highways. The only way to get these trucks to haul more is to make them longer. The truck is fully loaded, the only way it can get heavier is by making it bigger by ten feet, then put more into that truck. I think this will do more damage to the highways because of the added weight.

Senator Elliott said he cannot accept this argument.

Senator Tveit asked what response was received from the association members.

Larry Tobiason said a 2.6% response.

Senator Tveit, addressing the opponents, said we are talking about one thing and you are talking about something else.

Senator Hager asked Mr. Wicks, Department of Highways about length. Right now the length limit is 85 feet, and requires a permit on any highway, whether it is 4 lane or 2 lane. Is that right?

Gary Wicks said that is correct, unless the department puts limitation on it.

Senator Hager asked Mr. Wicks if we go to 95 feet then they can operate on any highway in Montana.

Mr. Wicks said yes, unless we run into problems. On page 4 of the bill, it refers to special permits that may specify highway routing. Mr. Wicks read this to the committee. See the Bill, page 4. If we run into problems, we have the authority to impose limitations on the truck traffic.

Senator Shaw asked if the amendment passes, there will be no permit up to 75 feet. And anything over 75 and up to 95 feet have to have a permit.

Mr. Wicks said yes.

Senator Graham asked about the weight and axles, and their relationship.

Mike Rice from Great Falls, told the committee there are three controlling factors:

1. Tire weight
2. Asphalt, axle weights
3. Placement of axles

Mr. Rice said a bridge does care how close the axles are. So, if you have 34,000 on tandom, the bridge formula says you have to use them in certain ways. It is just that simple.

In closing, Representative Neuman said he would like to cover some of the points the committee might need to consider. Addressing the weight per axle; this is what is causing damage to highways. As far as the safety factor.

If this bill passes there will be less trucks on the highways. There will be 19% fewer trucks on the highways. Yes, they are longer, but there will be fewer of them on the roads. I ask for your favorable consideration of HB437.

There being no further discussion, hearing on House Bill No. 437 was closed.

HOUSE BILL NO. 539: Hearing commenced on House Bill No. 539, introduced by Representative Smith. He told the committee this is the "Loggers Relief Bill", and is an act allowing a logging truck of up to 80,000 pounds to operate under a special permit, providing for changing the 7 percent allowance to a 5 percent allowance on total gross and axle weight limitations for all vehicles or combinations of vehicles; and providing for an immediate effective date.

Mr. Keith L. Olson, Executive Director, Montana Logging Association, Kalispell told the committee at the present time 5 axle log trucks are licensed to haul 78,000 pounds gross vehicle weight in the State of Montana. HB539 will permit 5 axle log trucks to haul 80,000 pounds gross vehicle weight. There are 4 reasons why this legislation is necessary:

First, log haulers need increased payload capacity to partially offset the increased operating expenses they must absorb because of escalating state and federal taxation;

Second, recent federal legislation intended that 5 axle trucks be permitted to haul 80,000 pounds gross vehicle weight in all states;

Third, many log haulers in western Montana haul in and out of Idaho which permits log haulers 80,000 pounds gross vehicle weight; and

Fourth, Montana's Department of Highways is requesting a tightening of the overweight tolerance allowed trucks because they load their cargo away from controlled weight platforms.

Currently, trucks are allowed a Gross Weight Tolerance of 7%. HB539 will reduce that tolerance to 5% of gross weight, not to exceed 5% on any axle or group of axles. Though the reduction in tolerance from 7% of gross vehicle weight to 5% per axle has caused some concern, we believe it is a provision the logging industry can adapt to. Loading a log truck is by no means an accurate procedure. However, modern day electronic scales do provide a reasonable degree of accuracy. Furthermore, our industry is unique in that we police ourselves with respect to overloads. The majority of log hauling

contracts contain a provision which stipulates that weight in excess of a trucks legal capacity will not be paid for.

HB539 will also generate additional funding for the Department of Highways in two ways:

First, the additional GVW fee will generate an additional $50 from every log truck in the state.

Second, because the extra GVW capacity is granted when a special term permit is purchased, those log trucks which currently do not purchase it will find it to their advantage to spend $75 a year for the permit.

In conclusion, I respectfully suggest that HB539 is legislation beneficial to both the logging industry and the Department of Highways and, therefore, deserves the approval of this body.

Gary Wicks, Department of Highways told the committee the Department supports the bill. They have been working with the logging industry to come up with this legislation to try and take care of the problems they are having.

Ben Havdahl, Montana Motor Carriers, told the committee they support HB539.

Robert Helding, Montana Wood Products Association told the committee they support this legislation. He told them he was responsible for writing the 7% tolerance several years ago.

Bob Lamley, Champion International, Milltown, MT., told the committee they support HB539.

There were no further proponents and no opponents.

Senator Etchart asked if the 80,000 pounds would still be legal within the bridge formula.

Mr. Havdahl, said it may or may not be, depending on the length of the logs. Many of the log haulers are in violation of the bridge formula because of problems in the length of logs. Every state that logs has this problem.

Senator Hager referred the committee to the bill, Section 2. He asked if this section was in the bill when it was introduced in the House.

Mr. Havdahl said no it was not.

Senator Hager asked if this was referred to House Rules Committee.

Representative Smith said no.

Senator Etchart asked Paul Verdon, Legislative Council to check this out and report back to the committee.

Gary Wicks told the committee the House Highways Committee took a look at this and amended it and approved the amendment. We don't think there are any rules affected by this.

Jim Beck, Legal Counsel for the Department of Highways said he still thinks the subject is weight and we are talking about how to compute GVW.

There being no further discussion, hearing on House Bill No. 539 was closed.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:50 p.m.

Mark Etchart

Senator Mark Etchart
Chairman

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1981~~ 1983 Date 3/3/8

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓		
Senator Graham	✓		
Senator D. Manning	✓ late	~~✓~~	
Senator Stimatz		✓	
Senator Daniels	✓ late	~~✓~~	
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

SENATE _____ COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

NAME	REPRESENTING	BILL # (Please note bill no.)	SUPPORT (check one)	OPPOSE
Ben HAVDAHL	Montana Motor Carriers Assn	HB437	X	
" "	" " " "	HB539	X	
Mike Rice	Transystems, Inc	HB 437	X	
Patti Rice		"	X	
Larry Ryan	Senior Citizens	" "		X
KEITH OLSON	MT. Logging Assn	437	✓	
" "	" " "	539	✓	
TOM Harrison	Mont Auto Assoc.	437		X
Bob Tamley	Champion Int	437	✓	
" "	" "	539	✓	
Ron Clyde	LHC Inc	437	✓	
		539	✓	
Bob Virts	MSCA	437		X
J. Brunner	W.I.F.E. & Farm Bureau	"	✓	
Chris Johnson	Mont. Farmers Union	"	✓	
Kenneth Head	Western Hwy Institute	HB437	✓	
Sam Ryan	Senior Citizens	HB437		X
Bob Stephens	Mt. Guardsmen Assn	437	✓	
Bill Lydgaard	Champion Int'l Corporation	437 539	X	
Bob Nelding	Montana Wood Products Assn	HB437	✓	
" "	" "	HB539	✓	
Gary Wicks	MDOH	HB 437 539	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

SUMMARY OF HOUSE BILL NO. 539

Introduced by Representative Smith

This bill, which has an immediate effective date, revises the truck size and weight laws. The maximum allowable gross weight of a five-axle combination logging vehicle is increased to 80,000 pounds. The bill reduces from 7% to 5% the excess total gross weight allowed to move to the first state scale without incurring penalties. At the state scale, loads that exceed weight limits by 5% or more must be adjusted or reduced to conform to limits. An overweight load that is not more than 5% in excess of limits may be allowed to proceed to the first facility where its load can be safely adjusted or reduced.

SUMMARY OF HOUSE BILL NO. 437:

Introduced by Representative Neuman

This bill revises the truck weight and size law by providing that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the distance between the first and last axles is 36 feet or more. This bill also prohibits special permits for vehicle combinations of more than two vehicles. Special permits that are granted may specify routes and other conditions of operation.

Prepared by Paul Verdon, Legislative Council

PV/cdf

Highway 3/3/85

Exhibit #1

Haudahl Montana Motor Carriers

Taxes paid by a typical 80,000 pound 5-axle tractor semitrailer operating intrastate; comparison unit is a 1980 International tractor, valued at $46,592 and 1980 Trailmobile trailer valued at $13,925--based on 70,000 miles of annual travel at 4.5 miles per gallon of fuel.

TAX DESCRIPTION	CURRENT TAX	ACTUAL AND PROPOSED ADDITIONAL TAX	TOTAL CURRENT AND PROPOSED TAX	PERCENTAGE INCREASE
*Montana GVW Taxes	$1,774.00	-0-	$1,774.00	-0-
Montana Misc. Truck	139.00	-0-	139.00	-0-
*Montana Diesel Fuel Taxes	1,711.11	$777.78	2,488.89	45.4%
Montana County Property Taxes	1,071.00	-0-	1,071.00	-0-
TOTAL MONTANA TAXES	$4,695.11	$777.78	$5,472.89	17.0%
*Federal Diesel Fuel Taxes	622.22	777.78	1,400.00	125.0%
**Federal Misc. Truck Taxes	953.00	188.00	1,141.00	20.0%
***Federal Heavy Truck Tax	210.00	1,690.00	1,900.00	805.0%
TOTAL FEDERAL TAXES	$1,785.22	$2,655.78	$4,441.00	149.0%
TOTAL MONTANA & FEDERAL TAXES	$6,480.33	$3,433.56	$9,913.89	53.0%

*The Montana current diesel fuel tax is 11¢ per gallon and would be increased by 3¢ per gallon in 1983 and 2¢ per gallon in 1985. The Federal diesel tax is 4¢ per gallon and is to be increased by 5¢ per gallon.

