

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

March 10, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 10, 1983, at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Etchart, Hager, Elliott, Shaw, Graham, Manning, Daniels present. Senators Stimatz and Tveit arrived late.

HOUSE BILL NO. 441: Hearing commenced on House Bill No. 441, introduced by Representative Abrams, by request of the Department of Highways. This is an act to authorize the Department of Highways to enter into bilateral agreements with an adjoining state or province for the collection of fees and taxes by either state or province. Idaho is considering similar legislation and North Dakota has expressed interest in a bilateral agreement on I-94. With that I will turn this over to Mr. Beck from the Department of Highways.

Jim Beck, Legal Division, Department of Highways told the committee this bill was drafted by the Department's request and we do support it. This bill authorizes the Department of Highways to make agreements with an adjoining state or province for the collection of highway user fees, registration fees, permit fees, fuel taxes or other charges by either state or province. The bill also authorizes construction and joint operation of ports of entry at state borders.

Ben Havdahl, representing the Montana Motor Carriers, told the committee they strongly support this legislation. This is an off-shoot of the Multi-Highway Agreement. The states of Wyoming and Utah have joint ports. A joint port is being put together between Utah and Arizona. This legislation will help our industry, as the truckers will have only one stop at the scales instead of several. For those reasons, we urge passage of this bill.

There were no further proponents and no opponents. There was no disucssion.

Paul Verdon, Legislative Council, asked that the committee amend the bill for housekeeping purposes. He proposed the following amendment:

1. Page 1, line 16.  
Following: "state"  
Insert: "or province"

This will make the body of the bill consistent with the title of the bill.

ACTION ON HOUSE BILL NO. 441: Senator Hager made the motion to adopt the proposed amendments to House Bill No. 441. The motion passed unanimously.

Senator Hager made the motion that House Bill No. 441, as amended, BE CONCURRED IN. The motion passed unanimously.

HOUSE BILL NO. 606: Hearing commenced on House Bill No. 606. The bill was introduced by Representative Koehnke. Representative Koehnke was not present to open the hearing. Gary Wicks, Department of Highways told the Committee they requested the legislation and he would be glad to explain the bill.

Gary Wicks, Department of Highways, told the committee they are in support of House Bill No. 606. The State Supreme Court threw out the 55 mile per hour speed limit and set the date of October 83, to give the Legislature time to consider this problem. The Highway Department is interested in getting the speed limit passed for the simple reason of preserving the highway funds that come to us from the federal government. We are dealing with the federal statute that says the Secretary of Transportation shall not approve any project in any state if the speed limit is in excess of 55 miles per hour. Some of us have read in the newspapers about the current Administrations dissatisfaction of this law. However, we have received a letter from the Secretary of Transportation in regard to this. He wants to impress upon us the need to get legislation passed on the 55 mile per hour speed limit. It is very important that the Legislature recognize that this is necessary for federal aid highway approval. If we do not pass this, it means the State of Montana will loose \$100,000,000 a year at current federal funding rates. That would be equivalent to a 20¢ fuel tax. I don't think that is the kind of hardship we want to put on the people of Montana. The bill is slightly different than what was originally drafted, but we have no objection to the way it is written right now. This legislation does not change the fine, it leaves the 55 mile per hour in effect and stays in effect, only as long as required by the Federal Government.

Representative Koehnke apologized to the committee for being late. He had another hearing to testify at. Gary Wicks has probably explained it quite well to you. The bill is basically the same as it always has been. The fine is still \$5 and it is self destructive. If the Federal Government should decide to not make us stick to the 55 mile per hour conservation fuel limit to get the \$100,000,000, then it will go back to the basic rule.

