# SENATE BILL NO. 73

# INTRODUCED BY MEYER, CAMPBELL

# BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

# IN THE SENATE

JANUARY 6, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

- JANUARY 18, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- JANUARY 19, 1989 PRINTING REPORT.
- JANUARY 20, 1989 SECOND READING, DO PASS.

JANUARY 21, 1989 ENGROSSING REPORT.

JANUARY 23, 1989 THIRD READING, PASSED. AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 24, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FEBRUARY 20, 1989 FIRST READING.

MARCH 8, 1989

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1989 SECOND READING, CONCURRED IN.

MARCH 11, 1989 THIRD READING, CONCURRED IN. AYES, 92; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 13, 1989

RECEIVED FROM HOUSE. SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

51st Legislature

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Lenge BILL NO. 13 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS 3 5 A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND 6 7 AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 61-10-107, MCA, is amended to read: 10 \*61-10-107. (Temporary) Maximum gross weight -- when 11 permit required. (1) An axle may not carry a load in excess 12 of 20,000 pounds, and no two consecutive axles more than 40 13 inches or less than 96 inches apart may carry a load in 14 15 excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered as a single axle. A 16 vehicle or combination may not have more than nine axles. 17 The maximum gross weight allowed on a vehicle, group of 18 19 axles, or combination of vehicles shall be determined by the formula: W-equals-500-(bN/N-minus-l-plus-l2N-plus-36) 20

W = 500((LN/(N - 1)) + 12N + 36)

in which W equals gross weight, L equals wheel base in feet,
and N equals number of axles, except that two consecutive
sets of tandem axles may carry a gross load of 34,000 pounds
each if the overall distance between the first and last



1 axles of such consecutive sets of tandem axles is 36 feet or 2 more.

3 (2) Notwithstanding a vehicle's conformance with the 4 requirements of subsection (1), its maximum load per inch of 5 tire width, excluding the steering axle, may not exceed 600 6 pounds, based on the table in 61-10-105(3).

(3) If the gross weight of a vehicle or combination 7 exceeds 80,000 pounds, the vehicle or combination must have A a special permit, which may be issued in the discretion of 9 the department of highways based on evaluation of safety, 10 highway capacity, and economics of highway maintenance and 11 12 vehicle operation. The fee shall be \$20 per trip permit or 13 \$100 per term permit. A term permit may not be issued for a 14 period of time greater than the period for which the GVW license is valid. Owners of vehicles licensed in other 15 16 jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. Permits 17 may specify and permits issued under 61-10-124(4) must 18 19 specify highway routing.

(4) A special permit issued under subsection (3) for
the transportation of agricultural products by farm vehicles
from a harvesting combine or other harvesting machinery to
the point of first unloading shall be for the full term of
the harvest season of the agricultural product transported.
(5) This section does not apply to highways which are

INTRODUCED BILL

a part of the national system of interstate and defense
 highways (as referred to in 23 U.S.C. 127) when application
 of this section would prevent this state from receiving
 federal funds for highway purposes.

61-10-107. (Effective July 1, 1989) Maximum gross 5 weight -- when permit required. (1) An axle may not carry a 6 load in excess of 20,000 pounds, and no two consecutive 7 axles more than 40 inches or less than 96 inches apart may 8 carry a load in excess of 34,000 pounds. For purposes of 9 this section, axles 40 inches or less apart are considered 10 as a single axle. A vehicle or combination may not have 11 12 more than nine axles. The maximum gross weight allowed on a 13 vehicle, group of axles, or combination of vehicles shall be 14 determined by the formula: W-equals-500-(bN/N-minus-1-plus 12N-plus-36) 15

16

### W = 500((LN/(N - 1)) + 12N + 36)

17 in which W equals gross weight, L equals wheel base in feet, 18 and N equals number of axles, except that two consecutive 19 sets of tandem axles may carry a gross load of 34,000 pounds 20 each if the overall distance between the first and last 21 axles of such consecutive sets of tandem axles is 36 feet or 22 more.

(2) Notwithstanding a vehicle's conformance with the
requirements of subsection (1), its maximum load per inch of
tire width, excluding the steering axle, may not exceed 600

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pounds, based on the table in 61-10-105(3).

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2 (3) If the gross weight of a vehicle or combination 3 exceeds 80,000 pounds, the vehicle or combination must have a special permit, which may be issued in the discretion of 4 5 the department of highways based on evaluation of safety, highway capacity, and economics of highway maintenance and 6 vehicle operation. The fee shall be \$20 per trip permit or 7 \$100 per term permit. A term permit may not be issued for a 8 period of time greater than the period for which the GVW 9 10 license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, 11 12 purchase permits to expire with their registration. Permits 13 may specify highway routing.

14 (4) A special permit issued under subsection (3) for 15 the transportation of agricultural products by farm vehicles 16 from a harvesting combine or other harvesting machinery to 17 the point of first unloading shall be for the full term of 18 the harvest season of the agricultural product transported. (5) This section does not apply to highways which are 19 20 a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application 21 of this section would prevent this state from receiving 22 federal funds for highway purposes." 23

24 Section 2. Section 61-10-1101, MCA, is amended to 25 read:

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"61-10-1101. Multistate 1 federal limits more restrictive; 1 Highway Transportation 2 2 Agreement -- enactment and text. The Multistate Highway (e) the 1974 revision of federal law (23 U.S.C. 127)3 Transportation Agreement is hereby enacted into law and 3 did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives entered into with all other jurisdictions legally joining 4 4 states of interstate matching money if vehicle weights and therein in the form substantially as follows: 5 5 MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT 6 widths are increased, even though the interstate system is 6 7 Pursuant to and in conformity with the laws of their 7 nearly 92% complete; and 8 (f) the participating jurisdictions are most capable respective jurisdictions, the participating jurisdictions, 8 9 of developing vehicle size and weight standards most 9 acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows: 10 appropriate for the regional economy and transportation 10 Article I. Findings and Purposes 11 requirements, consistent with and in recognition of 11 Section 1. Findings. The participating jurisdictions 12 principles of highway safety. 12 Section 2. Purposes. The purposes of this agreement 13 find that: 13 14 are to: 14 (a) the expanding regional economy depends on 15 (a) adhere to the principle that each participating 15 expanding transportation capacity; 16 jurisdiction should have the freedom to develop vehicle size (b) highway transportation is the major mode for 16 movement of people and goods in the western states; 17 weight standards that it determines to be most 17 (c) uniform application in the West of more adequate 18 appropriate to its economy and highway system; 18 19 (b) establish a system authorizing the operation of vehicle size and weight standards will result in a reduction 19 of pollution, congestion, fuel consumption, and related 20 vehicles traveling between two or more participating 20 21 jurisdictions at more adequate size and weight standards; 21 transportation costs, which are necessary to permit increased productivity; 22 (c) promote uniformity 22 among participating (d) a number of western states, already having adopted 23 jurisdictions in vehicle size and weight standards on the 23 substantially the 1964 bureau of public roads recommended 24 basis of the objectives set forth in this agreement; 24

25 (d) secure uniformity, insofar as possible, of

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vehicle size and weight standards, still find current

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1 administrative procedures in the enforcement of recommended 2 vehicle size and weight standards; (e) provide means for the encouragement 3 and 4 utilization of research that will facilitate the achievement 5 of the foregoing purposes, with due regard for the findings set forth in section 1 of this article. 6 7 Article II. Definitions 8 Section 1. As used in this agreement: 9 (a) "designated representative" means a legislator or 10 other person authorized to represent the jurisdiction; 11 (b) "jurisdiction" means a state of the United States or the District of Columbia: 12 13 (c) "vehicle" means any vehicle as defined by statute to be subject to size and weight standards that operates in 14 15 two or more participating jurisdictions. Article III. General Provisions 16 Section 1. Oualifications 17 for membership. Participation in this agreement is open to jurisdictions 18 19 that subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to 20 21 accomplish these objectives. 22 Section 2. Cooperation. The participating jurisdictions, working through 23 their designated 24 representatives, shall cooperate and assist each other in 25 achieving the desired goals of this agreement pursuant to

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section 3 headings contained herein may not be considered to govern, 4 limit, modify, or in any manner affect the scope, meaning, 5 or intent of the provisions of any article or section 6 hereof.

