

**TRUCK WEIGHTS AND LENGTHS:
ASSESSING THE IMPACT OF
EXISTING LAWS AND REGULATIONS**

(110-151)

HEARING
BEFORE THE
SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS
SECOND SESSION

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JULY 9, 2008
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July 8, 2008

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Highways and Transit

FROM: Subcommittee on Highways and Transit Staff

SUBJECT: Hearing on "Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations"

PURPOSE OF HEARING

The Subcommittee on Highways and Transit is scheduled to meet on Wednesday, July 9, 2008, at 10:00 a.m., in Room 2167 of the Rayburn House Office Building, to receive testimony on Federal laws governing truck weights and lengths and the authority of States to issue permits to exempt trucks from these laws. The Subcommittee will also examine the impact of the existing regulatory framework on the nation's highway and bridge infrastructure, safety, and on interstate commerce.

BACKGROUND

Overview of Truck Size and Weight Laws

The current framework of laws and regulations governing minimum and maximum weights and lengths for trucks is a complex set of Federal standards that apply to the Interstate Highway System and the National Network, a system of approximately 209,000 miles of roads specifically designated in Federal regulations. Federal law sets minimum and maximum standards for weight, and only minimum standards for length. There are numerous exceptions to these Federal standards which States have the authority to exercise. Beyond the Interstate Highway System and National Network, States have the ability to set their own size and weight limitations on all other roads.

History of Truck Size and Weight Laws

A review of the origins of truck size and weight laws and the rationale behind their passage provides some insight into this obscure set of rules.¹ Congress enacted the first Federal truck size and weight limits as part of the Federal-Aid Highway Act of 1956. Prior to 1956, all regulation of commercial trucks occurred at the State level. States first began enacting laws to limit the gross vehicle weight of trucks on the roads in the early 1900s, to limit the damage to unpaved roads caused by heavy trucks.² Maine, Massachusetts, and Pennsylvania were among the first states to enact weight limits, by regulating tire load, in 1913.³ The first statutes limiting truck length, width, and height dimensions were enacted a few years later. By the early 1930s, most states had laws regulating truck weight or size.⁴

The Federal-Aid Highway Act of 1956 (P.L. 84-627) authorized significant new Federal funds for the construction of our nation's Interstate Highway System. The same legislation set a maximum weight of 18,000 pounds on one axle, 32,000 pounds on a tandem axle, and a Gross Vehicle Weight ("GVW") of 73,280 pounds for vehicles to be permitted to use the new Interstate system. The Committee on Public Works report accompanying the House-passed bill sets forth the rationale behind this limitation: "The Committee recognizes that maximum weight limitations for vehicles using the highways are fundamentally a problem of State regulation, but feels that if the Federal Government is to pay 90 percent of the cost of the Interstate System improvements it is entitled to protection of the investment against damage caused by heavy loads on the highway."⁵ Regarding truck size, this legislation also set a maximum width limit of 96 inches. The legislation called for a state's apportionments of Interstate system funds to be withheld from any state that did not conform to both the size and weight standards. However, the legislation also qualified this national standard by permitting any State law or regulation that allowed a larger truck weight as of July 1, 1956, to remain in effect. This provision was the first of several "grandfather" clauses that Congress would enact over the years to allow States to retain higher weight and size tolerances.

Congress enacted the next significant changes to truck size and weight standards in 1974. The Federal-Aid Highway Amendments Act of 1974 (P.L. 93-643) increased axle limits to 20,000 pounds on one axle and 34,000 pounds on a tandem axle, and established a maximum GVW of 80,000 pounds. This legislation was significant because it also established a "bridge formula" that established rules for the spacing of axles and the maximum weight allowed on any group of axles, based on the number of axles in the group and the distance between the axles.⁶ The Federal Bridge Formula is codified in Section 127 of title 23, United States Code, and remains in effect today. The 1974 Act expanded grandfather rights of States by allowing vehicles allowed under the 1956 Act to continue to operate, even if they exceeded the bridge formula.

¹ The history of truck size and weight laws is summarized in several sources, including: Transportation Research Board Special Report # 223, *Providing Access for Large Trucks* (1989); U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, Volume II, Chapter 2 (FHWA-PL-00-029, August 2000); Transportation Research Board Special Report #267, *Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles* (2002).

² Transportation Research Board Special Report # 223, *Providing Access for Large Trucks* (1989).

³ U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, Volume II, Chapter 2 (FHWA-PL-00-029, August 2000).

⁴ *Id.*

⁵ House Report No. 2022, 84th Congress, p. 10.

⁶ The Federal Bridge Formula is calculated as follows: $W = 500 [LN \backslash (N-1) + 12N + 36]$, where W = maximum weight in pounds carried on any group of two or more consecutive axles; L = distance in feet between the extremes of the axle group; and N = number of axles in the axle group.

The 1974 law did not require all states to allow trucks weighing 80,000 pounds on the Interstate system. Seven states – six contiguous states in the Mississippi Valley and Montana – retained lower weights. The six southern states became known as “barrier states” because they affected cross-country travel and interstate commerce. In 1982, Congress enacted a law to standardize minimum weights on the Interstate system, in response to the barrier state problem, by mandating that all states increase their minimum weight limits to 80,000 pounds. However, based on previous grandfather clauses, many states were permitted to retain higher limits. This legislation also further expanded the grandfather clauses of 1956 and 1974 regarding truck weights by allowing states to include overweight vehicles under the grandfather clause that could have legally operated under state law in 1956 or 1974, rather than limiting grandfather rights to those specific operations that were in existence and permitted at the time of the grandfathering.⁷

This law, the Surface Transportation Assistance Act of 1982 (P.L. 97-424), also mandated minimum standards for truck length of 48 feet for a single trailer and 28 feet per trailer for trailers in combination. Once again, the legislation included a grandfather clause for laws or regulations in states that allowed longer trucks to remain in place. These mandates applied not only to Interstate highways, but to the “National Network”, a system of approximately 209,000 miles of roads.