Ben Havdahl, representing the Montana Motor Carriers, told the committee they have always had the policy in their

association for compliance with the 55 mile per hour speed limit. We support House Bill No. 606 that reinstates the speed limit. If you do not pass this, the truck speed limit would be reinstated at the prior speed limit of 65 miles per hour. There are many reasons why the speed limit should stay at 55 miles per hour. There are economic reasons of fuel savings and the most important problem of safety. As an industry, the truckers have been crucified as driving too fast. The existing speed limit fine of \$5 is not a deterrent. Obviously that of speeding is another problem. We support this bill for economic and safety reasons.

Mike Koehnke told the committee he helped his father draft this bill. He handed each committee member an article, Exhibit 1, entitled: "California pushes faster speed limit", and read parts of it to the committee. He told the committee if Montana is allowed to raise the speed limit on certain roads at certain times, this bill would allow us to do that.

Colonel Landon, Highway Patrol, told the committee they are in support of House Bill No. 606. I don't want to detract from your passing this bill, but I do have a few comments on the fine. We are currently having a problem in meeting our compliance level. We are required by federal law to maintain 50% compliance with the 55 mile per hour conservation speed limit law. Under federal law the Secretary of Transportation can hold back funds if we do not have 50% compliance. My message to you is that we are on a fine line. We could have money withheld because of non-compliance of the speed limit. We could loose up to \$10,000,000 a year by non-compliance. That is the aspect of this that the Highway Patrol is very concerned with. A \$5.00 fine is not a tool that the Highway Patrol can use. People from adjoining states speed, as soon as they hit Montana, because they know there is only a \$5.00 fine. It is not much of a deterrent. We need to have better tools to save \$10,000,000 a year for the State of Montana.

Larry A. Tobiason, representing the Montana Automobile Association and the Montana Highway Users, that with a membership of 63,000 members, there is not a day that goes by that I don't get a call or letter from someone, usually from the eastern part of the state, about the 55 mile per hour speed limit. They don't like it. But, as long as there is a provision in the federal law that deals with the 55 mile per hour conservation fuel speed limit, our associations will support it. So, for the reason of getting the matching funds, we support this bill.

Senator Shaw asked to go on record as being an opponent to House Bill No. 606.

There were no further proponents and no opponents.

Senator Etchart opened the meeting for questions concerning House Bill No. 606.

Senator Shaw asked Col. Landon if he appreciated the fact that the Federal Government can intimidate us in this manner.

Col. Landon, Highway Patrol, replied they have a strong arm on us. He said you fellows at the Legislature set the policy and we just carry it out. I do know, if we don't obey, we have a chance of loosing big bucks for Montana.

Senator Shaw commented that the bible is pretty emphatic about lying. This is an out and out lie. Resources are in short supply. Does anybody want to address that.

Representative Koehnke told Senator Shaw he had different language in the bill regarding resources and fuel conservation, but it came out of the council this way. It must tie into what the federal law states.

Senator Etchart asked if there was any objection to amending it out of the bill.

Representative Koehnke said no, there was no objection.

Senator Graham asked Colonel Landon if he thought there was a fuel glut and if it would last for a long period of time, or did he think it was temporary.

Colonel Landon, Highway Patrol told the committee he thought it is a temporary measure. I think the source will be depleted and it is temporary.

Senator Hager stated the \$5 fine is not much of a deterrent. During the last session we tried to raise that fine. This committee voted a "Do Pass" and we drew straws to see who would carry it on the floor of the Senate. I got stuck, and got four votes on the floor. You don't want to put me through that again, do you?

Colonel Landon had no reply.

Representative Koehnke, in closing said he would like to talk briefly on compliance. I think the reason the speed is going up is because of the Supreme Court ruling. Some of us thought we did not have to comply anymore. It is just recently that the speeds have gone up. As far as the trucks

are concerned. If they go past 65 miles per hour, they can be fined more, day or night. I call this my reluctant bill. I was reluctant to introduce it. The federal government is blackmailing us. But, its too big a gamble to loose \$100,000,000. Most of us are law abiding people. In the original bill we had a section in there that delt with the highway patrol having all the jurisdiction. The house amended that out of the bill. In talking with my people, many of the local authorities do not have the time or money to play highway patrol. The house committee took that out and I will leave it to your wisdom to put it back into the bill.