7 Section 4. Vehicle laws and regulations. This 8 agreement does not authorize the operation of a vehicle in 9 any participating jurisdiction contrary to the laws or 10 regulations thereof.

11 Section 5. Interpretation. The final decision 12 regarding interpretation of questions at issue relating to 13 this agreement shall be reached by unanimous joint action of 14 the participating jurisdictions, acting through the 15 designated representatives. Results of all such actions 16 shall be placed in writing.

17 Section 6. Amendment. This agreement may be amended by 18 unanimous joint action of the participating jurisdictions, 19 acting through the officials thereof authorized to enter 20 into this agreement, subject to the requirements of section 21 4, Article III. Any amendment shall be placed in writing 22 and become a part hereof.

Section 7. Restrictions, conditions, or limitations.
 Any jurisdiction entering this agreement shall provide each
 other participating jurisdiction with a list of any

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restriction, condition, or limitation on the general terms
 of this agreement, if any.

Section 8. Additional jurisdictions. Additional
 jurisdictions may become members of this agreement by
 signing and accepting the terms of the agreement.

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Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the
8 designated representatives of the participating
9 jurisdictions shall constitute a committee that shall have
10 the power to:

11 (a) collect, correlate, analyze, and evaluate 12 information resulting or derivable from research and testing 13 activities in relation to vehicle size and weight related 14 matters:

(b) recommend and encourage the undertaking of
research and testing in any aspect of vehicle size and
weight or related matter when, in their collective judgment,
appropriate or sufficient research or testing has not been
undertaken;

(c) recommend changes in law or policy with emphasis
on compatibility of laws and uniformity of administrative
rules that would promote effective governmental action or
coordination in the field of vehicle size and weight related
matters.

25 Section 2. Each participating jurisdiction shall be

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entitled to one vote only. No action of the committee shall
 be binding unless a majority of the total number of votes
 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once 5 annually and shall elect, from among its members, a 6 chairman, a vice-chairman, and a secretary.

Section 4. The committee shall submit annually to the 7 legislature of each participating jurisdiction, no later 8 9 than November 1, a report setting forth the work of the 10 committee during the preceding year and including recommendations developed by the committee. The committee 11 12 may submit such additional reports as it considers appropriate or desirable. Copies of all such reports shall 13 14 be made available to the transportation committee of the western conference, council of state governments, and to the 15 16 western association of state highway and transportation officials. 17

Article V. Objectives of the

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Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions
21 hereby declare that:

(a) it is the objective of the participating
jurisdictions to obtain more efficient and more economical
transportation by motor vehicles between and among the
participating jurisdictions by encouraging the adoption of

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standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

8

W = 500((LN/(N - 1)) + 12N + 36)

9 where

10 W = maximum weight in pounds carried on any group of two 11 or computed to nearest 500 pounds;

12 L = distance in feet between the extremes of any group of 13 two or more consecutive axles;

14 N = number of axles in group under consideration;

15 (b) it is the further objective of the participating 16 jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of 17 subsection (a) of this section would result in withholding 18 or forfeiture of federal-aid funds pursuant to section 127, 19 20 Title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the 21 limits set forth in subsection (a) of this section will be 22 authorized under special permit authority by each 23 24 participating jurisdiction that could legally issue such permits prior to July 1, 1956, provided all regulations and 25

procedures related to such issuance in effect as of July 1,
 1956, are adhered to;

3 (c) the objectives of subsections (a) and (b) of this 4 section relate to vehicles or combinations of vehicles in 5 regular operation, and the authority of any participating 6 jurisdiction to issue special permits for the movement of 7 any vehicle or combinations of vehicles having dimensions 8 and/or weights in excess of the maximum statutory limits in 9 each participating jurisdiction will not be affected;

(d) it is the further objective of the participating 10 jurisdictions to facilitate and expedite the operation of 11 any vehicle or combination of vehicles between and among the 12 participating jurisdictions under the provisions of 13 subsection (a) or (b) of this section, and to that end the 14 participating jurisdictions hereby agree, through their 15 designated representatives, to meet and cooperate in the 16 consideration of vehicle size and weight related matters 17 including but not limited to the development of uniform 18 enforcement procedures; additional vehicle size and weight 19 standards; operational standards; agreements or compacts to 20 facilitate regional application and administration of 21 uniform permit vehicle size and weight standards; 22 application forms; rules for the uniform 23 procedures; operation of vehicles, including equipment requirements, 24 driver qualifications, and operating practices; and such 25

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1 other matters as may be pertinent;

(e) in recognition of the limited prospects of federal 2 revision of section 127, Title 23, U.S. Code, and in order 3 to protect participating jurisdictions against any 4 possibility of withholding or forfeiture of federal-aid 5 highway funds. it is the further objective of the б participating jurisdictions to secure congressional approval 7 of this agreement and specifically of the vehicle size and 8 weight standards set forth in subsection (a) of this 9 section; 10

11 (f) in recognition of desire for a degree of national 12 uniformity of size and weight regulations, it is the further 13 objective to encourage development of broad, uniform size 14 and weight standards on a national basis and further that 15 procedures adopted under this agreement be compatible with 16 national standards.

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Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when 19 enacted into law by any two or more jurisdictions. 20 Thereafter, this agreement shall become effective as to any 21 other jurisdiction upon its enactment thereof, except as 22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw 24 from this agreement by canceling the same but no such 25 withdrawal shall take effect until 30 days after the designated representative of the withdrawing jurisdiction
 has given notice in writing of the withdrawal to all other
 participating jurisdictions.

Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed 6 so as to effectuate the purposes thereof.

Section 2. The provisions of this agreement shall be 7 8 severable and if any phrase, clause, sentence, or provision 9 of this agreement is declared to be contrary to the 10 constitution of any participating jurisdiction or the applicability thereto to any government, agency, person, or 11 12 circumstance is held invalid, the validity of the remainder 13 of this agreement shall not be affected thereby. If this 14 agreement shall be held contrary to the constitution of any 15 jurisdiction participating herein, the agreement shall 16 remain in full force and effect as to the jurisdictions 17 affected as to all severable matters.