In the Intermodal Surface Transportation Efficiency Act of 1991 (“ISTEA”)(P.L. 102-240), Congress enacted a “freeze” of the size and weight of Longer Combination Vehicles (“LCV”). An LCV was defined in the legislation as “any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.”⁸ Common types of LCVs include Turnpike Doubles, Rocky Mountain Doubles, B-Train Doubles, and Triples. The freeze restricted LCVs to 16 states west of the Mississippi River and five state turnpikes east of the Mississippi River. This freeze was put in place to prevent states from continuing to add new configurations of vehicles or routes on which use of LCVs could have been allowed under grandfather rights.

Federal Weight Requirements

Federal weight standards, as codified in Section 127 of title 23, United States Code, apply only on the nation’s 44,000 mile Interstate Highway system. Section 127 sets forth the following weight requirements: 20,000 pounds on a single axle; 34,000 on a tandem axle; and 80,000 pounds GVW. In the statute, these weights are both maximums and minimums: a State must allow vehicles of this weight on the portions of the Interstate Highway system within its borders if the State does not want to lose its Federal-Aid Highway apportionment funds; a State may not allow vehicles weighing more than this on its Interstates unless it has grandfather rights from 1956 or 1974.⁹ In addition to the overall weight standards, a State must meet the requirements of the Federal Bridge Formula, unless it has grandfather rights from 1974.

⁷ For a more complete discussion of the provisions of this Act and resulting litigation, see U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, Volume II, Chapter 2, pages 6-7 (FHWA-PL-00-029, August 2000).

⁸ Codified in Section 127(d)(4) of title 23, United States Code

⁹ States also have broad ability to issue permits to allow movements of trucks with sizes and weights that exceed the Federal limit.

Section 127 has additional statutory exemptions from the weight standards beyond the above-mentioned grandfather rights. If a State determines that a vehicle or its load "cannot be easily dismantled or divided" to fall under the 80,000 pound limit, this is known as a non-divisible load and the State may issue a permit for the overweight vehicle.¹⁰ Some states also secured a separate grandfather date in order to allow higher weights today than were allowed in 1956 or 1974, including: Hawaii (1960), Michigan (1982), Maryland (1993), New Hampshire (1987), and Maine, for the southern terminus of the Maine turnpike operations (1995). In addition, the following specific operations are exempt from the 80,000-pound limit in statute:

- Vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota;
- Vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska;
- Vehicles designed to carry two or more precast concrete panels in Colorado are considered a non-divisible load; and
- Vehicles hauling sugarcane during the harvest season, not to exceed 100 days annually, may carry up to 100,000 pounds in Louisiana.

In addition, Section 127 contains the statutory language implementing the LCV freeze that froze the size, configuration, weight, and roadways on which LCVs are allowed in States. According to the U.S. Department of Transportation's Federal Highway Administration ("FHWA"), only a few of the 21 states which allowed LCVs in 1991, now frozen in place, have the same size and weight standards.¹¹

Federal Size Requirements

Current truck size laws are codified in Sections 31111 through 31115 of title 49, United States Code. Federal length and width laws apply on both the Interstate highway system and the broader National Network, codified in FHWA regulations in section 658 of title 23, Code of Federal Regulations. Federal law requires a width of 102 inches to operate on the National Network, and Federal law prohibits a State from prescribing standards of "more or less than" this measurement.¹² There is no Federal length limit on the National Network; instead, Federal law requires a minimum 28-foot length for trailers in a double combination and 48-foot length for a semitrailer.¹³ Federal law, in Section 31111 of title 49, United States Code, specifically prohibits States from imposing "an overall length limitation on a commercial motor vehicle operating in a truck-trailer-semi-trailer or truck-tractor-semi-trailer-trailer combination." Currently, 16 states allow semitrailer lengths greater than 53 feet. For LCVs, or those longer vehicles which also exceed Federal weight limits, states are subject to the 1991 freeze. There is no Federal standard for vehicle height.

State Variances

¹⁰ What constitutes a divisible load is not always intuitive. For instance, according to FHWA, in some states, milk is considered a non-divisible load.

¹¹ FHWA briefing for Committee staff, June 24, 2008.

¹² 49 U.S.C. 31113

¹³ *Id.*

Federal standards only apply to the Interstate system (weight) and the National Network (length and width). Beyond these roads, states have the authority to set their own weight and size limits. In practice, due to the existence of grandfather rights and other authority granted to states over the years, actual length and weight limitations, even on our nation's Interstate Highway system, vary significantly from state to state and in many cases are far higher than the 80,000-pound limit. In the 2000 *Comprehensive Truck Size and Weight Study*, FHWA summarizes the broad reach of the exemption process for truck weights:

"There are four basic weight limits: single axle, tandem axle, bridge formula and gross vehicle...When taken together, the 50 States and the District of Columbia have created 40 different combinations of these eight limits. Only seven States apply the Federal limits Statewide without modification or 'grandfather right' adjustment. Even in these seven, however, the upper limits for routine permits are all different."¹⁴