**Federal Misc. Truck Tax	Current	Proposed
Excise Tax	$757.00	$ 998.00
Tire Tax	99.00	143.00
Retread Rubber Tax	29.00	-0-
Inner Tube Tax	11.00	-0-
Parts & Accessories Tax	48.00	-0-
Lubricating Oil Tax	9.00	-0-
Annual average for 8-year period	$953.00	$1,414.00

***Federal Heavy Truck Tax (As adopted by Congress 12/82)

The current tax rate is $3 per thousand pounds.

1984 - $1,600
1986 - $1,700
1987 - $1,800
1988 - $1,900

Highways 3/3/83

Exhibit 2
Haudahl
Montana Motor Carriers Asso.

HOUSE BILL 437
TRUCK SIZE AND WEIGHT LEGISLATION

GROSS WEIGHT CAP LIFTED BY THE BILL

The bill proposes to lift the artificial cap on gross weights of truck combinations now permitted by law to operate on Montana highways and allows the gross weight of vehicle combinations to be determined by the "bridge formula" adopted by the Legislature in 1967. The "bridge formula" is also Federal law and is designed to protect highway bridges from weight concentration requiring the spacing of truck axles and the distribution of weight over multiple axles at specified distances.

LENGTH BY PERMIT INCREASED BY THE BILL

The bill would also allow an additional ten feet....from 85 feet to 95 feet.... in length for vehicle combinations operating under special permits.

AXLE WEIGHTS NOT AFFECTED BY THE BILL

Existing law provides for vehicle axle weight maximums to protect highway pavements and sets a maximum of 20,000 pounds for a single axle and 34,000 pounds for a tandem or double axle. The bill would not change the allowable axle weights. Highway pavements are affected by the amount of weight that the axles bear and the number of times the axle impacts the pavement when a vehicle is in motion. This bill insures against the application of excessive axle weights at the same time provides for more freight capacity for a vehicle combination.

AXLE SPACING REQUIRED UNDER EXISTING BRIDGE FORMULA NOT AFFECTED BY THE BILL

Axle spacing is equally as important in design of bridges and impact on pavements as is axle weights. This is illustrated by what happens when a person tries to walk across ice that is hardly thick enough to support a person's weight. The result is he or she falls through the ice. If a person stretches out prone on the same ice and scoots across it, it is unlikely that the ice will break. This is true because the load or weight is spread over a larger area. A similar comparison can be made between trucks crossing a bridge.

EXISTING BRIDGE FORMULA TO DETERMINE MAXIMUM GROSS WEIGHTS

It would allow an increase in gross vehicle weights as determined by the "bridge formula" without exceeding or approaching the present axle weight limitations. It would result in more truck productivity and less transportaton costs.

The bill provides that gross weight of combinations with various axle groupings be established by the existing bridge formula in both State and Federal law without exceeding axle weights.

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Highways 3/3/83

Exhibit 8
Haudahl
Montana Motor Carriers Asso.

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TRIPLE TRAILERS NOT ALLOWED BY THE BILL

The bill would not allow for the operation of any new vehicle combinations such as "triple trailers". It specifically limits the number of trailers permitted in a vehicle combination to no more than two.

ILLEGALLY OVERWEIGHT TRUCKS CONTROLLED BY OTHER LEGISLATION

Illegally overweight trucks that result in heavier than legal axle loads are a contributing factor to highway deterioration. The amount of gross weight a truck carries is not a factor in highway damage if proper axle weights are adhered to.

Other legislation to be considered by this Legislature is designed to deal with that problem....one measure would increase overweight fines 200 percent.

Controlling truck speed is another factor and the motor carrier industry supports strict enforcement of the 55 m.p.h. limit for trucks.

HOUSE ACTION ON HB 437

The House passed HB 437 with a strong vote 91 to 8; the House Highways and Transportation Committee gave the bill a unanimous "DO PASS" after hearing support for the bill from more than a dozen trade associations and farm groups. Included were: Montana Grain Growers Association; Montana Citizens Freight Rate Association; Montana Intermountain Oil Marketers Association; Montana Stock Growers Association; Montana Woolgrowers Association; Montana Cow Belles; Montana Logging Association; Montana Farmers Union; Montana Wood Products Association; Montana Farm Bureau; Montana International Trade Council; National Farm Organization; Women in Farm Economics; Montana Motor Carriers Association; and the Montana Department of Highways. The Montana Automobile Association opposed the bill.

The House passed an amendment to the bill as follows: "Special permits for vehicle combinations may specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including, but not limited to, required equipment, speed, stability, operational procedures and insurance."

The amendment would provide guidelines to be considered by the Gross Vehicle Weight Division of the Montana Department of Highways in considering permits for operating vehicle combinations over the statutory allowable length up to 95 feet in length.

(See reverse side for Truck Combination Diagram)

Highways 3/3/83

Exhibit 3
Wicks

House Bill No. 437

Amendments proposed by the Department of Highways.

Title, line 10.
Strike: Entire line.
Insert: "ESTABLISHING MAXIMUM LENGTH FOR TRAILERS AND SEMITRAILERS IN CERTAIN COMBINATIONS AND ALLOWING MAXIMUM LENGTH OF 75 FEET FOR OTHER COMBINATIONS WITHOUT SPECIAL PERMIT AND 95 FEET WITH SPECIAL PERMIT;"

Title, line 11.
Following: "SECTIONS"
Insert: "61-10-104,"

Page 1.
Following: Line 14
Insert: "Section 1. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

(2) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 48 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a truck tractor-semitrailer-trailer combination, the semitrailer and trailer may not exceed 28½ feet each in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer and truck tractor-semitrailer-trailer combinations are not subject to an overall combination length limit. ~~A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer, full-trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel~~ All other combinations of vehicles may not have an overall length, inclusive of front and rear bumpers, in excess of ~~65~~ 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than two motor vehicles attached to it by the dual saddle-mount method; that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 65 feet."

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturers' rated capacity" may not tow more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 65 feet."

Renumber: all subsequent sections.

BG:mb:218/RR

Testimony on House Bill 437
Regarding Amendments Proposed
by the Department of Highways

Because of a recent change in federal law which preempts the State's authority in the regulation of some vehicle lengths, the Department of Highways is proposing amendments to House Bill 437.

The Federal Highway Improvement Act of 1982 prohibits states from imposing overall length limitations on truck tractor-semitrailer and truck tractor-semitrailer-trailer combinations. It also prohibits states from imposing semitrailer length limits of less than 48 feet in the truck tractor-semitrailer combination and less than 28½ feet in the truck tractor-semitrailer-trailer combination. The 28½ foot limit also applies to the trailer. A copy of the new federal law is attached.

The Federal Highway Administration (FHWA) is proposing to adopt rules which would require states to comply with the federal law by October, 1983. A copy of the notice of the proposed rulemaking is also attached.

If the various states do not comply, the federal law (Section 413) provides that the Secretary of Transportation must bring a civil action for injunctive relief to assure each state's compliance. The result of such an injunction on Montana law would be to stop the state from enforcing its length limitations, at least on those combinations covered by federal law. The vehicles in those combinations then would have no length limitations at all.

The proposed amendment would comply with federal law and provide for a maximum semitrailer and trailer length. Because no overall length limitations for those two combinations is permitted and the maximum length of a truck tractor-semitrailer-trailer combination is likely to be 75 feet, the department has also proposed to change the maximum length without special permit for other combinations from 65 to 75 feet, in an effort to treat them similarly. The amendment would allow trailers and semitrailers to be longer than the given maximum but only by special permit and only up to a maximum overall length of 95 feet, as originally proposed in House Bill 437.

BG:mb:7G

(2) A order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2) of this section, the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

MINIMUM FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

SEC. 406. (a) Section 30 of the Motor Carrier Act of 1980 is amended in subsections (a) and (b) by striking out "two-year period" each place it appears and inserting in lieu thereof "three and one-half year period".

(b) Section 30(c) of the Motor Carrier Act of 1980 is amended by striking out "(c) Financial" and inserting in lieu thereof "(c)(1) Subject to paragraph (2) of this subsection, financial" and by adding at the end thereof the following new paragraph:

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle under subparagraph (A) of this paragraph.".

(c) Section 30(g) of the Motor Carrier Act of 1980 is amended by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) 'Interstate commerce' includes transportation between a place in a State and a place outside the United States, to the extent such transportation is in the United States;".

(d) Section 30(f) of the Motor Carrier Act of 1980 is amended to read as follows:

"(f) This section shall not apply to any motor vehicle having a gross vehicle weight rating of less than ten thousand pounds, if such vehicle is not used to transport any quantity of class A or B explosives, any quantity of poison gas, or a large quantity of radioactive materials in interstate or foreign commerce.".

PART B—COMMERCIAL MOTOR VEHICLE LENGTH LIMITATION

LENGTH LIMITATIONS ON FEDERALLY ASSISTED HIGHWAYS

SEC. 411. (a) No State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary pursuant to subsection (e) of this section.

(b) Length limitations established, maintained, or enforced by the States under subsection (a) of this section shall apply solely to the semitrailer or trailer or trailers and not to a truck tractor. No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck tractor semitrailer, trailer combinations. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to twenty-eight and one-half feet in length, in a truck tractor-semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1982, within a sixty-five-foot overall length limit in any State.

(c) No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National System of Interstate and Defense Highways, and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary pursuant to subsection (e) of this section.

(d) The Secretary is authorized to establish rules to implement the provisions of this section, and to make such determinations as are necessary to accommodate specialized equipment (including, but not limited to, automobile transporters) subject to subsections (a) and (b) of this section.

(e)(1) The Secretary shall designate as qualifying Federal-aid Primary System highways subject to the provisions of subsections (a) and (c) those Primary System highways that are capable of safely accommodating the vehicle lengths set forth therein.

(2) The Secretary shall make an initial determination of which classes of highways shall be designated pursuant to paragraph (1) within 90 days of the date of enactment of this section.