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# Article VIII. Filing of Documents

19 Section 1. A copy of this agreement, its amendments, 20 and rules promulgated thereunder and interpretations thereof 21 shall be filed in the highway department in each 22 participating jurisdiction and shall be made available for 23 review by interested parties.

Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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and size standards and all existing statutes relating to
 special permits shall continue to be of force and effect
 until amended or repealed by law.

4 Article X. State Government Departments Authorized to Cooperate With Cooperating Committee 5 Section 1. Within appropriations available therefor, 6 the departments, agencies, and officers of the government of 7 8 this state shall cooperate with and assist the cooperating 9 committee within the scope contemplated by Article IV, 10 subsections 1(a) and 1(b) of the agreement. The departments, 11 agencies, and officers of the government of this state are 12 authorized generally to cooperate with said cooperating committee." 13

-End-

51st Legislature

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APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

Senate BILL NO. 73 1 2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF HIGHWAYS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA 5 FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT: AND 6 AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA." 7 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 61-10-107, MCA, is amended to read: 10 "61-10-107. (Temporary) Maximum gross weight -- when 11 permit required. (1) An axle may not carry a load in excess 12 13 of 20,000 pounds, and no two consecutive axles more than 40 14 inches or less than 96 inches apart may carry a load in 15 excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered as a single axle. A 16 17 vehicle or combination may not have more than nine axles. The maximum gross weight allowed on a vehicle, group of 18 19 axles, or combination of vehicles shall be determined by the 20 formula: W-equals-500-(EN/N-minus-1-plus-12N-plus-36) 21 W = 500((LN/(N - 1)) + 12N + 36)

in which W equals gross weight, L equals wheel base in feet,
and N equals number of axles, except that two consecutive
sets of tandem axles may carry a gross load of 34,000 pounds
each if the overall distance between the first and last

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axles of such consecutive sets of tandem axles is 36 feet or
 more.

3 (2) Notwithstanding a vehicle's conformance with the 4 requirements of subsection (1), its maximum load per inch of 5 tire width, excluding the steering axle, may not exceed 600 6 pounds, based on the table in 61-10-105(3).

7 (3) If the gross weight of a vehicle or combination 8 exceeds 80,000 pounds, the vehicle or combination must have a special permit, which may be issued in the discretion of 9 the department of highways based on evaluation of safety, 10 highway capacity, and economics of highway maintenance and 11 vehicle operation. The fee shall be \$20 per trip permit or 12 13 \$100 per term permit. A term permit may not be issued for a period of time greater than the period for which the GVW 14 license is valid. Owners of vehicles licensed in other 15 jurisdictions may, at the discretion of the department, 16 purchase permits to expire with their registration. Permits 17 may specify and permits issued under 61-10-124(4) must 18 19 specify highway routing.

(4) A special permit issued under subsection (3) for
the transportation of agricultural products by farm vehicles
from a harvesting combine or other harvesting machinery to
the point of first unloading shall be for the full term of
the harvest season of the agricultural product transported.
(5) This section does not apply to highways which are

SECOND READING

Montana Legislative Council

a part of the national system of interstate and defense
 highways (as referred to in 23 U.S.C. 127) when application
 of this section would prevent this state from receiving
 federal funds for highway purposes.

61-10-107. (Effective July 1, 1989) Maximum gross 5 weight -- when permit required. (1) An axle may not carry a 6 load in excess of 20,000 pounds, and no two consecutive 7 8 axles more than 40 inches or less than 96 inches apart may 9 carry a load in excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered 10 as a single axle. A vehicle or combination may not have 11 12 more than nine axles. The maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles shall be 13 14 determined by the formula: W-equals-500-(EN/N-minus-1-plus 15 12N-plus-361

#### W = 500((LN/(N - 1)) + 12N + 36)

17 in which W equals gross weight, L equals wheel base in feet, 18 and N equals number of axles, except that two consecutive 19 sets of tandem axles may carry a gross load of 34,000 pounds 20 each if the overall distance between the first and last 21 axles of such consecutive sets of tandem axles is 36 feet or 22 more.

16

(2) Notwithstanding a vehicle's conformance with the
 requirements of subsection (1), its maximum load per inch of
 tire width, excluding the steering axle, may not exceed 600

pounds, based on the table in 61-10-105(3).

(3) If the gross weight of a vehicle or combination 2 3 exceeds 80,000 pounds, the vehicle or combination must have a special permit, which may be issued in the discretion of 4 5 the department of highways based on evaluation of safety, 6 highway capacity, and economics of highway maintenance and vehicle operation. The fee shall be \$20 per trip permit or 7 \$100 per term permit. A term permit may not be issued for a 8 period of time greater than the period for which the GVW 9 10 license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, 11 purchase permits to expire with their registration. Permits 12 may specify highway routing. 13

14 (4) A special permit issued under subsection (3) for the transportation of agricultural products by farm vehicles 15 16 from a harvesting combine or other harvesting machinery to 17 the point of first unloading shall be for the full term of the harvest season of the agricultural product transported. 18 (5) This section does not apply to highways which are 19 a part of the national system of interstate and defense 20 21 highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving 22

23 federal funds for highway purposes."

24 Section 2. Section 61-10-1101, MCA, is amended to 25 read:

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"61-10-1101. Multistate Highway Transportation
 Agreement -- enactment and text. The Multistate Highway
 Transportation Agreement is hereby enacted into law and
 entered into with all other jurisdictions legally joining
 therein in the form substantially as follows:

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MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their
respective jurisdictions, the participating jurisdictions,
acting by and through their officials lawfully authorized to
execute this agreement, do mutually agree as follows:

Article I. Findings and Purposes

Section 1. Findings. The participating jurisdictionsfind that:

14 (a) the expanding regional economy depends on15 expanding transportation capacity;

16 (b) highway transportation is the major mode for17 movement of people and goods in the western states;

(c) uniform application in the West of more adequate
vehicle size and weight standards will result in a reduction
of pollution, congestion, fuel consumption, and related
transportation costs, which are necessary to permit
increased productivity;

23 (d) a number of western states, already having adopted
24 substantially the 1964 bureau of public roads recommended
25 vehicle size and weight standards, still find current

1 federal limits more restrictive;

2 (e) the 1974 revision of federal law (23 U.S.C. 127) 3 did not contain any substantial improvements for vehicle 4 size and weight standards in the western states and deprives 5 states of interstate matching money if vehicle weights and 6 widths are increased, even though the interstate system is 7 nearly 92% complete; and

8 (f) the participating jurisdictions are most capable 9 of developing vehicle size and weight standards most 10 appropriate for the regional economy and transportation 11 requirements, consistent with and in recognition of 12 principles of highway safety.