In addition to grandfather rights, States have the authority to issue permits for overweight loads. States set their own procedures, fees, and types of permits, and in most cases, are not limited by an upper weight limit for which they can issue permits. These permits vary and can be single trip permits, multi-trip permits, or "routine" permits, which, as the name implies, are more representative of standard operations than exceptions. Some of these permits are issued on an annual basis. FHWA data shows that in 2007, in total, States issued over 3.7 million non-divisible load trip permits and 334,084 non-divisible load annual permits. Divisible load permits tend to be issued for heavier truck operations which have been grandfathered in over the years for which permits are still required.¹⁵ In 2007, States issued a total of 46,651 divisible load trip permits and 354,585 divisible load annual permits.¹⁶ The agency is encouraging states to convert to electronic reporting of annual State Enforcement Plans, described further below, so that up to date data is easily available.¹⁷

The attached chart, prepared by FHWA, provides an overview of current size and weight allowances by state. While the majority of states are technically limited to 80,000 pounds on the Interstate Highway system, as the chart shows, due to exemptions and permitting, virtually all states allow vehicles exceeding 80,000 pounds under certain circumstances to operate on Interstates and other roads.

Enforcement

FHWA is the Federal entity responsible for administering the nation's truck size and weight laws. Primary responsibility for enforcement of size and weight laws, however, falls on states, and is most often conducted by state Departments of Transportation or law enforcement agencies such as the Highway Patrol. States are required to annually submit to FHWA State Enforcement Plans and a certification from the Governor that the State is enforcing Federal standards with respect to size

¹⁴ *Comprehensive Truck Size and Weight Study*, Volume II, Chapter 2, page 12.

¹⁵ Non-divisible load permits are issued for loads which cannot be divided, but divisible load permits are often issued for routine operations that are allowed in the State in excess of Federal limits. Phone conversation with Mike Onder, Office of Freight Technology & Operations, FHWA, 7/7/08.

¹⁶ State data were compiled by FHWA for Committee staff. These permits include travel on all roads in the state, and are not limited to permits for operation on the Interstate Highway system.

¹⁷ FHWA briefing for Committee staff, June 24, 2008.

and weight. This submission includes data on enforcement practices, permits, and violations. According to data compiled by FHWA, States reported 603,144 overweight violations in 2007.

If a state fails to submit a certification or the state is otherwise found to not be enforcing Federal law, FHWA can withhold 10 percent of all Federal-aid highway apportionment funds from the state in the next fiscal year. A state stands to lose its entire National Highway System apportionment if it imposes commercial vehicle weight limits for operation on the Interstates that do not conform to Federal standards (either above or below Federal requirements). There is no provision for withholding of funds for vehicle size violations by states; instead a state is subject to civil action for injunctive relief brought by the Department of Justice.

Impacts of Truck Size and Weight Laws

According to Federal Motor Carrier Safety Administration ("FMCSA") data, there are nearly 700,000 motor carriers registered with DOT, which operate nearly 5 million power units. Given the large number of commercial motor vehicles in operation in the U.S., size and weight laws have a significant impact on the condition of our highways and bridges, on the safety of the traveling public, and on interstate commerce.

The first truck weight laws were instituted by States to protect roads from damage and degradation from heavy trucks. When the Federal-aid highway system was constructed, the Federal Government took similar precautions and enacted Federal weight limits to protect its investment. Assessing the impact of heavy trucks on our nation's highway and bridge infrastructure, and whether trucks pay for their share of infrastructure costs, is a significant factor in evaluating whether truck weight standards are effective in meeting the goals of infrastructure protection.

The Federal tax rate on a gallon of diesel fuel is 24.4 cents, compared to 18.4 cents for a gallon of gasoline. The higher rate of taxation for diesel is partly because larger vehicles that typically use diesel fuel have a bigger impact on highway infrastructure. In addition, trucks pay several other taxes that are deposited into the Highway Trust Fund. Proceeds from a 12 percent federal tax on the sales price for trucks over 33,000 pounds GVW and trailers over 26,000 pounds GVW are deposited into the Highway Trust Fund. Truck tires are taxed at a rate of 10 cents for each 10 pounds of maximum rated load capacity over 3,500 pounds and the proceeds from that tax are deposited into the Highway Trust Fund. All trucks over 55,000 pounds GVW are also required to pay an annual Heavy Vehicle Use Tax which is deposited into the Highway Trust Fund.

In 2000, FHWA published an addendum to its 1997 Federal Highway Cost Allocation Study. This addendum calculated highway user fee equity ratios, or the share of revenues contributed by each class of vehicle (including passenger cars, vans, buses, and trucks segregated by weight class) to the shares of highway costs contributed by each vehicle. This study found the following in 2000:

"Now, only the very lightest combination trucks pay their share of Federal highway cost responsibility. The most common combination of vehicles, those registered at weights between 75,000 and 80,000 pounds, now pay only 80 percent of their share of Federal highway costs and combinations registered between 80,000 and 100,000 pounds pay only half their share of Federal highway costs. Any future increase in Federal fuel taxes without

corresponding increases in taxes on the heaviest trucks will further exacerbate the underpayment of Federal user fees by heavy trucks”¹⁸.

The practice of state permit issuance further compounds this trend. In its 2000 *Comprehensive Truck Size and Weight Study*, FHWA found that between 1985 and 1995, the number of overweight permits “increased dramatically”, but the fees for permits changed little in that time. FHWA observed that: “Historically, [fees] have not been set on an infrastructure cost occasioned basis. The fees are usually established to recover the costs to administer the permit programs.”¹⁹

In 2006, nearly 5,000 people were killed in crashes involving large trucks, and an additional 106,000 were injured. Truck size and weight laws impact safety on roads. While it is difficult to isolate the direct impacts on crash rates of size and weight factors, because multiple factors contribute to truck crashes, truck weights and lengths affect stopping distances, braking, and vehicle stability and control. Further, in some cases, divergent truck size and weight requirements may impact the selection of a route, which can expose certain roads to a higher portion of truck traffic. Specifically, some communities have raised safety concerns that weight limits have forced freight traffic to bypass Interstate highways because state roads have higher weight allowances.