(3) The Secretary shall enact final rules pursuant to paragraph (1) no later than two hundred seventy days from the date of enactment of this section and may revise such rules from time to time thereafter.

(f) For the purposes of this section, "truck tractor" shall be defined as the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

(g) The provisions of this section shall take effect ninety days after the date of enactment of this title.

[illegible] The [illegible]gth [illegible]tations described in this section shall be exclusive [illegible] safety and energy conservation devices, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices, which the Secretary may interpret as necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded under this subsection from the limitations of this section shall have by its design or use the capability to carry cargo.

ACCESS TO THE INTERSTATE SYSTEM

SEC. 412. No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this title between (1) the Interstate and Defense Highway System and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers.

ENFORCEMENT

SEC. 413. The Secretary, or, on the request of the Secretary, the Attorney General of the United States, is authorized and directed to institute any civil action for injunctive relief as may be appropriate to assure compliance with the provisions of this title. Such action may be instituted in any district court of the United States in any State where such relief is required to assure compliance with the terms of this title. In any action under this section, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any such action, the court may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of this title, or any rule issued under authority of this title.

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 414. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall by regulation—

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 411 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

SEC. 415. (a) Within 18 months after the date of enactment of this title, the Secretary, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a National intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

(b) For the purposes of this section, the term—

(1) "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor-semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

(2) "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this section.

(c) The detailed report mandated by this section shall include, but need not be limited to, the following—

(1) a specific plan of the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distribution centers and markets for long-haul intercity freight service, except that the Secretary shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83-4]

Truck Size and Weight; Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This notice provides a statement of FHWA interpretation and policy addressing the truck size and weight provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) and the DOT Appropriations Act of 1982.

The STAA and the Appropriations Act have made several significant changes in Federal law governing the weight, length, and width of trucks using the Interstate System and other qualifying Federal-aid highways. Highlights of these changes include:

1. Uniform Weight Requirements:
(a) Axle weight: 20,000 pounds.
(b) Tandem weight: 34,000 pounds.
(c) Gross weight: 80,000 pounds.
(d) Compliance with the bridge formula.

2. Truck Length Requirements:
(a) States must allow semitrailers of no less than 48 feet in length when in a tractor-semitrailer combination.
(b) States must allow trailing units of no less than 28 feet in length when in a tractor-semitrailer-trailer combination.
(c) States must allow tractors with double trailers no later than April 6, 1983.
(d) States cannot set overall length limitations on tractor-semitrailer or tractor-semitrailer-trailer combinations.

3. Uniform Width Requirement:
(a) 102 inches.

Three primary issues emerge from an analysis of these size and weight provisions, namely: (1) Effective dates; (2) Identification of the "qualifying highways" referred to in Sections 411 of the STAA and 321 of the DOT Appropriations Act; and (3) Definition of "reasonable access" referred to in Sections 133 and 412 of the STAA. This notice addresses these three issues in addition to the explicit truck weight, length and width statutory provisions. It also fulfills the requirement to make an initial determination of the classes of qualifying Federal-aid Primary System highways capable of safely accommodating the truck lengths established by Section 411 of the STAA within 90 days of enactment. These classes of highways may be supplemented by additional highways which, in the judgment of the individual State highway agencies, are capable of safely accommodating the longer vehicles. The FHWA is specifically requesting comments before the issuance of final rules, which are required no later than 270 days from the STAA enactment.

DATES: This policy statement is effective February 3, 1983, and will expire October 6, 1983, or upon issuance of the final rule, if earlier. Comments must be received on or before July 1, 1983.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83-4, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. to 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Harry Skinner, Office of Traffic Operations, (202) 426-1993, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 1982, the President signed into law the Department of Transportation Appropriations Act (Pub. L. 97-369) and on January 6, 1983, he signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097).

These acts have made several significant changes with respect to the Federal provisions governing the width and weight of trucks and the length of trailers using the Interstate and other qualifying Federal-Aid Primary System highways. For the first time, semitrailer and trailer lengths in commercial motor vehicle operations on certain highway systems are regulated at the Federal level. Truck width has been changed and truck weight limits have been mandated to achieve national uniformity.

The FHWA fully acknowledges that all interested parties should recognize that the designation and selection of highways for the operation of large vehicles and the determination of reasonable access are expected to be continuously refined. As States gain experience with the safety and operational impacts of the new truck size and weight limits, changes to both the designated highway network and to reasonable access practices are both desirable and inevitable.

Uniform Weight

Section 133 requires that all States permit vehicles on the Interstate System with weights as follows:

(a) 80,000 pounds gross weight for vehicle combinations of five or more axles in accordance with the bridge formula,

(b) 34,000 pounds on a tandem axle, and

(c) 20,000 pounds on a single axle.

These weights are inclusive of all tolerances. The legal gross vehicle weight must satisfy the limiting conditions in the bridge gross weight formula. The bridge formula establishes maximum allowable weights for all groupings and spacings of axles. This formula is included in 23 U.S.C. 127.

As of December 31, 1982, five (5) States do not have a bridge gross weight formula as a part of their weight laws. Three (3) States have single axle and tandem axle limits that are lower than the mandated 20,000 and 34,000 pounds, respectively, and four (4) States have gross vehicle weight limits lower than 80,000 pounds.

No withholding of a State's Federal-aid apportionment will be imposed prior to October 1, 1983. The FHWA understands that each affected State legislature will meet in regular session and will have an opportunity to adopt corrective legislation prior to October 1, 1983.

Truck Length

Section 411 of the STAA requires that all States permit the operation of tractor-semitrailer-trailer combinations on the Interstate System and on other designated portions of the Federal-aid Primary System. Thirteen States and the District of Columbia currently do not permit tractor-semitrailer-trailer combinations on the Interstate System. These States must [illegible] and/or their regulations [illegible] conformance with this requirement.

Section [illegible] prohibits States from imposing length limitations on [illegible] tractor-semitrailer-trailer combinations [illegible] Section 411 [illegible] semitrailers [illegible] tractor-semitrailer-trailer combinations on any segment of the Interstate System and on the qualifying Federal-aid Primary System highways. In addition, Section 411 prohibits all States from imposing

overall length limits on the operation of tractor-semitrailers and tractor-semitrailer-trailer combinations on the Interstate System and the designated portions of the Federal-aid Primary System. Also, no State may impose a length limitation on the tractor portion of truck combinations consisting of a tractor and either one (1) or two (2) trailing units because it could have the practical effect of imposing an overall length limitation on these truck combinations.

Section 411 further requires that no State shall establish, maintain or enforce any regulation which prohibits the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in that State on December 1, 1982.

The lengths of trailers and semitrailers stated above refer to the cargo-carrying portion of the unit. Therefore, the length is measured from the front of the cargo carrying unit to its rear.

Fifty (50) States and the District of Columbia will have to modify their laws with respect to either trailer lengths or overall length limits of tractor-semitrailer or tractor-semitrailer-trailer combinations, operating on the Interstate System and other qualifying Federal-Aid Primary System highways.

Section 413 of the STAA authorizes injunctive action rather than withholding of Federal-aid funds for noncompliance with the truck length provisions.

Uniform Width

Section 321 of the Appropriations Act provides for the denial of apportionments of Federal-aid highway funds to any State which imposes a width limitation other than 102 inches on any segment of the Interstate System, and any other qualifying Federal-aid highway.

The 102 inches refers to the total otuside width of any vehicle or its load, excepting mirrors. Other safety devices as determined by the States, which may extend up to three (3) inches on each side of the vehicle are excepted as well.

As of December 31, 1982, most States had maximum widths less than 102 inches and will be required to increase their legal width.

Effective Dates

Section 133 (weight) of the STAA became effective at the time the President signed the STAA on January 6, 1983. Some State laws will have to be changed to bring all States into compliance with the provisions of this Section. No withholding of a State's Federal-aid apportionment will be imposed prior to October 1, 1983.

Section 411 (length) of the STAA becomes effective 90 days after enactment, April 6, 1983. As with Section 133, State laws must be changed to bring all States into compliance. The FHWA does not intend to initiate injunctive action prior to October 1, 1983, for failure to adopt corrective legislation. However, Federal injunctive action may be necessary if State enforcement actions are contrary to the Section 411 requirements after the April 6, 1983, effective date.

Section 321 (width) of the DOT Appropriations Act became effective when the President signed the Act on December 18, 1982. This Section specifies that no withholding of a State's Federal-aid apportionment will take place for failure to be in compliance with this Section prior to October 1, 1983. As with Sections 133 and 411 of the STAA, State laws must be amended to achieve full compliance.

The FHWA understands that each affected State legislature will meet in regular session and will have an opportunity to adopt corrective legislation prior to October 1, 1983.

Qualifying Highways and Reasonable Access

Section 411(e) of the STAA requires the Secretary to designate certain "* * * qualifying Fedral-aid Primary System highways * * *" The Secretary must make an initial determination within 90 days (April 6, 1983) and enact final rules within 270 days (October 3, 1983).

Section 321 of the DOT Appropriations Act calls for the Secretary to designate "* * * other qualifying Federal-aid highways * * * with traffic lanes designed to be a width of 12 feet or more * * *" to accommodate 102-inch width vehicles.

Before addressing the qualifying highways and reasonable access provisions in detail, it may be helpful to restate the underlying premise upon which the Federal role in providing transportation assistance to the States is predicated. The Federal-aid highway program has always been, and continues to be, a federally assisted State program. This is a crucial and sometimes overlooked principle when discussing the mix of issues which underlie interstate commerce. The States design, construct, maintain and operate the highways of the United States, subject to State and Federal statutes.

The intent of the legislation is to provide for the needs of interstate commerce by granting appropriate access to highways built with Federal-aid financial assistance without compromising the safety of the traveling public and the structural integrity of the highway system.