13 Section 2. Purposes. The purposes of this agreement14 are to:

(a) adhere to the principle that each participating
jurisdiction should have the freedom to develop vehicle size
and weight standards that it determines to be most
appropriate to its economy and highway system;

(b) establish a system authorizing the operation of
vehicles traveling between two or more participating
jurisdictions at more adequate size and weight standards;

(c) promote uniformity among participating
jurisdictions in vehicle size and weight standards on the
basis of the objectives set forth in this agreement;

25 (d) secure uniformity, insofar as possible, of

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administrative procedures in the enforcement of recommended 1 2 vehicle size and weight standards; 3 (e) provide means for the encouragement and 4 utilization of research that will facilitate the achievement of the foregoing purposes, with due regard for the findings 5 6 set forth in section 1 of this article. 7 Article II. Definitions 8 Section 1. As used in this agreement: 9 (a) "designated representative" means a legislator or 10 other person authorized to represent the jurisdiction; 11 (b) "jurisdiction" means a state of the United States 12 or the District of Columbia; 13 (c) "vehicle" means any vehicle as defined by statute 14 to be subject to size and weight standards that operates in 15 two or more participating jurisdictions. 16 Article III. General Provisions 17 Section 1. Qualifications for membership. 18 Participation in this agreement is open to jurisdictions 19 that subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to 20 21 accomplish these objectives. 22 Section 2. Cooperation. The participating 23 jurisdictions, working through their designated representatives, shall cooperate and assist each other in 24 25 achieving the desired goals of this agreement pursuant to -7-

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section 3 headings contained herein may not be considered to govern, 4 limit, modify, or in any manner affect the scope, meaning, 5 or intent of the provisions of any article or section 6 hereof.

7 Section 4. Vehicle laws and regulations. This
8 agreement does not authorize the operation of a vehicle in
9 any participating jurisdiction contrary to the laws or
10 regulations thereof.

The final decision Section 5. Interpretation. 11 regarding interpretation of questions at issue relating to 12 this agreement shall be reached by unanimous joint action of 13 14 the participating jurisdictions, acting through the designated representatives. Results of all such actions 15 16 shall be placed in writing.

Section 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, Article III. Any amendment shall be placed in writing and become a part hereof.

23 Section 7. Restrictions, conditions, or limitations.
24 Any jurisdiction entering this agreement shall provide each
25 other participating jurisdiction with a list of any

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restriction, condition, or limitation on the general terms
 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional
4 jurisdictions may become members of this agreement by
5 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the
8 designated representatives of the participating
9 jurisdictions shall constitute a committee that shall have
10 the power to:

11 (a) collect, correlate, analyze, and evaluate 12 information resulting or derivable from research and testing 13 activities in relation to vehicle size and weight related 14 matters;

(b) recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;

(c) recommend changes in law or policy with emphasis
on compatibility of laws and uniformity of administrative
rules that would promote effective governmental action or
coordination in the field of vehicle size and weight related
matters.

25 Section 2. Each participating jurisdiction shall be

entitled to one vote only. No action of the committee shall
 be binding unless a majority of the total number of votes
 cast by participating jurisdictions are in favor thereof.

Section 3. The committee shall meet at least once
annually and shall elect, from among its members, a
chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later 8 9 than November 1, a report setting forth the work of the 10 committee during the preceding year and including 11 recommendations developed by the committee. The committee 12 may submit such additional reports as it considers 13 appropriate or desirable. Copies of all such reports shall 14 be made available to the transportation committee of the 15 western conference, council of state governments, and to the western association of state highway and transportation 16 17 officials.

Article V. Objectives of the

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Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions21 hereby declare that:

(a) it is the objective of the participating
jurisdictions to obtain more efficient and more economical
transportation by motor vehicles between and among the
participating jurisdictions by encouraging the adoption of

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standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

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9 where

10 W = maximum weight in pounds carried on any group of two 11 or computed to nearest 500 pounds;

W = 500((LN/(N - 1)) + 12N + 36)

12 L = distance in feet between the extremes of any group of 13 two or more consecutive axles;

14 N = number of axles in group under consideration;

15 (b) it is the further objective of the participating 16 jurisdictions that in the event the operation of a vehicle 17 or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding 18 19 or forfeiture of federal-aid funds pursuant to section 127. 20 Title 23, U.S. Code, the operation of such vehicle or 21 combination of vehicles at axle and gross weights within the 22 limits set forth in subsection (a) of this section will be 23 authorized under special permit authority by each 24 participating jurisdiction that could legally issue such 25 permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1,
 1956, are adhered to;

3 (c) the objectives of subsections (a) and (b) of this 4 section relate to vehicles or combinations of vehicles in 5 regular operation, and the authority of any participating 6 jurisdiction to issue special permits for the movement of 7 any vehicle or combinations of vehicles having dimensions 8 and/or weights in excess of the maximum statutory limits in 9 each participating jurisdiction will not be affected;

10 (d) it is the further objective of the participating 11 jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the 12 participating jurisdictions under the provisions of 13 subsection (a) or (b) of this section, and to that end the 14 15 participating jurisdictions hereby agree, through their 16 designated representatives, to meet and cooperate in the 17 consideration of vehicle size and weight related matters including but not limited to the development of uniform 18 19 enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to 20 facilitate regional application and administration of 21 22 vehicle size and weight standards; uniform permit procedures; uniform application forms; rules for the 23 operation of vehicles, including equipment requirements, 24 25 driver qualifications, and operating practices; and such

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1 other matters as may be pertinent;

2 (e) in recognition of the limited prospects of federal revision of section 127, Title 23, U.S. Code, and in order 3 protect participating jurisdictions against any 4 to possibility of withholding or forfeiture of federal-aid 5 highway funds, it is the further objective of the 6 participating jurisdictions to secure congressional approval 7 of this agreement and specifically of the vehicle size and 8 weight standards set forth in subsection (a) of this 9 10 section;

11 (f) in recognition of desire for a degree of national 12 uniformity of size and weight regulations, it is the further 13 objective to encourage development of broad, uniform size 14 and weight standards on a national basis and further that 15 procedures adopted under this agreement be compatible with 16 national standards.

Article VI. Entry Into Force and Withdrawal
 Section 1. This agreement shall enter into force when
 enacted into law by any two or more jurisdictions.
 Thereafter, this agreement shall become effective as to any
 other jurisdiction upon its enactment thereof, except as
 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw
24 from this agreement by canceling the same but no such
25 withdrawal shall take effect until 30 days after the

designated representative of the withdrawing jurisdiction
 has given notice in writing of the withdrawal to all other
 participating jurisdictions.

4 Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed6 so as to effectuate the purposes thereof.

7 Section 2. The provisions of this agreement shall be 8 severable and if any phrase, clause, sentence, or provision 9 of this agreement is declared to be contrary to the 10 constitution of any participating jurisdiction or the 11 applicability thereto to any government, agency, person, or 12 circumstance is held invalid, the validity of the remainder 13 of this agreement shall not be affected thereby. If this 14 agreement shall be held contrary to the constitution of any 15 jurisdiction participating herein, the agreement shall 16 remain in full force and effect as to the jurisdictions 17 affected as to all severable matters.

Article VIII. Filing of Documents

18

19 Section 1. A copy of this agreement, its amendments, 20 and rules promulgated thereunder and interpretations thereof 21 shall be filed in the highway department in each 22 participating jurisdiction and shall be made available for 23 review by interested parties.

24 Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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and size standards and all existing statutes relating to
 special permits shall continue to be of force and effect
 until amended or repealed by law.