These and other impacts of truck size and weight laws will be addressed in witness testimony.

¹⁸ FHWA, “Addendum to the 1997 Federal Highway Cost Allocation Study, Final Report”, May 2000.

¹⁹ *Comprehensive Truck Size and Weight Study*, Volume II, Chapter 2, page 22.

Page Two	Weight Limits on Interstates	Maximum Weight Allowed Under LCV Freeze	Permits Required	State Trailer Lengths on I-95 Network	Maximum Trailer Length under LCV Freeze	Non-Vehicular Trip/Annual Permits					Divisible Trip/Annual Permits					Overweight Violations		
						2005 Trip/Annual	2006 Trip/Annual	2007 Trip/Annual	2008 Trip/Annual	2009 Trip/Annual	2005 Trip/Annual	2006 Trip/Annual	2007 Trip/Annual	2008 Trip/Annual	2009 Trip/Annual	2005	2006	
State New Mexico	85,000 (67)	85,000	NO	57'-5"	11	14,000 / 3,823	15,110 / 4,083	14,232 / 4,182	2 / 270	0 / 301	0 / 301	0 / 301	0 / 301	0 / 301	2,005	2,005	2,007	1,330
New York (6)	80,000	143,000	YES	48'-0"	102	177,484 / 4,571	174,677 / 2,221	198,784 / 4,710	0 / 189,880	0 / 207,487	0 / 207,487	0 / 207,487	0 / 207,487	0 / 207,487	5,828	7,857	6,836	6,836
North Carolina	80,000	80,000	YES	48'-0"	102	88,278 / 8,488	80,083 / 8,516	98,614 / 9,809	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	14,218	21,934	28,011	28,011
North Dakota	80,000	105,500	YES	53'-0"	102	22,287 / 0	27,165 / 0	31,003 / 0	28,889 / 530	29,177 / N/A	28,283 / 102	28,283 / 102	28,283 / 102	28,283 / 102	1,044	1,751	830	830
Ohio	80,000	127,400	YES	53'-0"	102	105,058 / 2,914	108,783 / 3,187	108,151 / 2,874	8,328 / 18,848	8,017 / 21,415	9,854 / 21,453	9,854 / 21,453	9,854 / 21,453	9,854 / 21,453	22,056	19,354	19,275	19,275
Oklahoma	80,000	80,000	YES	56'-0"	110	80,749 / 1,137	81,828 / 1,411	71,442 / 1,537	0 / 878	0 / 741	0 / 865	0 / 865	0 / 865	0 / 865	4,045	3,759	6,209	6,209
Oregon	80,000	105,500	YES	53'-0"	98	19,338 / 20,483	52,185 / 18,378	125,618 / 55,188	811 / 109,237	0 / 169,767	0 / 127,084	0 / 127,084	0 / 127,084	0 / 127,084	43,095	22,384	30,441	30,441
Pennsylvania	80,000	80,000	YES	53'-0"	102	N/A	235,888 / 2,945	217,107 / 2,997	N/A	4 / 817	4 / 825	4 / 825	4 / 825	4 / 825	N/A	N/A	1,765	1,765
Rhode Island	80,000	80,000	YES	48'-0"	102	10,788 / 275	10,850 / 282	10,785 / 275	0 / 8,348	0 / 5,471	0 / 5,348	0 / 5,348	0 / 5,348	0 / 5,348	91	28	186	186
South Carolina	80,000	80,000	YES	48'-0"	102	70,144 / 8,945	75,887 / 8,857	67,885 / 7,882	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	13,056	14,158	12,002	12,002
South Dakota	80,000	128,000	YES	53'-0"	102	30,378 / 8,017	45,413 / 5,122	51,389 / 5,930	314 / 578	475 / 542	383 / 1,078	383 / 1,078	383 / 1,078	383 / 1,078	1,820	2,401	2,814	2,814
Tennessee	80,000	80,000	YES	59'-0"	102	105,383 / 4,209	112,619 / 4,261	124,554 / 4,618	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	5,947	5,947	5,858	5,858
Texas	80,000	80,000	YES	59'-0"	102	131,317 / 13,628	141,864 / 16,588	158,380 / 19,919	0 / 24,781	0 / 28,028	0 / 32,948	0 / 32,948	0 / 32,948	0 / 32,948	27,858	27,040	32,672	32,672
Utah	80,000	128,000	YES	48'-0"	98	13,819 / 1,488	15,882 / 1,814	17,288 / 2,383	2,385 / 8,125	2,412 / 10,058	1,886 / 13,058	1,886 / 13,058	1,886 / 13,058	1,886 / 13,058	5,211	5,538	5,748	5,748
Vermont	80,000	80,000	YES	48'-0"	102	30,020 / 2,239	30,381 / 2,053	30,208 / 2,068	0 / 4,544	0 / 5,101	0 / 4,816	0 / 4,816	0 / 4,816	0 / 4,816	710	470	622	622
Virginia	80,000	80,000	YES	48'-0"	102	72,885 / 11,273	74,989 / 12,021	78,573 / 13,370	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	87,208	89,098	84,841	84,841
Washington	80,000	105,500	YES	48'-0"	98	88,388 / 27,177	73,359 / 4,244	80,108 / 4,824	831 / 18,872	175 / 2,827	728 / 3,218	728 / 3,218	728 / 3,218	728 / 3,218	9,553	19,281	15,810	15,810
West Virginia	80,000	80,000	YES	48'-0"	102	35,823 / 887	39,474 / 1,553	41,723 / 1,786	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	2,857	1,763	1,475	1,475
Wisconsin	80,000	80,000	YES	48'-0"	102	15,805 / 4,187	43,573 / 12,024	18,016 / 4,728	18,016 / 4,728	18,016 / 4,728	18,016 / 4,728	18,016 / 4,728	18,016 / 4,728	18,016 / 4,728	10,880	6,890	6,394	6,394
Wyoming	80,000	117,000	NO	57'-0"	81	64,138 / 278	69,884 / 388	83,814 / 281	251 / 785	387 / 778	388 / 815	388 / 815	388 / 815	388 / 815	1,858	2,340	2,058	2,058
National Totals:						2,882,034 / 230,445	3,435,828 / 255,268	3,783,238 / 334,884	43,881 / 388,881	43,881 / 388,881	43,881 / 388,881	43,881 / 388,881	43,881 / 388,881	43,881 / 388,881	154,565	618,682	810,630	603,144
Total Permits:						2,922,539	3,482,248	4,117,323	452,792	670,711	401,238	401,238	401,238	401,238				