ACTION ON HOUSE BILL NO. 606: Senator Shaw asked if he could put some amendments into the bill.

Senator Shaw would like to strike "currently in short supply", on Page 2, line 6. Also, I need to get this drafted into the bill, and wondered if Paul Verdon would prepare this for me. I would like to have a \$35 fine over 75 miles per hour and a \$35 fine over 65 miles per hour at night.

Paul Verdon said he would prepare this for the next meeting.

Colonel Landon commented he thought Senator Shaw was on the right tract.

Senator Graham asked if we did this would we be changing the intent of the bill.

Senator Daniels proposed an amendment to put the section back into the bill that the House Committee took out and to also delete the words "fuel conservation".

Page 2, line 15, 16, 17

Insert: (3) The enforcement of the ~~fuel-conservation~~ speed limit set under this section is limited to the jurisdiction of the state highway patrol."

Colonel Landon, Highway Patrol asked to address the committee regarding ths amendment. I would be concerned if you did this, as some sections of the State would have no enforcement because the Highway Patrol would not be there. We do not have Highway Patrolmen in five counties. Some of the Sherifs don't want to work traffic and other do. It is up to the Sherif. We will do what you want us to do, but there are five counties that will have no enforcement.

Gary Wicks asked to address the committee. The Highway Department also opposes this amendment. We recommend the bill the way it is written right now. There are no highway patrol officers in five counties. It seems to me this would be a mis-mash that would affect the highway department and

make it more difficult to achieve compliance under the federal law. We would not like to see it happen.

Senator Etchart commented we have Senator Daniels amendments. What is your pleasure.

Senator Daniels said there are some counties that are more concerned about picking up speeders, that might be going 60 miles per hour, then they are about enforcing the general law.

Senator Manning said that Colonel Landon would probably agree that in some counties the Sheriff and the Highway Patrol get along fine and in others they don't.

Colonel Landon said there is a problem with some of the Sheriff's in that they seem to think the Highway Patrol will develop into a State Police and take their jobs. But, generally we get along pretty good.

A roll call vote was taken on Senator Daniels amendment. The motion passed. See Exhibit 2 for vote.

Senator Etchart asked that we wait to take further action on House Bill No. 606 until Paul Verdon drafted the amendments of Senator Shaw into the bill.

ACTION ON HOUSE BILL NO. 437: Senator Elliott made the motion that House Bill No. 437 as amended BE CONCURRED IN.

Senator Hager said he had considered offering further amendments to House Bill No. 437, but after being informed there are no branch line railroads left anymore, he decided not to offer those amendments.

Senator Stimatz asked to be filled in as to what has happened on House Bill No. 437. The Secretary furnished him with a set of minutes and the committee took a few minutes break while he read them.

Senator Tveit gave a brief run down of what had happened during the hearing.

Senator Shaw said one of the main concerns by the Senior Citizens was the length. But I think that a driver with an 80,000 pound truck is going to be going down the road a lot slower, a lot more careful and a lot more alert. That is my assumption and observation. We have got to pass this law. The trucker needs it, the people need it, and the consumer needs it the worst.

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A roll call vote was taken on Senator Elliott's motion that House Bill No. 437, as amended, BE CONCURRED IN. The motion carried. Senator Tveit will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 504: Paul Verdon, Legislative Council, presented some amendments to the committee that the Council prepared. They are housekeeping amendments, and just make the language consistent in the bill:

1. Page 2, line 9.  
Following: "closure"  
Insert: ", consolidation, or centralization"
2. Page 2, line 15.  
Following: "closure,"  
Insert: "consolidation, or centralization"

Senator Elliott made a motion that the amendments to House Bill No. 504 be adopted. The motion carried unanimously.