Article X. State Government Departments 4 Authorized to Cooperate With Cooperating Committee 5 Section 1. Within appropriations available therefor, 6 7 the departments, agencies, and officers of the government of 8 this state shall cooperate with and assist the cooperating committee within the scope contemplated by Article IV, 9 10 subsections 1(a) and 1(b) of the agreement. The departments, 11 agencies, and officers of the government of this state are authorized generally to cooperate with said cooperating 12 committee." 13

-End-

Senate BILL NO. 13 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA 5 6 FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND 7 AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 61-10-107, MCA, is amended to read: 10 "61-10-107. (Temporary) Maximum gross weight -- when 11 permit required. (1) An axle may not carry a load in excess 12 13 of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may carry a load in 14 15 excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered as a single axle. A 16 vehicle or combination may not have more than nine axles. 17 18 The maximum gross weight allowed on a vehicle, group of 19 axles, or combination of vehicles shall be determined by the 20 formula: W-equals-500-(EN/N-minus-l-plus-l2N-plus-36) 21 W = 500((LN/(N - 1)) + 12N + 36)

in which W equals gross weight, L equals wheel base in feet,
and N equals number of axles, except that two consecutive
sets of tandem axles may carry a gross load of 34,000 pounds
each if the overall distance between the first and last



1 axles of such consecutive sets of tandem axles is 36 feet or 2 more.

3 (2) Notwithstanding a vehicle's conformance with the
4 requirements of subsection (1), its maximum load per inch of
5 tire width, excluding the steering axle, may not exceed 600
6 pounds, based on the table in 61-10-105(3).

7 (3) If the gross weight of a vehicle or combination 8 exceeds 80,000 pounds, the vehicle or combination must have 9 a special permit, which may be issued in the discretion of 10 the department of highways based on evaluation of safety. 11 highway capacity, and economics of highway maintenance and vehicle operation. The fee shall be \$20 per trip permit or 12 \$100 per term permit. A term permit may not be issued for a 13 period of time greater than the period for which the GVW 14 15 license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, 16 purchase permits to expire with their registration. Permits 17 may specify and permits issued under 61-10-124(4) must 18 19 specify highway routing.

(4) A special permit issued under subsection (3) for
the transportation of agricultural products by farm vehicles
from a harvesting combine or other harvesting machinery to
the point of first unloading shall be for the full term of
the harvest season of the agricultural product transported.
(5) This section does not apply to highways which are

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a part of the national system of interstate and defense
 highways (as referred to in 23 U.S.C. 127) when application
 of this section would prevent this state from receiving
 federal funds for highway purposes.

5 61-10-107. (Effective July 1, 1989) Maximum gross 6 weight -- when permit required. (1) An axle may not carry a 7 load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may 8 carry a load in excess of 34,000 pounds. For purposes of 9 this section, axles 40 inches or less apart are considered 10 11 as a single axle. A vehicle or combination may not have 12 more than nine axles. The maximum gross weight allowed on a 13 vehicle, group of axles, or combination of vehicles shall be determined by the formula: W-equals-500-(bN/N-minus-1-plus 14 15 12N-plus-36)

16

#### W = 500((LN/(N - 1)) + 12N + 36)

17 in which W equals gross weight, L equals wheel base in feet, 18 and N equals number of axles, except that two consecutive 19 sets of tandem axles may carry a gross load of 34,000 pounds 20 each if the overall distance between the first and last 21 axles of such consecutive sets of tandem axles is 36 feet or 22 more.

(2) Notwithstanding a vehicle's conformance with the
requirements of subsection (1), its maximum load per inch of
tire width, excluding the steering axle, may not exceed 600

pounds, based on the table in 61-10-105(3).

(3) If the gross weight of a vehicle or combination 2 exceeds 80,000 pounds, the vehicle or commution must have 3 a special permit, which may be issued in the discretion of 4 the department of highways based on evaluation of safety, 5 highway capacity, and economics of highway maintenance and 6 7 vehicle operation. The fee shall be \$20 per trip permit or \$100 per term permit. A term permit may not be issued for a 8 period of time greater than the period for which the GVW 9 license is valid. Owners of vehicles licensed in other 10 11 jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. Permits 12 13 may specify highway routing.

(4) A special permit issued under subsection (3) for 14 15 the transportation of agricultural products by farm vehicles from a harvesting combine or other harvesting machinery to 16 the point of first unloading shall be for the full term of 17 the harvest season of the agricultural product transported. 18 19 (5) This section does not apply to highways which are 20 a part of the national system of interstate and defense 21 highways (as referred to in 23 U.S.C. 127) when application 22 of this section would prevent this state from receiving

23 federal funds for highway purposes."

24 Section 2. Section 61-10-1101, MCA, is amended to 25 read:

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"61-10-1101. Multistate 1 Highway Transportation 2 Agreement -- enactment and text. The Multistate Highway 3 Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining 4 therein in the form substantially as follows: 5 MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT 6 7 Pursuant to and in conformity with the laws of their 8 respective jurisdictions, the participating jurisdictions, 9 acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows: 10 11 Article I. Findings and Purposes Section 1. Findings. The participating jurisdictions 12 find that: 13 14 (a) the expanding regional economy depends on 15 expanding transportation capacity; 16 (b) highway transportation is the major mode for movement of people and goods in the western states; 17 (c) uniform application in the West of more adequate 18 vehicle size and weight standards will result in a reduction 19 of pollution, congestion, fuel consumption, and related 20 21 transportation costs, which are necessary to permit 22 increased productivity; 23 (d) a number of western states, already having adopted

23 (d) a number of western states, already having adopted
 24 substantially the 1964 bureau of public roads recommended
 25 vehicle size and weight standards, still find current

1 federal limits more restrictive;

(e) the 1974 revision of federal law (23 U.S.C. 127)
did not contain any substantial improvements for vehicle
size and weight standards in the western states and deprives
states of interstate matching money if vehicle weights and
widths are increased, even though the interstate system is
nearly 92% complete; and

8 (f) the participating jurisdictions are most capable
9 of developing vehicle size and weight standards most
10 appropriate for the regional economy and twansportation
11 requirements, consistent with and in recognition of
12 principles of highway safety.

13 Section 2. Purposes. The purposes of this agreement 14 are to:

15 (a) adhere to the principle that each participating 16 jurisdiction should have the freedom to develop vehicle size 17 and weight standards that it determines to be most 18 appropriate to its economy and highway system;

(b) establish a system authorizing the operation of
vehicles traveling between two or more participating
jurisdictions at more adequate size and weight standards;

(c) promote uniformity among participating
jurisdictions in vehicle size and weight standards on the
basis of the objectives set forth in this agreement;

25 (d) secure uniformity, insofar as possible, of

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1 appropriate statutory authority. 2 Section 3. Effect of headings. Article and section 3 headings contained herein may not be considered to govern, 4 limit, modify, or in any manner affect the scope, meaning, 5 or intent of the provisions of any article or section hereof. 6 7 Section 4. Vehicle laws and regulations. agreement does not authorize the operation of a vehicle in я any participating jurisdiction contrary to the laws or 9 10 regulations thereof. 11 Section 5. Interpretation. The 12 regarding interpretation of guestions at issue relating to 13 this agreement shall be reached by unanimous joint action of 14 the participating jurisdictions, acting designated representatives. Results of all such actions 15 16 shall be placed in writing. 17

Section 6. Amendment. This agreement may be amended by 18 unanimous joint action of the participating jurisdictions, 19 acting through the officials thereof authorized to enter 20 into this agreement, subject to the requirements of section 21 4, Article III. Any amendment shall be placed in writing 22 and become a part hereof.