The States are most familiar with their highway systems, including the structural capacity of bridges and pavements, traffic volumes, and unique climatic conditions. Also, the States are responsible for traffic regulation and enforcement. Therefore, the determination of highways for use by vehicles covered in this policy statement, in addition to the qualifying highways, defined below, and the determination of reasonable access will reside at the State level. The FHWA will intervene only in those instances where the needs of interstate commerce are being impeded.

The Interstate System and those sections of the Federal-aid Primary System which are divided highways with 4 or more lanes and full control of access will be eligible for use by vehicles whose dimensions are established by Sections 133 (STAA), 411 (STAA) or 321 (DOT Appropriations Act of 1982) except where the State can justify that such use is not in the public interest, such as on parkways or other routes where truck traffic is currently prohibited. Additionally, the State may designate other Federal-aid Primary System highways that comply with safety and operational requirements, such as traffic lanes designed to be at least 12-feet wide and bridges structurally capable of accommodating the allowable loads.

It is not intended that States be required to place new restrictions on truck operations to accommodate this Section of the law.

The FHWA encourages the States to work cooperatively to achieve uniformity in the selection criteria for designated highways and to ensure maximum continuity in designated highway routes from State to State.

By March 15, 1983, each State highway agency is requested to provide the FHWA through the FHWA Division Administrator the following (in the separate listings to include street route number, terminal locations and length):

(1) All Federal-aid Primary System highways meeting the 4 or more lanes divided and full control of access criteria which have been defined in this policy statement as qualifying highways.

(2) All other roadways mainline, (1) which have been designated by the State for use by the vehicles covered in this policy statement, and

(3) All roadways which meet the classes of qualifying highways criteria defined in this policy statement but have not been designated by the State due to current truck prohibitions such as on parkways, etc.

Prior to October 3, 1983, the Secretary will issue final rules on the designation of this system of highways. As a service to the public, the FHWA will publish a nationwide list of the interim designated highways in early April 1983 and of the final designated highways in early October 1983.

Section 133(b) of the STAA mandates "reasonable access" to trucks loaded to the legal weight limits between the Interstate System and "* * * terminals and facilities for food, fuel, repairs, and rest." Section 412 of the STAA uses similar language for trucks at the length limits set out in Section 411 of the STAA and adds "* * * points of loading and unloading for household goods carriers" to the list of destinations which must be accommodated.

No State shall deny "reasonable access" to their Interstate System, and designated highways as stated in the Sections cited above with the underlying condition that the needs of commerce shall not be impeded.

Discussion

In adopting this policy, the FHWA has attempted to interpret the intent of the Congress to accommodate the needs of the Nation for a safe, efficient, and economical highway transportation system.

We strongly encourage the States to implement these Congressional Acts i uniform manner which does not impe the needs of commerce. It should agai be emphasized that implementation o the size and weight mandates should l related to safety and operational requirements.

A public docket is hereby establishe and comments are invited on this poli statement. The FHWA is considering a series of public meetings on the implementation of truck size and weig legislative mandates.

Issued on: February 1, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-3064 Filed 2-2-83; 8:45 am]

BILLING CODE 4910-22-M

Exhibit 4

NAME: Kenneth Heald DATE: 3-3-83

ADDRESS: 1200 Bayhill Dr., San Bruno, Calif

PHONE: (415) 952-4900

REPRESENTING WHOM? Western Highway Institute

APPEARING ON WHICH PROPOSAL: HB437

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Technical resource witness concerning research dealing with more productive trucks.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Highways 3/3/83 EXHIBIT 4

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE HEARING HB 437
March 3, 1983

Outline of statement by Kenneth L. Heald, - read all of this
Chief Engineer, Western Highway Institute

1. Personal Background: 26 years of professional highway engineering experience including state government service in highway planning, consulting services in air and ground transportation and highway research with Western Highway Institute.

2. Western Highway Institute: nonaction and nonprofit organization conducting tests and research for the trucking industry in western U.S. and Canada. Was involved with and observed the tests of long combinations initiated in Montana in 1966-67 and has thoroughly evaluated the safety, pavement and bridge effects of the specific types of vehicles which this legislation would authorize.

3. Current Status of Long Truck Combinations: (Rocky Mountain doubles, turnpike doubles, etc.) now authorized in 22 jurisdictions: twelve states, 4 Canadian provinces and 6 eastern turnpikes. Vehicles of the type being considered have been operating since 1968 in Idaho, Nevada, Oregon, and Utah.

4. Safety Record of Long Combinations: Impressive record for safe operation has built up over last 15 years. Most studies on truck accidents and safety do not address long combinations because accidents are so infrequent. Even though the special permit character of these operations subjects them to closer official scrutiny, we know of no accident where the weight or size was a factor. Data from 20 trucking companies operating long combinations for 50 million miles (1980) produced a rate of 1.07 compared to 7.79 for all trucks and 6.01 for passenger cars.

   Utah had only four accidents in 12 years of long combination operation.

5. Reasons for this outstanding safety record:

   a. All operations under State permits and regulations

   b. Professional and experienced drivers

   c. Superior brake capacity

   d. Better maintenance and equipment

6. "One truck equals 9,600 passenger cars": This frequently-heard allegation comes from a mathematical twisting of data from the AASHTO (American Association of State Highway and Transportation Officials) test road project in the late '50's. On the test, axle loads were related to pavement wear under carefully controlled conditions and made it possible to assign a factor or "equivalency" to different axle

weights. Thus, an 18,000 lb. single axle is 1.00, a 16,000 lb. axle is 0.61, a 24,000 lb. axle is 3.33, and so forth. Under this concept a 5-axle tractor-semi at maximum legal load might be rated as high as 2.40 and the rating when extrapolated downward for a two-axle passenger car could be as low as .0004. So, 2.40 ÷ .0004 = 9,600 or one truck equals 9,600 cars! The absurdity of this calculation becomes evident when it is pointed out that there were no cars or even light trucks in the actual test road observations, since they were assumed to have no relevance in pavement strength determinations.

The real problem comes, though, when someone tries to apply the AASHTO factors to mixed traffic on real life highways. There are simply too many other things that can influence pavement performance (climate, soil conditions, construction materials, maintenance, etc.) to make these kinds of comparisons valid. The "9,600 to 1" statement sounds impressive, but is just a meaningless numbers game.

7. On the other hand, highways do wear out--they are designed with the expectation that they will literally fall apart after 20 years of service unless a major rejuvenation effort is undertaken. Since trucks provide the basis for pavement strength design and are taxed to pay for that extra strength, it should not be surprising to find that lanes used primarily by trucks show the first signs of wear. The provisions of this legislation retain all existing "wear" limiting factors while allowing highway productivity to increase to meet Montana's changing highway transport requirements.

Summary

WHI's 17 years of testing and research on long truck combinations has shown that such combinations can carry more goods with less adverse impact on pavement and bridges; that they can operate compatibly on modern highways with other traffic; that they have adequate horsepower and traction capabilities; that they meet and even exceed established braking and braking stability standards; that fuel savings of up to 1/3 can be achieved and that their safety performance is as good or better than other highway vehicles. The many years of safe and compatible operation by these units are the ultimate proof of their potential.

Exhibit 5

WIFE Women Involved in Farm Economics

NAME JO BRUNNER BILL NO. HB 437

ADDRESS 563 3rd ST. HELENA DATE March 3, 1983

REPRESENT WOMEN INVOLVED IN FARM ECONOMICS

SUPPORT X OPPOSE AMEND

COMMENTS:

Mr. Chairman, members of the committee, my name is Jo Brunner and I am speaking today for the members of the Women Involved in Farm Economics organization, in support of House Bill 437.

W.I.F.E. believes that it is vital that Montana;s shippers have competitive modes of trnasportation available to them. Presently those of us who move grain to market over the Burlington Northerns tracks are involved in a class action suit urging the interstate commerce commission to rule that that company has "market Dominance" in this state. In these times of deregualtion, it is easy for the railroad to adjust its rates downward just enough to make it impossible for the trucks to compete with such a large company. The ICC also just ruled that the RRs may charge differential pricing on coal--meaning that they can charge less in areas where there is competition and more in areas where there is no competition, which says that even if we are proved captive, it makes no difference to the ICC or the Railroads.

Recent Federal legislation, even with the drop in the price of fuels these past few weeks, makes it difficult for trucks to be competitive with the railroads in moving commodities, especially agriculture commodities and we believe that longer and larger trucks would give our grain shippers needed competition for the railroads, giving us more competitive rates, since these trucks would be more economical to operate.

Agricultural producers are the one industry that pays thefrieght charges on all the produce and on all the purchase. Most of us are experienceing severe financial difficulties at this time and appreciate any method of lowering our expenses and we are sympathetic to the trucking industry that is experiencing similiar difficulties.

We support HB 437 for those reasons and we appreciate that it will cause less strain on our highway system.

Thank you.

"Hell has no fury like a woman scorned"

Also for Farm Bureau

NAME: Mike Rice DATE: 3-3-83

ADDRESS: Box 399, Black Eagle, Mt 59414

PHONE: 406-727-7500

REPRESENTING WHOM? Transystems, Inc

APPEARING ON WHICH PROPOSAL: HB 437

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Bob Lamley DATE: 3-3-83

ADDRESS: Champion Int'l P.O. Box 8 Milltown Mont 59851

PHONE: 258-5511

REPRESENTING WHOM? Champion Int'l.