Senator Shaw made a motion that House Bill No. 504, as amended, BE NOT CONCURRED IN. A roll call vote was taken. The motion failed.

Senator Elliott made the motion that House Bill No. 504, as amended, BE CONCURRED IN. A roll call vote was taken. The motion passed.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:20 p.m.

  
\_\_\_\_\_  
Senator Mark Etchart, Chairman

ROLL CALLSENATE HIGHWAYS AND TRANSPORTATION COMMITTEE48 ~~47~~<sup>48</sup>th LEGISLATIVE SESSION -- ~~1982~~<sup>1983</sup>Date 3/10/83

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

BILL \_\_\_\_\_

VISITORS' REGISTER

DATE 3/10/83

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOSE

Joe MatonGreat Falls High School606—Col. R. W. LandonHighway Patrol606XSamira NutterGFHS606—Dee BowerGFHS606—Mark OrourkeGFHS606—Jim MalcomGFHS606—Ben HAVDAHLMont Motor Carriers Assoc606X" "" " " "441XMike KOEHNKESELF606X

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATIONSUMMARY OF HOUSE BILL NO. 441,  
Introduced by Representative Abrams

This bill authorizes the Department of Highways to make agreements with an adjoining state or province for the collection of highway user fees, registration fees, permit fees, fuel taxes or other charges by either state or province. The bill also authorizes construction and joint operation of ports of entry at state borders.

This bill requires amendment on line 16, following "state", to insert "or province".

SUMMARY OF HOUSE BILL NO. 606,  
Introduced by Representative Koehnke

This bill repeals Chapter 122, Laws of 1977, which authorized the Governor to proclaim a 65 mile per hour speed limit whenever such a limit would not jeopardize Montana's eligibility for federal-aid highway funds. The bill also amends the law allowing the Attorney General to proclaim speed limits conforming with federal law and sets the state speed limit at 55 miles per hour. This conservation speed limit will expire when it is no longer required by federal law as a condition to the state's continuing eligibility for federal-aid highway funds. The bill specifies that violation of the conservation speed limit is not a misdemeanor and continues the penalty at \$5.

Prepared by Paul Verdon, Legislative Council

PV/cdf

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HB 441 =

Highways

Page 1,

1. ~~Page~~ Line 16.

Following: "state"

Insert: "OR province"

# California pushes faster speed limit

## 55-mph exemptions sought

**MICHAEL F. CONLAN**  
Newhouse News Service

WASHINGTON — The federal government will examine a proposal that would exempt some roads from the national 55-mph speed limit, which has been credited with saving thousands of lives and billions of gallons of fuel since its imposition nine years ago.

The Transportation Department will review a plan that now is being developed by California officials, according to Raymond Peck Jr., director of the National Highway Traffic Safety Administration.

Under the proposal as currently envisioned, a state would apply to the federal government for permission to raise the speed limit selectively on certain sections of highway or for certain types of traffic or, perhaps, at certain times of day. A state would make its case based on accident statistics and design specifications of the highway.

"There are roadways which by any rational stretch of the imagination can accept vehicular travel at speeds in excess of 55," Peck says.

In the years since Congress enacted the national speed standard as a conservation measure during the Arab oil embargo of 1973-74, more and more motorists — with the acquiescence of police and politicians — have been ignoring it.

Federal law requires that states enforce the speed limit and certify that at least half their motorists comply with it.

Peck says he expects to receive a report soon that for the first time, one or two states have failed to meet those requirements. If that is the case, Washington could withhold from offending states up to 5 per cent of federal highway safety funding.

Peck says such sanctions could lead to a drive in Congress to overturn the 55-mph speed limit entirely. He says he hopes the issue would not come to a vote, noting that as part of the recently enacted 3-cent-a-gallon gas tax increase, Congress directed the National Academy of Sciences to conduct a one-year study of the benefits of the national speed limit.