Section 7. Restrictions, conditions, or limitations. 23 24 Any jurisdiction entering this agreement shall provide each 25 other participating jurisdiction with a list of any

administrative procedures in the enforcement of recommended vehicle size and weight standards; (e) provide means for the encouragement and utilization of research that will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article. Article II. Definitions Section 1. As used in this agreement: (a) "designated representative" means a legislator or other person authorized to represent the jurisdiction; 10 (b) "jurisdiction" means a state of the United States 11 12 or the District of Columbia; 13 (c) "vehicle" means any vehicle as defined by statute 14 to be subject to size and weight standards that operates in two or more participating jurisdictions. 15 Article III. General Provisions 16 Section 1. Qualifications for membership. 17 Participation in this agreement is open to jurisdictions 18 that subscribe to the findings, purposes, and objectives of 19 this agreement and will seek legislation necessary to 20 21 accomplish these objectives. The participating 22 Section 2. Cooperation. their 23 jurisdictions, working through designated 24 representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to 25

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restriction, condition, or limitation on the general terms
 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional 4 jurisdictions may become members of this agreement by 5 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the
8 designated representatives of the participating
9 jurisdictions shall constitute a committee that shall have
10 the power to:

11 (a) collect, correlate, analyze, and evaluate 12 information resulting or derivable from research and testing 13 activities in relation to vehicle size and weight related 14 matters;

(b) recommend and encourage the undertaking of
research and testing in any aspect of vehicle size and
weight or related matter when, in their collective judgment,
appropriate or sufficient research or testing has not been
undertaken;

(c) recommend changes in law or policy with emphasis
on compatibility of laws and uniformity of administrative
rules that would promote effective governmental action or
coordination in the field of vehicle size and weight related
matters.

25 Section 2. Each participating jurisdiction shall be

entitled to one vote only. No action of the committee shall
 be binding unless a majority of the total number of votes
 cast by participating jurisdictions are in favor thereof.

Section 3. The committee shall meet at least once
annually and shall elect, from among its members, a
chairman, a vice-chairman, and a secretary.

Section 4. The committee shall submit annually to the 7 8 legislature of each participating jurisdiction, no later 9 than November 1, a report setting forth the work of the 10 committee during the preceding year and including 11 recommendations developed by the committee. The committee may submit such additional reports as it considers 12 13 appropriate or desirable. Copies of all such reports shall 14 be made available to the transportation committee of the western conference, council of state governments, and to the 15 16 western association of state highway and transportation officials. 17

18 19

Participating Jurisdictions

Article V. Objectives of the

20 Section 1. Objectives. The participating jurisdictions21 hereby declare that:

(a) it is the objective of the participating
jurisdictions to obtain more efficient and more economical
transportation by motor vehicles between and among the
participating jurisdictions by encouraging the adoption of

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1 standards that will, as minimums, allow the operation on all 2 state highways, except those determined through engineering 3 evaluation to be inadequate, with a single-axle weight not 4 in excess of 20,000 pounds, a tandem-axle weight not in 5 excess of 34,000 pounds, and a gross vehicle or combination 6 weight not in excess of that resulting from application of 7 the formula:

9 where

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10 W = maximum weight in pounds carried on any group of two 11

W = 500((LN/(N - 1)) + 12N + 36)

or computed to nearest 500 pounds;

12 L = distance in feet between the extremes of any group of 13 two or more consecutive axles:

14 N = number of axles in group under consideration:

15 (b) it is the further objective of the participating 16 jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of 17 18 subsection (a) of this section would result in withholding 19 or forfeiture of federal-aid funds pursuant to section 127, 20 Title 23, U.S. Code, the operation of such vehicle or 21 combination of vehicles at axle and gross weights within the 22 limits set forth in subsection (a) of this section will be 23 authorized under special permit authority by each 24 participating jurisdiction that could legally issue such 25 permits prior to July 1, 1956, provided all regulations and

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procedures related to such issuance in effect as of July 1, 1 1956, are adhered to; 2

(c) the objectives of subsections (a) and (b) of this 3 section relate to vehicles or combinations of vehicles in Δ regular operation, and the authority of any participating 5 jurisdiction to issue special permits for the movement of 6 any vehicle or combinations of vehicles having dimensions 7 and/or weights in excess of the maximum statutory limits in 8 each participating jurisdiction will not be affected; 9

(d) it is the further objective of the participating 10 jurisdictions to facilitate and expedite the operation of 11 any vehicle or combination of vehicles between and among the 12 participating jurisdictions under the provisions of 13 subsection (a) or (b) of this section, and to that end the 14 participating jurisdictions hereby agree, through their 15 designated representatives, to meet and cooperate in the 16 consideration of vehicle size and weight related matters 17 including but not limited to the development of uniform 18 enforcement procedures; additional vehicle size and weight 19 standards; operational standards; agreements or compacts to 20 facilitate regional application and administration of 21 uniform permit weight standards; 22 vehicle size and uniform application forms; rules for the 23 procedures; operation of vehicles, including equipment requirements, 24 driver gualifications, and operating practices; and such 25

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other matters as may be pertinent; 1

2 (e) in recognition of the limited prospects of federal 3 revision of section 127, Title 23, U.S. Code, and in order to protect participating jurisdictions against 4 anv possibility of withholding or forfeiture of federal-aid 5 6 highway funds, it is the further objective of the 7 participating jurisdictions to secure congressional approval 8 of this agreement and specifically of the vehicle size and 9 weight standards set forth in subsection (a) of this section; 10

11 (f) in recognition of desire for a degree of national uniformity of size and weight regulations, it is the further 12 13 objective to encourage development of broad, uniform size 14 and weight standards on a national basis and further that 15 procedures adopted under this agreement be compatible with 16 national standards.

17 Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. 19 Thereafter, this agreement shall become effective as to any 20 other jurisdiction upon its enactment thereof, except as 21 22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw 24 from this agreement by canceling the same but no such 25 withdrawal shall take effect until 30 days after the

designated representative of the withdrawing jurisdiction 1 has given notice in writing of the withdrawal to all other 2 participating jurisdictions. 3

Article VII. Construction and Severability 4

Section 1. This agreement shall be liberally construed 5 so as to effectuate the purposes thereof. 6

7 Section 2. The provisions of this agreement shall be 8 severable and if any phrase, clause, sentence, or provision 9 of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the 10 applicability thereto to any government, agency, person, or 11 circumstance is held invalid, the validity of the remainder 12 13 of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any 14 jurisdiction participating herein, the agreement shall 15 remain in full force and effect as to the jurisdictions 16 17 affected as to all severable matters.

18

Article VIII. Filing of Documents

Section 1. A copy of this agreement, its amendments, 19 20 and rules promulgated thereunder and interpretations thereof shall be filed in the highway department in each 21 participating jurisdiction and shall be made available for 22 review by interested parties. 23

Article IX. Existing Statutes Not Repealed 24 Section 1. All existing statutes prescribing weight 25

and size standards and all existing statutes relating to
 special permits shall continue to be of force and effect
 until amended or repealed by law.