Source: Federal Highway Administration

Notes:

- (67) Grandfathered weight legally authorized under state law on July 1, 1995
- Maximum Weight Allowed Under LCV Freeze: Highest weight for multiple vehicles in this category
- State Trailer Lengths on I-95 Network: STLA of 1982 required states to allow a trailer of 48 ft. on I-95 National Network - lengths greater than 48 ft. grandfathered - indicated with asterisk (*)
- Maximum Weight Allowed Under LCV Freeze: Highest weight for multiple vehicles in this category
- Divisible Permit Data for New York under review

WITNESSES

Panel I

Mr. Jeffrey F. Paniati*
Executive Director
Federal Highway Administration
Washington, DC

*accompanied by Mr. William Quade, Assistant Administrator for Enforcement, Federal Motor
Carrier Safety Administration

The Honorable David Cole
Commissioner
Maine Department of Transportation
Augusta, ME

Jeff G. Honefanger*
Manager, Special Hauling Permits
Ohio Department of Transportation
Columbus, OH

*accompanied by Denny Silvio, Louisiana Dept of Transportation and Development

Mr. Mike Opat
Commissioner
Hennepin County, Minnesota
Minneapolis, MN

Panel II

Mr. Vincent Brezinsky
Driver
Teamsters Local 745
Dallas, TX

Mr. Tom Carpenter
Director of Transportation - Global Supply Chain
International Paper
Memphis, TN

Mr. Gerald A. Donaldson
Senior Research Director
Advocates for Highway and Auto Safety
Washington, DC

Mr. Bill Farrell
Independent Driver
Owner-Operator Independent Drivers Association
Missoula, MT

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Captain John Harrison
President
Commercial Vehicle Safety Alliance
Washington, DC

Mr. Mike Smid
President and CEO
YRC North American Transportation
Overland Park, KS

Mr. Mike Spradling
President, Oklahoma Farm Bureau
on behalf of American Farm Bureau Federation
Tulsa County, OK

HEARING ON TRUCK WEIGHTS AND LENGTHS: ASSESSING THE IMPACTS OF EXISTING LAWS AND REGULATIONS

Wednesday, July 9, 2008

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 2167, Rayburn House Office Building, the Honorable Peter A. DeFazio [Chairman of the Subcommittee] presiding.

Mr. DEFAZIO. The Subcommittee will come to order.

We have before us today an issue which has, over the years, proved contentious, which is truck weights and lengths, and the theme of the hearing is ostensibly to assess the impacts of existing laws and regulations.

I have read all the submitted testimony. I have to say that I don't think anybody can say that the current system makes much sense, and you can't really even call it a system in any meaningful way, with all of the so-called grandfathering in, the exemptions, the State interpretations and the lack of Federal enforcement, and so on and so forth.

So what I am going to suggest to people today is that, if possible—I know it is hard for folks—I would invite you in any way to depart from your prepared testimony and sort of meaningfully give us a vision of what you think the direction should be from the Federal Government in dealing with this issue for the future, rather than regurgitating all of the past failures and all of the history and all that. We are quite familiar with that. But where do we go from here? How do we make sense out of this system?

I will just give one little example, which is a little off the topic, but it does go to weights. Congress felt that it would be desirable that if truckers were to install APU systems, they could save fuel and improve air quality—they weigh 400 or 500 pounds—that they should be exempt from strict State weight regulations in those States which do enforce weight regulations. Some don't. And our Federal bureaucracy, in its wondrous way, has decided that the word "shall" was not mandatory because we didn't specifically preempt State laws. A number of States have chosen to ignore the fact that these APUs would be beneficial in terms of our energy crisis, our shipping costs, and our air quality, particularly the State of California, which is theoretically a leader in all that, and ding people for the extra weight of these units.

So it seems like the Federal Government can't even deal with this in the most insignificant of ways, let alone the more major issues that relate to safety of our highways in terms of truck weights. So again, I think we are at the point here of admitting we have a total failure and we have got to begin to look toward a new future, and I invite you to give us that vision, rather than plodding through your prepared testimony; and anybody who can do that will get extra points.

With that, I will turn to Mr. Duncan.

Mr. DUNCAN. Well, thank you very much, Mr. Chairman. Thank you for calling this hearing. I want to thank the witnesses for coming today. There has been a steady growth, as all of us know, in the demand for freight transportation, and some of these statistics are pretty interesting.