Montana  
Association of  
Churches

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MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 1708 • Helena, MT 59601

March 10, 1983

TOGETHER:

MR. CHARIMAN AND MEMBERS OF THE SENATE HIGHWAYS AND  
TRANSPORTATION COMMITTEE:

On behalf of the Montana Association of Churches,  
I am writing to express our support of HB 606 to  
establish the 55-mile-an-hour speed limit by legislative  
enactment.

We support the 55-mile-an-hour speed limit as  
one way of promoting traffic safety. It reduces the  
number and severity of accidents.

For your information, I am enclosing a copy of  
our position paper on Traffic Safety.

Sincerely,

*Cathy Campbell*

Cathy Campbell  
Legislative Liaison

Baptist Churches  
Northwest

Lutheran Church  
Southwestern District

Episcopal Church  
Diocese of Montana

Episcopal Church  
Diocese of Montana

Methodist Church  
in America  
Northwest Synod

Catholic Diocese  
Great Falls

Catholic Diocese  
Helena

United Church  
of Christ  
Montana Conference

Presbyterian Church  
Western Presbytery

Methodist Church  
Montana Conference

Presbyterian Church  
Stonewall Presbytery

Highways

Approved 3/8/81

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House Bill No. 437

Highways 3/10/83

Amendments proposed by the Department of Highways.

1. Title, ~~line 10~~  
Strike: ~~Entire line~~ *line 10 in its entirety*  
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;"
2. Title, line 11.  
Following: "SECTIONS"  
Insert: "61-10-104,"
3. 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 28 1/2 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. <sup>12</sup> ~~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.~~ *Strike* 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.

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(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

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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 28 $\frac{1}{2}$  feet in the truck tractor-semitrailer-trailer combination. The 28 $\frac{1}{2}$  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 rule-making 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

review could have been made and a second review should be made by the Secretary of Labor, with respect to which 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 thirty feet, except in the case of a truck tractor-semitrailer combination, any of which is a truck tractor-semitrailer combination, or a trailer or trailer operating in a truck tractor-semitrailer combination, or any combination of any of these 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 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.

(c) For the purposes of this section, the following definitions apply:

(1) "truck tractor" means the nonrigging unit that operates in conjunction with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any self-propelled or non-propelled 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 intercity commercial motor vehicles.

tercity truck route network for the operation of commercial motor vehicles. The term "motor vehicle" 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 the subject of an enactment of this section.

(c) The detailed report mandated by is authorized on the date of enactment need not be limited to, the following—:

(c) The demand referred to in paragraph (b) need not be limited to, the following—

(1) a specific plan of the establishment of a national 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

(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;

participated 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-semi-trailer combination.
- (b) States must allow trailing units of no less than 28 feet in length when in a tractor-semi-trailer-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-semi-trailer or tractor-semi-trailer-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 and 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-semi-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-semi-trailer combinations on the Interstate System. These States must amend their statutes and/or their regulations to achieve conformance with this requirement.

Section 411 also prohibits a State from establishing or maintaining or enforcing a length limitation on any of the following: (1) the semitrailer portion of a tractor-semi-trailer combination and of less than 28 feet on the length of any semitrailer or trailer of a tractor-semi-trailer-trailer combination 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 outside 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 Federal-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 three separate lists, each to include signed route number, terminus locations and length)

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

(2) All other roadways not included in (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 in uniform manner which does not impede the needs of commerce. It should again be emphasized that implementation of the size and weight mandates should be related to safety and operational requirements.

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

Issued on: February 1, 1983.

R. A. Barnhart,  
Federal Highway Administrator, Federal  
Highway Administration.

[FR Doc. 83-3094 Filed 2-2-83; 8:45 am]  
BILLING CODE 4910-22-M

Page 16,

Exhibit 2

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/10/83 1983 Bill No. 6006 Time           

*Amendment to.*

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman		✓
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning		✓
Senator Stimatz		✓
Senator Daniels	✓	

(5)

(4)

Carol Doyle Frasier  
Secretary

Senator Mark Etchart  
Chairman

Motion: Daniels motion to reinstate <sup>page - 2 -</sup> lines 15, 16, 17,  
I strike "fuel conservation" off line 15.