Article X. State Government Departments 4 5 Authorized to Cooperate With Cooperating Committee 6 Section 1. Within appropriations available therefor, 7 the departments, agencies, and officers of the government of this state shall cooperate with and assist the cooperating 8 9 committee within the scope contemplated by Article IV, 10 subsections 1(a) and 1(b) of the agreement. The departments, 11 agencies, and officers of the government of this state are 12 authorized generally to cooperate with said cooperating 13 committee."

-End-

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1	SENATE BILL NO. 73
2	INTRODUCED BY MEYER, CAMPBELL
3	BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA
6	FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND
7	AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 61-10-107, MCA, is amended to read:
11	61-10-107. (Temporary) Maximum gross weight when
12	permit required. (1) An axle may not carry a load in excess
13	of 20,000 pounds, and no two consecutive axles more than 40
14	inches or less than 96 inches apart may carry a load in
15	excess of 34,000 pounds. For purposes of this section, axles
16	40 inches or less apart are considered as a single axle. A
17	vehicle or combination may not have more than nine axles.
18	The maximum gross weight allowed on a vehicle, group of
19	axles, or combination of vehicles shall be determined by the
20	formula <u>:</u> W-equals-500-t6N/N-minus-1-plus-12N-plus-36t
21	W = 500((LN/(N - 1)) + 12N + 36)
22	in which W equals gross weight, L equals wheel base in feet,
23	and N equals number of axles, except that two consecutive

24 sets of tandem axles may carry a gross load of 34,000 pounds 25 each if the overall distance between the first and last

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axles of such consecutive sets of tandem axles is 36 feet or 1 2 more.

3 (2) Notwithstanding a vehicle's conformance with the 4 requirements of subsection (1), its maximum load per inch of 5 tire width, excluding the steering axle, may not exceed 600 6 pounds, based on the table in 61-10-105(3).

7 (3) If the gross weight of a vehicle or combination exceeds 80,000 pounds, the vehicle or combination must have 8 9 a special permit, which may be issued in the discretion of 10 the department of highways based on evaluation of safety, 11 highway capacity, and economics of highway maintenance and 12 vehicle operation. The fee shall be \$20 per trip permit or 13 \$100 per term permit. A term permit may not be issued for a period of time greater than the period for which the GVW 14 license is valid. Owners of vehicles licensed in other 15 16 jurisdictions may, at the discretion of the department, 17 purchase permits to expire with their registration. Permits 18 may specify and permits issued under 61-10-124(4) must 19 specify highway routing.

20 (4) A special permit issued under subsection (3) for the transportation of agricultural products by farm vehicles 21 from a harvesting combine or other harvesting machinery to 22 23 the point of first unloading shall be for the full term of 24 the harvest season of the agricultural product transported. 25 (5) This section does not apply to highways which are

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a part of the national system of interstate and defense
 highways (as referred to in 23 U.S.C. 127) when application
 of this section would prevent this state from receiving
 federal funds for highway purposes.

5 61-10-107. (Effective July 1, 1989) Maximum gross 6 weight -- when permit required. (1) An axle may not carry a 7 load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may 8 9 carry a load in excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered 10 as a single axle. A vehicle or combination may not have 11 12 more than nine axles. The maximum gross weight allowed on a 13 vehicle, group of axles, or combination of vehicles shall be 14 determined by the formula: W-equals-500-fbN/N-minus-l-plus 15 12N-plus-36)

W = 500((LN/(N - 1)) + 12N + 36)

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17 in which W equals gross weight, L equals wheel base in feet, 18 and N equals number of axles, except that two consecutive 19 sets of tandem axles may carry a gross load of 34,000 pounds 20 each if the overall distance between the first and last 21 axles of such consecutive sets of tandem axles is 36 feet or 22 more.

23 (2) Notwithstanding a vehicle's conformance with the
24 requirements of subsection (1), its maximum load per inch of
25 tire width, excluding the steering axle, may not exceed 600

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pounds, based on the table in 61-10-105(3).

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(3) If the gross weight of a vehicle or combination 2 exceeds 80,000 pounds, the vehicle or combination must have 3 a special permit, which may be issued in the discretion of 4 the department of highways based on evaluation of safety, 5 highway capacity, and economics of highway maintenance and 6 vehicle operation. The fee shall be \$20 per trip permit or 7 \$100 per term permit. A term permit may not be issued for a 8 period of time greater than the period for which the GVW 9 10 license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, 11 purchase permits to expire with their registration. Permits 12 13 may specify highway routing.

(4) A special permit issued under subsection (3) for 14 the transportation of agricultural products by farm vehicles 15 from a harvesting combine or other harvesting machinery to 16 the point of first unloading shall be for the full term of 17 the harvest season of the agricultural product transported. 18 (5) This section does not apply to highways which are 19 a part of the national system of interstate and defense 20 highways (as referred to in 23 U.S.C. 127) when application 21 of this section would prevent this state from receiving 22

23 federal funds for highway purposes."

24 Section 2. Section 61-10-1101, MCA, is amended to 25 read:

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\*61-10-1101. Multistate Highway Transportation
 Agreement -- enactment and text. The Multistate Highway
 Transportation Agreement is hereby enacted into law and
 entered into with all other jurisdictions legally joining
 therein in the form substantially as follows:

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their
respective jurisdictions, the participating jurisdictions,
acting by and through their officials lawfully authorized to
execute this agreement, do mutually agree as follows:

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Article I. Findings and Purposes

12 Section 1. Findings. The participating jurisdictions 13 find that:

14 (a) the expanding regional economy depends on15 expanding transportation capacity;

16 (b) highway transportation is the major mode for
17 movement of people and goods in the western states;

18 (c) uniform application in the West of more adequate 19 vehicle size and weight standards will result in a reduction 20 of pollution, congestion, fuel consumption, and related 21 transportation costs, which are necessary to permit 22 increased productivity;

(d) a number of western states, already having adopted
substantially the 1964 bureau of public roads recommended
vehicle size and weight standards, still find current

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1 federal limits more restrictive;

(e) the 1974 revision of federal law (23 U.S.C. 127)
did not contain any substantial improvements for vehicle
size and weight standards in the western states and deprives
states of interstate matching money if vehicle weights and
widths are increased, even though the interstate system is
nearly 92% complete; and

8 (f) the participating jurisdictions are most capable 9 of developing vehicle size and weight standards most 10 appropriate for the regional economy and transportation 11 requirements, consistent with and in recognition of 12 principles of highway safety.