Over 20 billion tons of freight, valued at more than \$14 trillion, move through our transportation system each year, and by the year 2035 these numbers are expected to more than double. Federal regulations governing the size and weight of trucks on our major highways, of course, affect not only the efficiency of freight and passenger movement, but also interstate commerce, infrastructure construction and maintenance costs, and, of course, highway safety.

The size limits that we are discussing today were first set in the Federal-Aid Highway Act of 1956 that initiated the construction of the interstate highway system. Over time, these limits have evolved to the current framework of laws and regulations governing the size and weight of trucks on the interstate highway system and the national network.

These subjects can be very controversial. I remember several years ago, when Chairman Oberstar and I dealt with the issue of triple trailer trucks and the effort to expand those beyond the States where they are presently allowed. Of course, many other aspects are controversial as well, and we have a wide variety of witnesses today representing all aspects of this issue. So I look forward to hearing your testimony and I yield back the balance of my time.

Mr. DEFAZIO. I thank the gentleman for his brief opening statement.

Are there other opening statements? Mr. Chairman?

Mr. OBERSTAR. Yes.

Mr. DEFAZIO. Go ahead.

Mr. OBERSTAR. I appreciate your calling this hearing and the comments that you have made, Mr. Chairman, and those of Mr. Duncan.

Trucking clearly is a cornerstone of the Nation's economy. If you have got something, it came by a truck, probably first by a railroad and then a truck or first a truck, then a railroad and then a truck. In the day of just-in-time deliveries, our highways have become rolling inventory warehouses and commercial truck traffic has doubled over the past 20 years, and will continue to grow. The Department of Transportation estimates in the range of 3 percent annual growth over the next dozen years.

So the issue of truck weights and sizes becomes a national issue, and, yet, it has been a patchwork quilt across the Country of exceptions and exemptions by various States. In fact, there were some

4.6 million special exemptions given over the last year, oversize and overweight permits, and that number has increased substantially over the past two decades.

On the one hand, we have this increase in exemptions for oversize and overweight, and yet, the fees for those permits have changed little in that period of time. In fact, the fees are not related at all to the effect of the weight and number of trucks and their pressure on the road surface to deterioration of our highway and bridge infrastructure. So States set fees to cover the cost of administering the permit program, not to cover the cost of the effect of the overweight/oversize trucks on the road surface or the bridges.

The second thing, in addition to those weight factors, is truck-car crashes. We have been averaging 5,000 fatalities a year in truck-car crashes, and that has been roughly the same since 1984, when there were 4,908 fatalities between heavy trucks and automobiles. And in the overwhelming preponderance of those cases, the inhabitant of car is the loser. Fifty percent of passenger car occupants were injured 20 years ago; 54 percent of the accidents happened on the Federal highway system; and only 920 of the fatalities were the truck driver or the occupant of the truck. We have to do a whole lot better job than we have been doing for safety on the Nation's roadways with large trucks.

Longer and heavier trucks require longer stopping distances, significantly longer. They are far more difficult to maneuver safely in exit and merge lanes, because those off ramps built in the 1950s or 1960s were not made for those longer trucks. They are less stable; they are harder to handle than shorter vehicles; they have difficulty staying in the flow of traffic on steep grades. Add to that stress and driver fatigue and high rollover rate. Those are issues that we have to consider, the safety element of longer combination vehicles.

We are not alone. The European community has dealt with the highway fatality issue as well. Five years ago they had 53,000 fatalities for 500 million people in the 27 member communities. Last year they had cut that down to 43,000 fatalities, and that is roughly where we are in the United States. If they can do that in the European community in a five year period, we ought to be able to do as well in the United States, and we are going to put a much greater effort toward that purpose in this Committee in the next authorization bill.

So putting in size and weight changes incrementally, State-by-State, permit-by-permit is not a national solution, is not a national approach. We have to study carefully and evaluate the large portfolio we have of truck safety issues before we go any further with doubles and triples and other longer combination vehicles, and heavier weights that are exacting a toll on the Nation's roadways and bridges.

I look forward to hearing the recommendations and the testimony of this panel and the subsequent witnesses.

I did attempt to evaluate this with Mr. Michaud last year and the year before. We tried to craft a pilot program for two States that would include a rigorous analysis of safety and infrastructure effects, but using the Federal Highway Administration formula of

paying for this pilot program, but ultimately both States backed out of paying, making a contribution to the cost of running the pilot program, so I abandoned the idea. We will see whether there are any other fruitful ideas forthcoming from this hearing.

Thank you, Mr. Chairman.

Mr. DEFAZIO. Thank you.

With that, we will proceed to the panel. We have 11 witnesses today, so we want to move along.

First would be Mr. Jeffrey Paniati, Executive Director, Federal Highway Administration.

TESTIMONY OF JEFFREY F. PANIATI, EXECUTIVE DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION, WASHINGTON, D.C.; ACCOMPANIED BY WILLIAM QUADE, ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION; THE HONORABLE DAVID COLE, COMMISSIONER, MAINE DEPARTMENT OF TRANSPORTATION; JEFF G. HONEFANGER, MANAGER, SPECIAL HAULING PERMITS, OHIO DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY DENNY SILVIO, WEIGHT ENFORCEMENT AND PERMITS ADMINISTRATOR, LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; AND MIKE OPAT, COMMISSIONER, HENNEPIN COUNTY, MINNESOTA

Mr. PANIATI. Mr. Chairman and Members, thank you for the opportunity to testify on Federal regulation of truck size and weight. With me today is Bill Quade. Bill is the Federal Motor Carrier Safety Administration's Associate Administrator for Enforcement and Program Delivery.