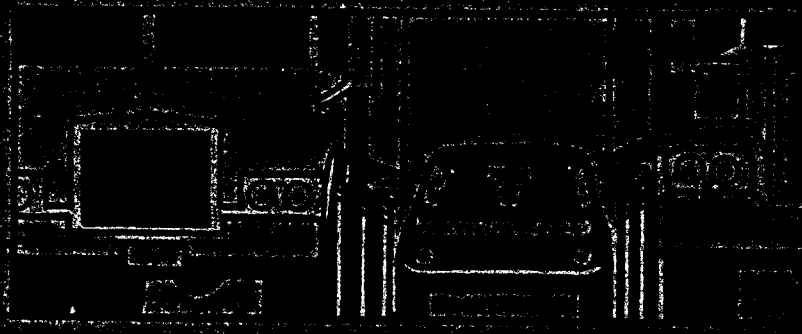
APPEARING ON WHICH PROPOSAL: HB 437 & HB 539

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Congress unleashes double bi



KILLER TRUCKS: A SPECIAL SERIES

Tom Harrison
Exhibit 8

THE IMPACT OF TRUCKS ON HIGHWAY ACCIDENTS

Report to the
Board of Trustees
AAA Foundation for Traffic Safety
October 16, 1980
by
Paul C. Petrillo, P.E., Member
Foundation's Development Advisory Committee

Background

The AAA Foundation For Traffic Safety in August, 1979, undertook a study of the accident potential of the big truck and its impact on the safety of motorists. It did so, in part, because of the long standing concern of motorists about the safety of the big truck...they report that they are intimidated by the size of many trucks and are alarmed by the wind forces and the suction effect the large rigs create. They complain that trucks crawl uphill; speed downhill. With the 55mph limit, they report that trucks are now frequently going faster than cars and motorists are especially fearful of being followed too closely by large truck combinations. They, likewise, are concerned when the pavement is wet because trucks often splash their windshields so heavily that they must, for a few terrifying moments, drive blind.

These operating practices and conditions have led to the general feeling by the motoring public that the truck combinations are already too large and that larger ones should not be permitted.

Based on the record, motorists' concerns are justified. Consider, for example, the fact that for every truck driver who dies in a collision with a passenger vehicle, 32 automobile occupants are killed.[1]

---

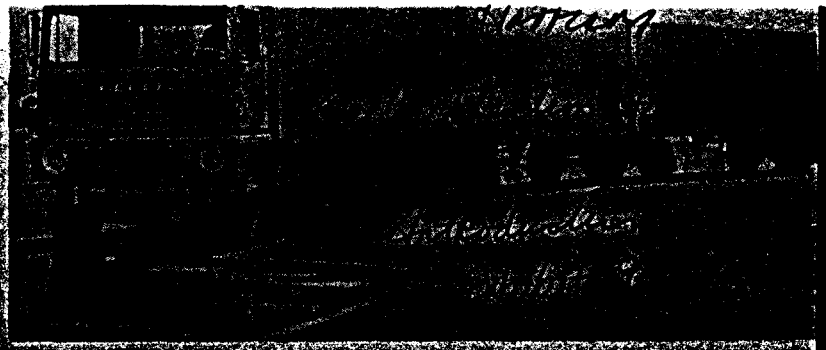
1 "Heavy Truck Special Bulletin", FARS, National Highway Traffic Safety Administration, May, 1978.

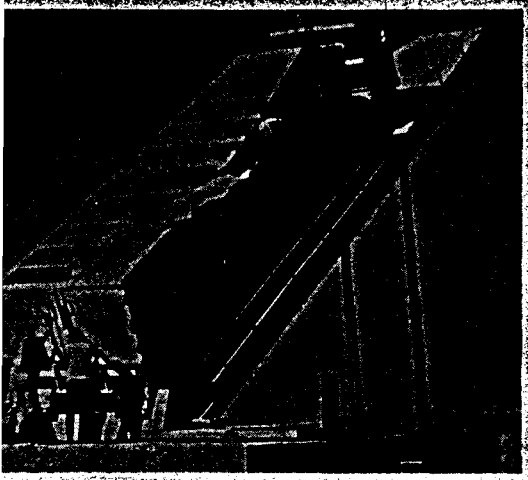
Harrison
Exhibit 8

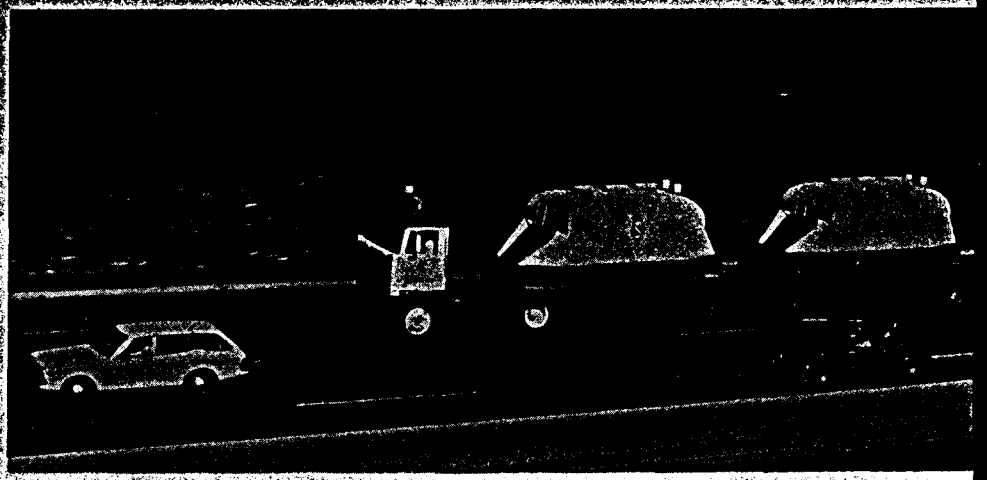
Special Report

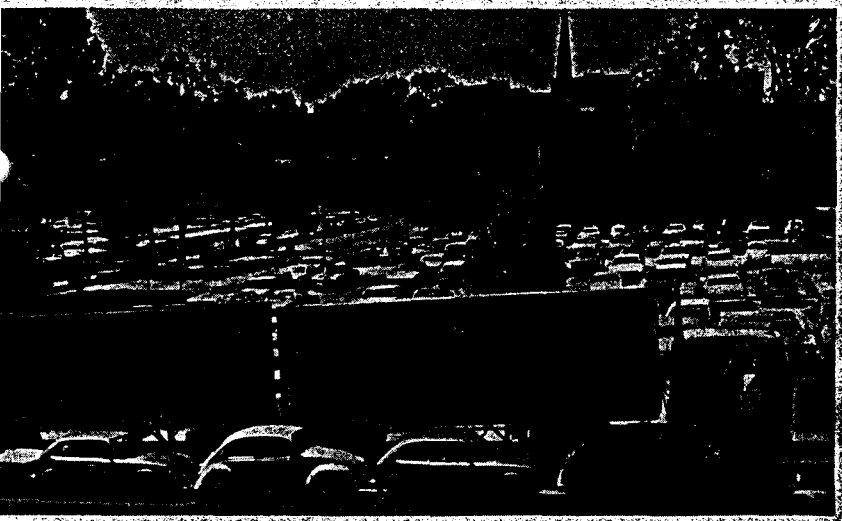
Highways and Railroads in Montana: Problems and Opportunities

December 1982









INCREASED TRUCK SIZE AND WEIGHT

The Impact On Highways, Safety, And Energy

Revised Edition

Tom Harrison
Exhibit (10)

SUMMARY OF QUESTIONNAIRE
OF GAO'S REPORT TO CONTRESS
ON EXCESSIVE TRUCK WEIGHT

The responses of the Montana Highway Department itself to the questions propounded by the Comptroller General for the preparation of this report, and which seem particularly relevant to this hearing on the proposal to further increase weight limits for trucks in Montana, are as follows:

1. Montana Highway Department officials were asked to rate various factors which contributed to our highway deterioration. They responded that, "heavy trucks," "trucks under permit," and "illegal overweight trucks" were all contributing to the highway deterioration to "a substantial extent." "Lack of funds" and the "age of the roads" were the <u>only</u> classifications rated higher by our highway officials as problems--and obviously, those are areas over which there is no control. Automobile traffic, on the other hand, was classed as having "little or no effect" on Montana's highway deterioration. (page 13)

2. The study also sheds some light on what the future reasonably holds for increasing truck traffic and truck weight, based upon the last ten years. The Montana highway officials stated that in the last ten years, the <u>percentage of trucks</u> in Montana traffic has <u>increased greatly</u>; that the <u>volume increased greatly</u> and the <u>average truck weight has similarly "increased greatly</u>." On the other hand, <u>local truck volume</u> only <u>increased moderately</u> during the same period. (page 17)

3. Montana was asked if it has completed any studies in the area of contrasting the economic benefit of overweight heavy trucking against their effect on highways. The answer was "no." (page 21)

4. The contrast of heavy truck damage to highways versus automobile damage is pointed out and has been verified by the American Association of State Highway and Transportation Officials. The ratio is that one heavy truck (5-axle tractor trailer with 80,000 pound weight) has the same impact as 9,600 automobiles. (page 62)

The recommendations to Congress include:

1. Termination of current exceptions in Federal law that allow higher weight limits on some interstate highways.

2. Prohibit overweight permits and exemptions when loads can be reduced to meet normal state weight limits. (pages 61 & 62)

The conclusion of the report is that heavy trucks are a major cause of highway deterioration -- other states agree and so does the Comptroller General.

"Excessive Truck Weight: An Expensive Burden We Can No Longer Support," Supplement to the Report by the Comptroller General of the United States, July 16, 1979.

Gerald Donaldson stands on the George Washington Memorial Parkway in McLean, Va., near where three motorists have died in the last six months. Their cars struck trees, the No. 1 roadside hazard, he says.

PROCEED WITH CAUTION: AN EXPERT WARNS AMERICA'S ROADS ARE UNSAFE AT ANY SPEED

From Walt Whitman's Song of the Open Road *to Bruce Springsteen's* State Trooper, *Americans have seen freedom and romance awaiting them in their ever-expanding highways and byways. But what awaits them more and more, according to safety expert Gerald Donaldson, are road defects and a host of design flaws that are a major factor in half of the nation's auto accidents. Donaldson, director of the Highway Safety Project of the Washington-based, nonprofit Center for [illegible]to Safety (CFAS), maintains the nation's older roads are "falling apart"—a process accelerated, he says, by truck traffic and not fully remedied by bills like the controversial Highway Revenue Act of 1982, which triggered a strike by independent truckers earlier this month. Last October Donaldson and the CFAS filed a suit to overturn a Federal Highway Administration ruling on road repair that would have allowed states to apply what Donaldson terms a mere "asphalt Band-Aid" to aging thoroughfares. The son of a New Orleans construction engineer, Donaldson, 40, received his doctorate in jurisprudence from the University of Virginia in 1969 and was drawn to public-interest advocacy. He and his wife, Molla, 38, a health-care associate professor at George Washington University, live in Washington, D.C. with their three children, ages 3 to 13. Between meetings with congressional staff and federal administrators, Donaldson talked about the nation's highways with* PEOPLE's *Michael J. Weiss.*

Did you sympathize with the independent truckers in their strike protesting the new highway tax bill?