13 Section 2. Purposes. The purposes of this agreement 14 are to:

15 (a) adhere to the principle that each participating
16 jurisdiction should have the freedom to develop vehicle size
17 and weight standards that it determines to be most
18 appropriate to its economy and highway system;

(b) establish a system authorizing the operation of
vehicles traveling between two or more participating
jurisdictions at more adequate size and weight standards;

(c) promote uniformity among participating
jurisdictions in vehicle size and weight standards on the
basis of the objectives set forth in this agreement;

25 (d) secure uniformity, insofar as possible, of

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1	administrative procedures in the enforcement of recommended
2	vehicle size and weight standards;
3	(e) provide means for the encouragement and
4	utilization of research that will facilitate the achievement
5	of the foregoing purposes, with due regard for the findings
6	set forth in section 1 of this article.
7	Article II. Definitions
8	Section 1. As used in this agreement:
9	(a) "designated representative" means a legislator or
10	other person authorized to represent the jurisdiction;
11	(b) "jurisdiction" means a state of the United States
12	or the District of Columbia;
13	(c) "vehicle" means any vehicle as defined by statute
14	to be subject to size and weight standards that operates in
15	two or more participating jurisdictions.
16	Article III. General Provisions
17	Section 1. Qualifications for membership.
18	Participation in this agreement is open to jurisdictions
19	that subscribe to the findings, purposes, and objectives of
20	this agreement and will seek legislation necessary to
21	accomplish these objectives.
22	Section 2. Cooperation. The participating
23	jurisdictions, working through their designated
24	representatives, shall cooperate and assist each other in
25	achieving the desired goals of this agreement pursuant to
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appropriate statutory authority. 1

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Section 3. Effect of headings. Article and section 2 headings contained herein may not be considered to govern, 3 limit, modify, or in any manner affect the scope, meaning, 4 or intent of the provisions of any article or section 5 6 hereof.

Section 4. Vehicle laws and regulations. This 7 agreement does not authorize the operation of a vehicle in 8 any participating jurisdiction contrary to the laws or 9 regulations thereof. 10

The final decision Section 5. Interpretation. 11 regarding interpretation of guestions at issue relating to 12 this agreement shall be reached by unanimous joint action of 13 14 the participating jurisdictions, acting through the designated representatives. Results of all such actions 15 shall be placed in writing. 16

17 Section 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, 18 acting through the officials thereof authorized to enter 19 into this agreement, subject to the requirements of section 20 4, Article III. Any amendment shall be placed in writing 21 22 and become a part hereof.

Section 7. Restrictions, conditions, or limitations. 23 24 Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any 25

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restriction, condition, or limitation on the general terms
 of this agreement, if any.

Section 8. Additional jurisdictions. Additional
 jurisdictions may become members of this agreement by
 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the
8 designated representatives of the participating
9 jurisdictions shall constitute a committee that shall have
10 the power to:

11 (a) collect, correlate, analyze, and evaluate 12 information resulting or derivable from research and testing 13 activities in relation to vehicle size and weight related 14 matters;

(b) recommend and encourage the undertaking of
research and testing in any aspect of vehicle size and
weight or related matter when, in their collective judgment,
appropriate or sufficient research or testing has not been
undertaken;

(c) recommend changes in law or policy with emphasis
on compatibility of laws and uniformity of administrative
rules that would promote effective governmental action or
coordination in the field of vehicle size and weight related
matters.

25 Section 2. Each participating jurisdiction shall be

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entitled to one vote only. No action of the committee shall
 be binding unless a majority of the total number of votes
 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once
5 annually and shall elect, from among its members, a
6 chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the 8 legislature of each participating jurisdiction, no later 9 than November 1, a report setting forth the work of the committee during the preceding year and including 10 recommendations developed by the committee. The committee 11 12 may submit such additional reports as it considers 13 appropriate or desirable. Copies of all such reports shall be made available to the transportation committee of the 14 15 western conference, council of state governments, and to the western association of state highway and transportation 16 officials. 17

18 Article V. Objectives of the

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Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions21 hereby declare that:

(a) it is the objective of the participating
jurisdictions to obtain more efficient and more economical
transportation by motor vehicles between and among the
participating jurisdictions by encouraging the adoption of

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standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

8

$$W = 500((LN/(N - 1)) + 12N + 36)$$

9 where

10 W = maximum weight in pounds carried on any group of two 11 or computed to nearest 500 pounds;

12 L = distance in feet between the extremes of any group of 13 two or more consecutive axles;

14 N = number of axles in group under consideration;

15 (b) it is the further objective of the participating 16 jurisdictions that in the event the operation of a vehicle 17 or combination of vehicles according to the provisions of 18 subsection (a) of this section would result in withholding 19 or forfeiture of federal-aid funds pursuant to section 127, Title 23, U.S. Code, the operation of such vehicle or 20 21 combination of vehicles at axle and gross weights within the 22 limits set forth in subsection (a) of this section will be 23 authorized under special permit authority by each 24 participating jurisdiction that could legally issue such 25 permits prior to July 1, 1956, provided all regulations and SB 0073/02

procedures related to such issuance in effect as of July 1,
 1956, are adhered to:

(c) the objectives of subsections (a) and (b) of this
section relate to vehicles or combinations of vehicles in
regular operation, and the authority of any participating
jurisdiction to issue special permits for the movement of
any vehicle or combinations of vehicles having dimensions
and/or weights in excess of the maximum statutory limits in
each participating jurisdiction will not be affected;

10 (d) it is the further objective of the participating 11 jurisdictions to facilitate and expedite the operation of 12 any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of 13 14 subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their 15 designated representatives, to meet and cooperate in the 16 consideration of vehicle size and weight related matters 17 18 including but not limited to the development of uniform 19 enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to 20 21 facilitate regional application and administration of vehicle size and weight standards; uniform permit 22 procedures; uniform application forms; rules for the 23 operation of vehicles, including equipment requirements, 24 driver qualifications, and operating practices; and such 25

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1 other matters as may be pertinent;

(e) in recognition of the limited prospects of federal 2 revision of section 127, Title 23, U.S. Code, and in order 3 protect participating jurisdictions against any 4 to possibility of withholding or forfeiture of federal-aid 5 6 highway funds, it is the further objective of the participating jurisdictions to secure congressional approval 7 of this agreement and specifically of the vehicle size and 8 weight standards set forth in subsection (a) of this 9 section: 10

(f) in recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis and further that procedures adopted under this agreement be compatible with national standards.

17 Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when 19 enacted into law by any two or more jurisdictions. 20 Thereafter, this agreement shall become effective as to any 21 other jurisdiction upon its enactment thereof, except as 22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw
24 from this agreement by canceling the same but no such
25 withdrawal shall take effect until 30 days after the

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designated representative of the withdrawing jurisdiction
 has given notice in writing of the withdrawal to all other
 participating jurisdictions.

Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed6 so as to effectuate the purposes thereof.

7 Section 2. The provisions of this agreement shall be 8 severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the 9 constitution of any participating jurisdiction or the 10 applicability thereto to any government, agency, person, or 11 circumstance is held invalid, the validity of the remainder 12 13 of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any 14 jurisdiction participating herein, the agreement shall 15 remain in full force and effect as to the jurisdictions 16 17 affected as to all severable matters.

Article VIII. Filing of Documents

19 Section 1. A copy of this agreement, its amendments, 20 and rules promulgated thereunder and interpretations thereof 21 shall be filed in the highway department in each 22 participating jurisdiction and shall be made available for 23 review by interested parties.

Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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and size standards and all existing statutes relating to
 special permits shall continue to be of force and effect
 until amended or repealed by law.

4 Article X. State Government Departments

5 Authorized to Cooperate With Cooperating Committee 6 Section 1. Within appropriations available therefor, 7 the departments, agencies, and officers of the government of this state shall cooperate with and assist the cooperating 8 committee within the scope contemplated by Article IV, 9 10 subsections 1(a) and 1(b) of the agreement. The departments, 11 agencies, and officers of the government of this state are 12 authorized generally to cooperate with said cooperating 13 committee."

-End-