We have a proud history at the Federal Highway Administration, and our most important chapter began with President Eisenhower and his vision for the Interstate Highway System that connects America to move people and goods across the Country in a safe, efficient, and reliable way. Although construction of the interstate system has been completed, our mission of ensuring safe, efficient, and reliable highways continues.

We must do all we can to improve safety for all highway users, support economic growth by promoting efficient freight movement, and ensure preservation of our existing infrastructure. Monitoring and enforcing Federal truck size and weight requirements are key to achieving these goals.

Federal involvement in truck size and weight dates back to the establishment of the Interstate System in 1956. Although truck size and weight limits have evolved over the years, the 1956 Act included a grandfather clause allowing States to retain any higher axle and gross vehicle weight limits that they had already enacted, as well as their authority to continue issuing overweight permits under the conditions in effect in that year.

The current length and width restrictions apply on the National Network, which includes the Interstate System and other roadways designated by the States and incorporated in Federal regulation. Weight restrictions apply on the Interstate System. Beyond the Interstate System, States may set their own weight limits.

FHWA Division staff work closely with State transportation and enforcement officials to facilitate and ensure compliance with truck

size and weight requirements. States provide FHWA annual certifications that include enforcement plans and updated information on size and weight enforcement activities. States face a 10 percent reduction of certain Federal-aid funds if they fail to certify or adequately enforce all Federal size and weight requirements.

If a State enacts laws or regulations establishing weight limits for trucks that violate Federal weight standards, the State is subject to the loss of its entire National Highway System apportionment. A State that violates Federal size requirements is subject to a civil action for injunctive relief in Federal district court.

FHWA also has underway a number of research and program activities intended to promote the smooth, safe, and secure flow of freight vital to our Nation's economy and our global competitiveness. Our current estimates indicate that less than 1 percent of trucks weighed are issued citations for being illegally overweight. This means that too many trucks at legal weight are having their trips needlessly interrupted.

FHWA is working with FMCSA on roadside automated enforcement tools that will support the weighing and inspecting of trucks at highway speeds, which can improve productivity without compromising safety or infrastructure preservation.

As part of the Department's Congestion Initiative, we are looking at the possibility of improving freight movement through truck-only lanes and engaging shippers, the trucking industry, and safety advocates in discussions of this option. Additionally, the Corridors of the Future Program is giving us the chance to develop multi-State, corridor-wide strategies for congestion relief. One such corridor is I-70, where the participants will be studying the feasibility of dedicated truck lanes.

State permitting practices vary from State to State due to grandfather clauses, non-divisible load determinations, and special statutory exemptions. These variations sometimes present a challenge to the transport of oversize loads across State boundaries, as is the case for trucks carrying manufactured housing in several Northeastern States. FHWA has facilitated discussions with industry executives and State permit officials on coordinated movement of oversize loads in this region and we are moving toward a pilot for harmonized permitting activities in 2009. We are also working closely with the regional organizations of AASHTO on this issue to streamline the permitting process and interoperability between States.

We look forward to continued work with you, the public, and the stakeholders to improve the safety, security, and productivity and mobility in the Nation's transportation system. Thank you again for the opportunity to testify. We would be pleased to answer any questions you may have.

Mr. DEFAZIO. Thank you.

With that, we go to our next witness, the Honorable David Cole, Commissioner, Maine Department of Transportation. Mr. Cole.

Mr. COLE. Chairman DeFazio, Member Duncan, Members of the Committee, I am David Cole, Commissioner of the Maine Department of Transportation, and I want to thank you for this invitation to speak today as well.

The State of Maine has just under 23,000 miles of public roads. In Maine, 6-axle combination vehicles are allowed to have a gross vehicle weight of up to 100,000 pounds on all roads except for 250 miles of non-exempt portions of the interstate system, which, of course, are subject to Federal weight restrictions. As a result, heavier trucks must divert from interstate highways to State roads that pass through a number of Maine towns, villages, by playgrounds and schools, making our communities less safe and impacting our secondary road system.

Now, we have two possible options for mitigating these impacts: either Congressional action to allow Maine to raise the weight limits or, conversely, reducing truck weight limits on State jurisdiction roads to 80,000 pounds.

In 2002, MaineDOT contracted with Wilbur Smith Associates to examine these impacts of a Federal weight exemption on currently non-exempt portions of our interstate system, looking at safety, our economy, and impacts to infrastructure.

In terms of safety, according to the Wilbur Smith study, a Federal exemption would reduce Maine's crash rate by more than three crashes a year by shifting heavy traffic to the safer interstate roadways. The study noted that crash rate experience of 5-and 6-axle combination trucks was consistent with national findings that show that rural interstates are three to four times safer than rural secondary roads. A Federal truck weight exemption would remove an estimated 7.8 million loaded truck miles of travel from Maine's roadways, and if you reduce State weight limits to 80,000 pounds and rolled them back, it would require 38 percent more trucks to move the same amount of goods as 100,000 pound vehicles due to percentage less of payload carried by 80,000 pound vehicles.

So in terms of our economy, Maine businesses are at a distinct competitive disadvantage with businesses in surrounding jurisdictions due to the current lower truck weight limits on Maine's interstate compared to surrounding provinces and States. A Federal truck weight exemption would enhance the trade corridor between Canada and the Northeast United States by eliminating the 200-mile truck gap that exists under current laws. The Federal truck weight exemption would lower transportation costs by decreasing truck miles traveled per volume of goods, reducing fuel usage and reducing dependence on foreign oil.

Governor Baldacci and the Members of Maine's congressional delegation have been working with Maine's forest products industry, which is the backbone of our rural economy, to help soften the blow they are experiencing from escalating fuel costs. This is one common sense initiative that will help provide much needed relief to this industry and others.