Some drivers will probably go bankrupt because of the new taxes. But trucking fees have been too low for too long, especially considering how much pavement damage these heavy 18-wheelers cause. It's unfair to ask other

CONTINUED

Photographs by Terry Arthur/Camera 5

highway users to subsidize truckers by allowing them to operate at a low taxation rate.

What's in it for the truckers?

Provisions in companion legislation allow them to drive longer, wider and heavier rigs on a lot more highways—older roads with narrower lanes, sharper curves and less banking. Tandem trailers—what truckers call "doubles"—will be more widely allowed. They are unstable and prone to jackknifing. We're expecting a sharp increase in accidents involving these heavier rigs.

The American Trucking Associations maintained that pavement damage is caused by weathering of roads and a vast number of cars, not by the relatively few heavy trucks. How do you respond?

That's just wrong. Last year one study by the U.S. Department of Transportation found that it takes 9,600 cars to equal the damage caused by one 80,000-pound truck operating over the same distance. The heavier trucks that are permitted under the new legislation are going to beat the roads to shreds. Although there is only a slight arithmetical increase from the present limit of 18,000 pounds per axle to the new limit of 20,000 pounds, there's a geometric increase in pavement wear—as much as 25 percent. That's because the pavement is already at its tolerance limit with 18,000 pounds. The damage will mount faster than the increased user fees can finance added repair.

What kind of shape are America's roads in overall?

Experts estimate that more than half our two million miles of paved roads have defective surfaces. In addition, non-Interstate federal-aid highways built around 50 years ago have accident-producing features like narrow lanes, sharp curves, steep hills and such roadside hazards as culverts and utility poles. The Congressional Budget Office rates two-thirds (about 1.3 million miles) of this system in fair or poor condition.

How do you account for this deterioration?

Engineers never figured on heavy use of the roads. Some minor arteries built to carry 2,000 cars a day are now carrying 10,000. Rural farm-to-market roads built for 6,000- to 8,000-pound trucks are now handling 20,000- to 50,000-pound semis.

How do weather and topography affect road condition?

In the North, the freeze-and-thaw cycle accelerates deterioration. Water percolates into the asphalt, expanding and contracting as the temperature changes. Ultimately this can collapse the road base. In the South, unstable soil is the major concern. Delta soil in Louisiana, for instance, is just a sophisticated form of tapioca pudding. As a boy, I remember seeing roads undulate in southern Louisiana because their foundations had sunk. Other roads buckle in the heat, especially those made from portland cement, which has little elasticity. In the West, engineers contend with roads built on

CONTINUE

DONALDSON'S TERRIBLE 10

Obsolete, decaying or poorly designed, these are high on his list of America's worst roads

84 / 91 — Junction, Hartford, Conn. "The driver is faced with quick lane changes on poorly designed ramps in fast, heavy traffic. Especially risky for unsuspecting slow Sunday drivers."

9W — Near Nyack, N.Y. "Busy commuter traffic with sharp curves, narrow lanes and limited passing zones make 9W treacherous. On some stretches, nothing more than a guardrail protects motorists from tumbling down a sharp precipice. For the first-time driver in a night rainstorm, it is a study in terror."

9A — The old West Side Highway, Manhattan "An elevated section collapsed in 1973, and much of what's left is worn, polished pavement, including cobblestone on the remaining elevated section. With poorly controlled entrances and exits, driving is very hazardous."

278 — Grand Central Parkway section, Queens, N.Y. "Substandard guardrails, a narrow median and eight-inch-high curbs have caused out-of-control vehicles to jump into oncoming traffic. From 1973 to 1976 there were 32 crossover crashes, a dreadfully high number."

17 — Northern New Jersey "High-volume traffic, uncontrolled entrances from a host of roadside stores, and wandering pedestrians make this one of the worst roads on the East Coast."

95 / 495 — Capital Beltway, junction, south of Washington, D.C. "A major left-hand exit from one highway to the other results in speedy lane changing and accidents. Violates every good safety practice known."

264 — The Watterson Expressway, Louisville, Ky. "An old-fashioned highway unable to accommodate the high-volume traffic it carries. Entrance and exit ramps are very close together and acceleration and deceleration lanes are much too short. It has every basic design flaw you could imagine for an urban highway."

40 — Albuquerque, N.Mex. "Loose, cable-style guardrails, signs mounted on raised concrete pedestals and dangerously placed utility poles—too many fixed objects that can maim or kill—await the errant motorist."

91 / 15 — Junction, near Nephi, Utah "The interstate funnels at high speed into an old two-lane blacktop. Local residents have nicknamed it 'the Nephi Death Strip.'"

50 — Non-freeway sections in California southwest of Lake Tahoe "This one has everything you've ever seen in a bad movie, with cars going over the cliffs and hitting the dry riverbed below, all aggravated by the large number of vacation-bound drivers traveling the road for the first time."

very thin soil over a rocky base. After a dry spell, sudden torrential rains can turn the ground to mud and wash away a highway.

What region has the safest roads?

The Plains states. The roads are newer, flatter and built on semidesert, so there are fewer problems with shifting soils. A good example is the new section of Interstate 80 going west out of Lincoln, Nebr. It's wide, flat, straight and has few obstacles on the median or shoulder. There's nothing to run into.

Why is highway maintenance so bad?

State legislators have deferred upkeep. Ever since the Interstate System was launched in 1956, politicians have thrown their money into building new roads rather than maintaining old ones. No one holds a ribbon-cutting ceremony to restore an older highway.

What about the Interstates? Aren't they among the finest roads in the world?

Yes, but they're starting to show their age. Of the 41,369 miles already built, 4,000 miles need resurfacing now and another 12,000 miles have been rated "barely adequate" for 55-mph travel.

Who is supposed to pay for road maintenance?

State and local governments take care of routine roadwork, using state gas taxes or a percentage of general revenues. States used to pay for all major upkeep as well, but in 1976 they asked for—and got—a federal bailout. The problem was the feds had put up 90 percent of money for Interstates, but nothing for maintenance. So in '76, on a matching-grant basis, Uncle Sam began picking up 90 percent of the tab for major maintenance on the Interstates and 75 percent for other federal-aid highways. But a lot of state highway departments couldn't even come up with the 10 or 25 percent.

Is the 5¢-a-gallon increase in the federal gas tax enough to redeem our old roads?

No. We needed a dime, but nobody was going to propose that much. Funding for continued construction of the Interstates will be $4 billion annually for the four years covered by the Highway Revenue Act. Meanwhile, funding for the secondary system will remain at $650 million all four years—and these are the roads that are really hurting. What is needed is at least $1 billion a year for repair of these older roads.

Why are you suing the Federal Highway Administration?

Last June they issued a rule allowing states to ignore road hazards and obsolete designs on non-Interstate roads and just put fresh asphalt down to keep the cars rolling.

What's wrong with fresh asphalt?

Sometimes a little asphalt makes a road more dangerous. Motorists will often travel 15 miles an hour faster when an old road is resurfaced, and accidents increase because the narrow lanes, tricky curves and obstacles are still there.

What solution are you seeking?

In our suit, we're asking the court to rescind the rule and make the agency come up with a uniform set of national standards that will require states to restore their older highways in a manner that will assure substantial improvements in both safety and services.

What is the ideal design for a modern highway?

It should have limited access, with 12-foot-wide multiple lanes, 10-foot-wide shoulders, a gradually sloping run-off-the-road area at least 20 feet wide, and a median at least 50 feet wide. Bridge piers and roadside fixtures would be limited and far from the road. There should be complete cloverleaf interchanges and lane-controlled occupancy—some for cars and some for trucks. The only drawback is that a flat, wide highway can be incredibly boring, and some drivers lose concentration over the long haul.

Are federal inspections needed to make sure the states make repairs?

The Federal Highway Administration is supposed to inspect all federal-aid highways annually, but many inspections are random and incomplete. Until this year, if a state was found negligent in maintaining its roads, all federal funds were supposed to be withheld. But that never happened. Because the sanction was so severe, it was a paper tiger. That's one reason the law was amended last year to withhold only a portion of the funds. Now we'll see if the penalty is enforced. □

When winter breaks, Donaldson regularly takes the family, including youngest daughter Magda, sailing on pothole-free Chesapeake Bay.

Tom Harrison
Exhibit 12

Adopted by the membership of the National Association of Counties on July 13, 1982

Resolution on

Increases in Truck Size and Weight and User Fee Increases for Heavy Trucks

WHEREAS, the National Association of Counties supports protection of our nation's highway investment and a greater emphasis on Interstate resurfacing, restoration rehabilitation, and reconstruction to preserve it;

WHEREAS, increases in gross vehicle and axle weight cause increasingly greater rates of pavement and bridge damage;

WHEREAS, the rising numbers of heavier and larger trucks will increase their responsibility for future highway damage;

WHEREAS, according to the Federal Highway Cost Allocation Study, heavy combination trucks currently pay only 65 percent of the costs they incue;

WHEREAS, Light trucks, vans and pick-ups pay more than their share of highway user costs because existing truck taxes are not graduated by weight.