Amend, Page 2, line 15 = The enforcement of the speed limit set  
under this section is limited to the jurisdiction of the state

(include enough information on motion--put with yellow copy of Highway  
committee report.) Patrols

5 motion passed.

Page 17

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/10/83 1983 Bill No. HB 437 Time \_\_\_\_\_

*as amended*

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning		✓
Senator Stimatz	✓	
Senator Daniels		✓

Carol Doyle Frasier  
Secretary

Senator Mark Etchart  
Chairman

Motion: Elliott made motion that HB 437 as amended  
~~BE~~ BE CONCLUDED IN. Motion 1 209

Tveit carry

(include enough information on motion—put with yellow copy of committee report.)

Page 28 Highway 3/10/83

Highways

PROPOSED AMENDMENTS TO HOUSE BILL NO. 504

1. Page 2, Line 9.

Following: "closure"

Insert: ", consolidation, or centralization"

2. Page 2, Line 15.

Following: "closure,"

Insert: consolidation, or centralization

~~The proposed amendments will simply assure consistency throughout the statute.~~

Page 29

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/10/83 1983 Bill No. HB 504 Time \_\_\_\_\_

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott		✓
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning		✓
Senator Stimatz		✓
Senator Daniels		✓

Carol Doyle Frasier  
Secretary

Senator Mark Etchart  
Chairman

Motion: \_\_\_\_\_

Shaw 0-3 & 6 (-m)-  
Shaw I move that HB504 be not concurred in as amended  
Motion Failed

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date \_\_\_\_\_ 1983 Bill No. HB504 Time \_\_\_\_\_

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman		✓
Senator Elliott	✓	
Senator Shaw		✓
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz	✓	
Senator Daniels	✓	

(6)

(3)

Carol Doyle Frasier  
Secretary

Senator Mark Etchart  
Chairman

Motion: Elliott 6 → P HB504  
(m) -

Elliott Annis motion ✓

(include enough information on motion--put with yellow copy of committee report.)

Senator Elliott made the motion that HB504 Be Concurred In <sup>20 minutes</sup>  
Motion Passed.

# STANDING COMMITTEE REPORT

Page 13

March 11 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration House Bill No. 441

**ABRAMS, Hager**

Respectfully report as follows: That House Bill No. 441  
third reading bill, be amended as follows:

1. Page 1, line 16.  
Following: "state"  
Insert: "or province"

**And, as so amended,  
BE CONCURRED IN**

**~~XXXXXX~~**

11C

# STANDING COMMITTEE REPORT

Page 26

March 11

19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **437**

**NEUMAN (Tveit)**

Respectfully report as follows: That **HOUSE** Bill No. **437**  
third reading bill, be amended as follows:

**1. Title.**

**Strike:** line 10 in its entirety

**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;"

**2. Title, line 11.**

**Following:** "SECTIONS"

**Insert:** "61-10-104,"

**3. 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."

**XXXXXX**

Continued on Page 2

(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 28 1/2 feet each in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semi-trailer 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."

#### 4. Renumber: Subsequent sections

And, as so amended,  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

Page 31

March 11 19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **504**

**ZOBROCKI (Elliott)**

Respectfully report as follows: That **HOUSE** Bill No. **504**  
third reading bill, be amended as follows:

1. Page 2, line 9.

Following: "closure"

Insert: "consolidation, or centralization"

2. Page 2, line 15.

Following: "closure,"

Insert: "consolidation, or centralization"

And, as so amended,  
BE CONCURRED IN  
~~DORRICK~~

*W.C.*