WHEREAS, increased national standards for vehicle length and width will raise highway costs and create additional safety problems;

THEREFORE BE IT RESOLVED, that the National Association of Counties will oppose further increases in truck weight unless they are accompanied by simultaneous and sufficient increases in the highway user fees paid by heavy trucks to compensate for the additional highway and bridge damage they will cause.

BE IT FURTHER RESOLVED, the National Association of Counties supports changes in the highway user tax structure, such as a graduated tax on a vehicle's registered gross weight, which insure that heavier vehicles pay a larger share of future highway costs.

BE IT FURTHER RESOLVED, rthat the increases in truck size and weight be applicable only to those roads where the design is adequate to safely accommodate that increase.

BE IT FURTHER RESOLVE, that the National Association of Counties will oppose increased national standards for truck length and width until their impact on highway costs and safety have been assessed and reflected in the highway user fees and appropriate safety regulations.

* read this

Exhibit 13

Polson, Mt
March 2. 1983

To Whom it Concerns:

I do a lot of traveling in our state and out of our state. I have seen trucks with as high as 3 trailers on them. I know I never want to see them on our highways in Montana.

In fact what I'm saying I'm opposed to HB 437. It is not only hard on our highways but it is dangerous. There is an awful lot of miles in Montana are 2 way highways and some were built in the 1930's that are too narrow to accomodate trucks that are too long distances too short to pass a long vehicle.

Sincerely
Ruth Hodge

EXHIBIT 17

1123-3 ave. No.
Gt. Falls, Mont 59401

Montana Automobile Assn.,
Box 4129
Helena, Mont. 59604

We are opposed to passage of
HB 437, by the legislature

Edna R. Rausig
Walter R. Rausig
Great Falls, Mont 59401

Exhibit 15

5-1-83
Polson, Mont
59860
PH 1-BX 34F

to Honorable Mark Etchart,
Chairman Senate Committee
On Highways.
Helena Mont.

Dear Mr Etchart. I am opposed to passage of HB 437 which would (1) allow the increase over 105,500 pound gross weight now in effect.
(2) allow increase truck length & increase from 85 to 95 feet

The destruction of highways by regular truck travel is well known. Increasing gross weight poses a greater yet danger to our ways. No way can we expect to keep our roads safe & useable if we constantly allow the trucking industry to dictate the use of the public highways for the almost exclusive right and benefit of the trucking industry. And last but not least, is the greatly increased danger to the motorist.

2 more except.

If we continue & increase truck weight, length, speed, the motorist are going to be an extinct species. The trucking industry need regulation of the strictest kind. they are ruining the use of the highway for the motorist. This year alone it cost me $600.00 for windshields both of which were broken by fast travelling trucks throwing rock chips.

again I urge defeat of H.B. 437

Yours very truly

Herbert Davies

HERBERT DAVIES
PO BOX
POLSON MONT
59860

P.S. I am amazed at the house passing H.B. 437 by such an overwhelming majority. This flies in the face of the wishes of the average motorist, believe me!

P.S. Met you years ago in church when you & Reg Davies were meeting on Public lands. I was a good friend of mine.

Exhibit 16

Rollins, Mont.
March 1-1983

Mr. Turnage
Mr. Seifert and all State
Legislators:

I am writing this to advise all of you that I am very opposed to H.B. 437.

I live on the west shore of Flat Head Lake & have to drive 38 miles to Polson to Kalispell to shop & do business or for Medical care. I can see the Hi way 93 going to ruin very fast with the trucks & the increased logging trucks now. What would it be with longer & bigger loads. By all means this bill should never be permitted to become a law.

Respectfully
Mr. & Mrs. Herbert Fruehe

Exhibit 17

MRS. F. B. JEFFERS
BOX 295
ENNIS, MONTANA 59729

Feb 28-83

Montana Auto Assoc
Box 4129
Helena. Mont 59604

Gentlemen: I have taken your advice and written to Rep Kelly Keeper (from Ennis) and Senator Hazelbaker asking them to oppose H. B. 437.

I sent the letters directly to them.

Yours truly
Winifred Jeffers

Exhibit 19

Box 441
Three Forks
Mt. 59752

M. P. A.
Box 4129
Helena, Mt.

Please register my objection to any increase in length, width, or weight in trucks using the highways.

Adelaide Russell

Exhibit 20

1 March 83

MAA
Box 4129
Helena, MT.

Dear Sir:

Am very much opposed to HB 437. Trucks are to long & heavy as is. Vote it down.

Sincerely
Dr. Floyd C. Naegeli
Str. RT. I Box 176
Trout Creek, MT.
59874

Senator George McCallum should know the condition of our highways here in Sanders County, and longer & heavier trucks will make them worse.

A.A

Exhibit 21

P.O. Box 4129

Helena, Mt.
59604

I'm against longer trucks & greater weights. it doesn't make sense to raise gas tax 13 gal. and length the trucks & weights.

Sincerely,
Leo Green

Exhibit 23

Philip Morton, M.A.
Psychotherapist

Eastfork Route
Darby, Montana 59829
406-821-4542

February 28, 1983

Montana Automobile Association
Helena, MT.

Dear Sirs:

I wish to express my opposition to HB437.

The maximum weith restriction should not be removed and the truck length should not be increased.

Our highways are in bad shape and I see no reasonwhy taxpayers should shoulder the cost of providing private trucking companies a free road bed for their trucks.

We certainly do not do this for the railroads

Sincerely,

Philip E Morton

Exhibit 24

To
M.A.A
Box 4129
Helena, MT 59604

Feb 28th 1983

Dear Montana Automobile Assn,

I am writing to protest against the passage of H.B. 437. we do not need larger trucks on the Montana Hiway, our roads are full of Pot holes here in the Bitterroot, Highway 93; it is a concern for the safety of Montana drivers that we do not allow this bill to pass,

Thank you for your attention,

Mildred & Del Pile
SE 324 Cartwright Way
Hamilton, MT 59840

Exhibit 25

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE
P.O. BOX 423 · HELENA, MONTANA 59624

43-5341

4 March 1983

Testimony of Bob Virts of The Montana Senior Citizens Association

Mr. Chairman and Members of the Committee,

For the record, my name is Bob Virts. I'm from Helena and I represent The Montana Senior Citizens Association. Our association is strongly opposed to HB 437.

We are in complete agreement with the position taken by the Montana Automobile Association in its observation that passage of this bill would result in accelerated deterioration of Montana's highways, a burden which would eventually be left to the taxpayers to redress. We feel that because Montana has such a great amount of highway mileage in proportion to the population, HB 437 should not be allowed to pass.

As a retired railroader, seeing multiple-trailer outfits reminds me more of trains than trucks. Let's keep our freight trains on the tracks, not on the highways.

TRUCK SIZE, WEIGHT BILL IN SENATE

At a time when it is generally agreed that Montana's highways are in drastic need of major repairs and improvement, efforts are being made in the State Legislature to permit heavy trucks to become even longer and heavier when they travel Montana's highways.

The Montana Automobile Association is calling upon all of its members to enter the battle to prevent this drastic step from taking place. They are asked to throw their concerted weight behind efforts to get the State Senate to reverse a stand taken earlier by the House of Representatives.

MAA officials point out that only further deterioration of the highways of the state can result if HB437 is permitted to become law. It slid through the House by a vote of 89 to 4 at a time when it is believed there was some sympathy being shown for the trucking industry because of Congressional actions and the fact that independent truckers had gone on strike.

Under present law, over-the-road double trucks are not permitted to be longer than 85 feet and to have a gross weight of more than 105,500 pounds with a permit. Under HB437, those limits would go to 95 feet and as much as 122,600 pounds.

"Two factors enter into this situation," said President Larry Tobiason of MAA. "One is quicker and greater deterioration of our highways. The second is that, given Montana's usual winter conditions, even greater safety hazards would prevail."

He and Board Chairman Earl Moritz of MAA called upon all individual members of the motorists' association to call or write their local Senators and express their views in opposition to HB437.

MAA officials also pointed out that in addition to granting heavy trucks permission to operate longer and heavier trucks, the State Legislature already has tabled a bill which would have increased gross vehicle weight taxes on trucks by 35 per cent. Still pending at the session are bills to increase truck fines and to increase state taxes on gasoline and diesel fuel by 3 cents this year and another two cents in 1985. The latter increases—to be paid by all motorists—are in addition to increased federal gasoline and diesel taxes.

Turning to the situation regarding deterioration of Montana's highways, MAA officials pointed out that an extensive test conducted by the American Association of State Highway Officials made the following point:

"The road test concluded that road damage accelerated quickly as the weight (of trucks) increases."

Another survey, this one conducted by the U.S. General Accounting Office, made the following observation:

"Other than financial problems and age, states said heavy trucks and illegal overweight trucks were the major cause of highway deterioration."

Similar surveys have rebutted the trucking association claim that heavy loads do not damage highways, but that the environment does.

Another study, this one conducted by the California Department of Transportation, had the following to say:

"The first signs of failure on multilane highways invariably occur in the outside lanes which generally handle about 85 per cent of the truck traffic. Structural overlays are applied as a repair when needed. This adds considerably to the cost of pavement rehabilitation.

"Several photos of asphalt or concrete pavement show the prevalence of damage in the outside freeway lane, which generally takes over 80 per cent of the heavier truck traffic and about 90 per cent on most four-lane freeways. These pictures graphically illustrate the damage done by heavier loads."

And that study reached the following conclusion:

"If heavy truck and passenger car lanes of the same road require different levels of maintenance, the difference cannot be due to the environment."

MAA officials remind all members of the survey recently conducted through The Montana Motorist, in which the membership responded as follows:

1. To remove the 105,500 pound gross combination weight maximum from the truck restricted route permits and allow the maximum to be determined by the existing axle weight limit.

Agree: 20 per cent
Disagree: 71 per cent
No Opinion: 8 per cent

2. Increase the truck length allowed under restricted route permits from 85 feet to 95 feet and prohibit the use of more than two trailers.

Agree: 27 per cent
Disagree: 67 per cent
No Opinion: 6 per cent

EXHIBIT 26

Larry Ryan

OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION OF A RULE FOR THE MOVEMENT OF TRIPLE TRAILER VEHICLE COMBINATIONS AND OTHER SPECIAL VEHICLE COMBINATIONS	SUMMARY OF EVIDENCE IN OPPOSITION TO PROPOSED RULE

The public hearing on the reques by the trucking industry to allow triple trailers, with a length up to 110 feet, was held on Friday, June 20, 1980, at the Highway Department Auditorium in Helena, Montana. At the time the trucking industry presented a number of witnesses, none however from the general public, in favor of this proposal. On the other hand, numerous witnesses appeared in opposition to the proposal and petitions containing almost 4,000 signatures in oppposition were presented.

There are three concerns which are relevent to a decision in this matter. They are:the possibility of fuel savings; the safety of the motoring public; and, the risk of increased deterioration to Montana's highways. Obviously, safety should be the most important consideration.

Even the witnesses in favor of these extremely long truck trains admitted that for a car passing at a rate of five miles per hour faster than the truck, it will take four seconds longer than to pass one of the trucks now on Montana's highways. They had to admit that during this extra four seconds, the car would be travelling about 350 feet and an oncoming car or truck would likewise be traveling about 350 feet. In other words, because of the length of the truck by this rule, a total of 700 feet more passing distance would be involved than is presently involved. It was brought out that the Highway Department has presently signed and striped the highways for safe passing zones at 55 miles per hour when the clear sight distance is 1,950 feet. By passing the proposed rule, the situation would be created whereby the Montana

Exhibit 27 Larry Tobacco Opponents

Montana Automobile Association

STATE HEADQUARTERS OFFICES: P.O. BOX 4129
607 N. LAMBORN / HELENA, MONTANA 59601
PHONE 442-5930

TO: Members of the Montana Senate

SUBJECT: MAA Statement of Position on HB 437

Under present law trucks with combination trailers are allowed to operate up to 65 ft. in length and to carry a maximum load of 80,000 lbs. With special permits trucks may operate up to 85 ft. in length and may carry up to 105,500 lbs. Under HB 437 the length would go to 95 ft. and cap of 105,500 would be lifted and the gross vehicle weight would be determined by the axle formula. A 95 ft. truck could carry as much as 122,500 lbs.

If the proposed legislation becomes law, two factors enter into the highway situation. One is quicker and greater deterioration of our highways. The second is that, given Montana's usual winter conditions, even greater safety hazards would prevail.

With the availability of trucks to operate at 105,500 maximum weight already present, GVW personnel estimate only 15% of the trucks apply for this permit. Logically speaking, it is difficult to imagine that a truck would vault to a weight over 105,500 lbs. just because the restriction was removed, unless already operating at or near maximum.

In addressing the over-length situation, the exact number of over-length permits is difficult to determine because the over-width and over-length permits are similarly sold and difficult to separate, according to GVW. Their reasonable estimate is that approximately 3% of the trucks are running under the over-length permit system presently in effect.

An additional matter which should be considered relative to this legislation is the location of Montana. A glance at any highway map for the Western United States shows clearly that Montana is geographically located in a very key position relative to motor vehicle traffic from Chicago-Minneapolis to the west coast metropolitan areas of Portland-Seattle. The highway routes through Montana are demonstrably shorter. Accordingly, when a northern corridor can be established through the state of Washington, Idaho, Montana North Dakota and Minnesota for larger and heavier trucks, we should and must realistically expect a large increase in volume of freight and a large increase in car numbers of trucks.

Branch Offices:
BILLINGS 2220 4TH AVE. NORTH (59101) PHONE 248-7738
GREAT FALLS 1812 10TH AVE. SOUTH (59405) PHONE 727-2906
MISSOULA 275 WEST MAIN (59801) PHONE 549-5181
KALISPELL 116 FIRST AVE. WEST (59901) PHONE 756-5611

Sooner or later the taxpaying and safety conscious public of Montana is no longer going to stand still for the fallacious argument that heavier is better, and longer is safer. The claims of reduced traffic have historically been made, yet, as increases in weight and length have become law, no demonstrable reduction has ever been acheived.

In an extensive test conducted by the American Association of State Highway Officials they made the following statement, "The road test concluded that road damage accelerated quickly as the weight of truck increases."

Another survey, this one conducted by the U.S. General Accounting Office, made the following observation:

> "Other than financial problems and age, states said heavy trucks and illegal overweight trucks were the major cause of Highway deterioration."

Another study, this one conducted by the California Department of Transportation, had the following to say:

> "The first signs of failure on multi-lane highways invariably occur in the outside lanes which generally handle about 85% of the truck traffic. Structural overlays are applied as a repair when needed ... This adds considerably to the cost of pavement rehabilitation."

> "Several photos of asphalt or concrete pavement show the prevalence of damage in the outside freeway lane, which generally takes over 80 percent of the heavier truck traffic and about 90% on most four lane freeways."

In a survey of the Association's membership, the following questions were asked:

1. Do you favor removing the 105,500 pound gross combination weight maximum from the truck restricted route permits and allow the maximum to be determined by the existing axle weight limit?

21 % Agreed 71 % Disagreed 8 % had no opinion

2. Do you favor increasing the truck length allowed under restricted route permits from 85 ft. to 95 ft. and prohibit the use of more than two trailers.

27 % Agreed 67 % Disagreed 6 % had no opinion

For the reasons outlined in this statement, and on behalf of the Montana Automobile Association's 63,000 members, we urge you to vote against HB 437.

Larry A. Tobiason
President
MONTANA AUTOMOBILE ASSOCIATION

Exhibit 28

NAME: Keith L. Olson DATE: 3-3-83

ADDRESS: Kalispell

PHONE: 755-3185

REPRESENTING WHOM? Montana Logging Assn.

APPEARING ON WHICH PROPOSAL: HB 539

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

Testimony Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Presented by KEITH L. OLSON
EXECUTIVE DIRECTOR
MT. LOGGING ASSN
KALISPELL

TESTIMONY ON HB 539

~~PRESENTED BY REPRESENTATIVE CLYDE SMITH, DISTRICT 10~~

AT THE PRESENT TIME 5 AXLE LOG TRUCKS ARE LICENSED TO HAUL 78,000 POUNDS GROSS VEHICLE WEIGHT IN THE STATE OF MONTANA. HB 539 WILL PERMIT 5 AXLE LOG TRUCKS TO HAUL 80,000 POUNDS GROSS VEHICLE WEIGHT. THERE ARE 4 REASONS WHY THIS LEGISLATION IS NECESSARY:

FIRST, LOG HAULERS NEED INCREASED PAYLOAD CAPACITY TO PARTIALLY OFFSET THE INCREASED OPERATING EXPENSES THEY MUST ABSORB BECAUSE OF ESCALATING STATE AND FEDERAL TAXATION;

SECOND, RECENT FEDERAL LEGISLATION INTENDED THAT 5 AXLE TRUCKS BE PERMITTED TO HAUL 80,000 POUNDS GROSS VEHICLE WEIGHT IN ALL STATES;

THIRD, MANY LOG HAULERS IN WESTERN MONTANA HAUL IN AND OUT OF IDAHO WHICH PERMITS LOG HAULERS 80,000 POUNDS GROSS VEHICLE WEIGHT; AND

FOURTH, MONTANA'S DEPARTMENT OF HIGHWAYS IS REQUESTING A TIGHTENING OF THE OVERWEIGHT TOLERANCE ALLOWED TRUCKS BECAUSE THEY LOAD THEIR CARGO AWAY FROM CONTROLLED WEIGHT PLATFORMS.

CURRENTLY, TRUCKS ARE ALLOWED A GROSS WEIGHT TOLERANCE OF 7%. HB 539 ~~AS AMENDED~~ WILL REDUCE THAT TOLERANCE TO 5% OF GROSS WEIGHT, NOT TO EXCEED 5% ON ANY AXLE OR GROUP OF AXLES. THOUGH THE REDUCTION IN TOLERANCE FROM 7% OF GROSS VEHICLE WEIGHT TO 5% PER AXLE HAS CAUSED SOME CONCERN, WE BELIEVE IT IS A PROVISION THE LOGGING INDUSTRY CAN ADAPT TO. LOADING A LOG TRUCK IS BY NO MEANS AN ACCURATE PROCEDURE. HOWEVER, MODERN DAY ELECTRONIC SCALES DO PROVIDE A REASONABLE DEGREE OF ACCURACY. FURTHERMORE, OUR INDUSTRY IS UNIQUE IN THAT WE POLICE

OURSELVES WITH RESPECT TO OVERLOADS. THE MAJORITY OF LOG HAULING CONTRACTS CONTAIN A PROVISION WHICH STIPULATES THAT WEIGHT IN EXCESS OF A TRUCKS LEGAL CAPACITY WILL NOT BE PAID FOR.

~~FURTHERMORE~~ HB 539 WILL ALSO GENERATE ADDITIONAL FUNDING FOR THE DEPARTMENT OF HIGHWAYS IN TWO WAYS:

FIRST, THE ADDITIONAL GVW FEE WILL GENERATE AN ADDITIONAL $50 FROM EVERY LOG TRUCK IN THE STATE.

SECOND, BECAUSE THE EXTRA GVW CAPACITY IS GRANTED WHEN A SPECIAL TERM PERMIT IS PURCHASED, THOSE LOG TRUCKS WHICH CURRENTLY DO NOT PURCHASE IT WILL FIND IT TO THEIR ADVANTAGE TO SPEND $75 A YEAR FOR THE PERMIT.

IN CONCLUSION, I RESPECTFULLY SUGGEST THAT HB 539 ~~AS AMENDED~~ IS LEGISLATION BENEFICIAL TO BOTH THE LOGGING INDUSTRY AND THE DEPARTMENT OF HIGHWAYS AND, THEREFORE, DESERVES THE APPROVAL OF THIS BODY.