In terms of our infrastructure, MaineDOT study findings indicate that an interstate truck weight exemption would save the State between \$1.3 million and \$2 million annually in bridge and pavement costs. A companion study of the currently exempted Maine Turnpike estimated that the Federal truck weight exemption on that highway, which allows the higher limits, saves the State currently between \$2.1 million and \$3.2 million annually in pavement and bridge costs. And yes, lowering the State truck limit to 80,000 pounds would reduce the per vehicle infrastructure impacts; how-

ever, this is more than offset when you factor in payload, as additional vehicles would be needed, which would impact our roadways.

In terms of the environment, the Federal truck weight exemption would also reduce Maine and the Nation's dependence on foreign oil by eliminating the need to divert to less direct routes and more congested routes, and by increasing payload capacities, thereby reducing the number of truck miles traveled. Fewer trucks means less emissions and less congestion.

In conclusion, a Federal truck weight exemption for the remainder of Maine's interstate system will significantly improve overall roadway safety and economic competitiveness for Maine's businesses, while reducing fuel and infrastructure costs and environmental impacts.

Now, Mr. Chair, I appreciate your comments about offering a vision for the future. That is our Maine story. We are open to solutions, but we have a situation here where every day I have Maine people looking me in the eye and looking at the interstate and saying why can't the trucks travel on the interstate. It was built for this. Why? And we are open as a State to working with our counterparts and working with you and our delegation to find ways to improve the entire system.

Mr. DEFAZIO. Okay, thank you.

With that, we turn to Mr. Jeff Honefanger, Manager, Special Hauling Permits, Ohio Department of Transportation.

Mr. HONEFANGER. Mr. Chairman, Members of the Committee, good morning. I am Jeff Honefanger, Manager of the Ohio Department of Transportation Special Hauling Permit Section. I am appearing on behalf of AASHTO, the American Association of State Highway and Transportation Officials, where I am the Vice Chair of the AASHTO Subcommittee on Highway Transport, which is responsible for truck size and weight issues for AASHTO.

With me today is Mr. Denny Silvio of the Louisiana Department of Transportation and Development. Mr. Silvio has over 20 years of work experience related to size and weight permitting and enforcement, currently serves as the Chair of the Oversize/Overweight Permit Task Force for the Subcommittee on Highway Transport.

Thank you for the invitation to speak and answer questions today.

The importance of effective truck enforcement and truck size and weight laws and regulations is not widely recognized or understood. Traditionally, size and weight laws, regulations and enforcement focus principally on infrastructure protection and safety, which still remain preeminent concerns. However, the case for change includes additional factors, such as the need to move more freight more efficiently, conserving energy and reducing greenhouse gas emissions.

Within this large and very complicated issue area, I have been asked to focus on the subject of oversize/overweight permits. This subject too is very complex and would require volumes to cover. In broad terms, oversize/overweight permits are special privileges which, when granted, waves the statutory dimension and weight limitations, allowing otherwise illegal vehicles to travel on public roadways.

Permits are not revenue instruments or paper processes designed to casually circumvent dimension and weight laws; they are a means by which States manage the safe movement of exceptional loads.

Generally, States have similar processes and practices for issuing permits. Information regarding the load, vehicle and desired routing are submitted, and, if the vehicle passes analysis, a permit may be issued.

While States have similar processes and practices, differences exist with regard to what States may permit. Safety and infrastructure preservation are the primary rationale when evaluating the issuance of a permit and account for most of the differences. However, oversize/overweight permits also play an important role in the economic well-being of a State, a region, or even the Nation.

Many States have established oversize/overweight permits for commodities or equipment that significantly contribute to a State's economic vitality. Striking a balance between infrastructure preservation and the creation or retention of jobs is a delicate endeavor.

Fortunately, by and large, State permitting processes have and continue to effectively manage the movement of oversize/overweight vehicles, thus safeguarding the public investment in highways and bridges.

Still, there are challenges on the horizon that must be addressed if these programs are to continue to be effective. Some of these are the increasing number of permitted vehicles; larger and heavier loads; recovering the cost of the wear and tear caused by oversize/overweight permitted vehicles; competition in a global economy; effective and efficient enforcement of overweight/oversize vehicles.

Despite these and other challenges, there is cause for optimism, as new technology and practices are being developed and implemented.

AASHTO, in its recommendation to the National Surface Transportation Policy and Revenue Study Commission, stated that "States, in collaboration with the freight transportation industry and the Federal Government, should investigate the feasibility of regional adjustments in truck size and weight in particular corridors that demonstrate important economic benefits and meet safety, pavement/bridge impact and financing criteria."

AASHTO is actively engaged in this recommendation through cooperation with the U.S. Department of Transportation and the trucking industry as we address the issues affecting oversize/overweight permits.

Mr. Chairman, Members of the Committee, the importance of this subject under discussion today would be hard to exaggerate. Oversize/overweight permits impact safety, infrastructure protection, economic vitality, and even the other transportation modes. In today's challenging transportation environment, productivity, fuel costs, driver shortages, congestion, greenhouse gas emissions, pavement life, and bridge dependability are pressures that have to be considered when issuing an oversize/overweight permit. It will be a great benefit to all to take on these challenges vigorously and effectively. On behalf of the AASHTO member States, I promise that we will work with you in that effort.

Thank you.

Mr. DEFAZIO. Thank you for your testimony.

We now turn to Mr. Mike Opat, Commissioner, Hennepin County, Minnesota.

Mr. OPAT. Good morning, Mr. Chairman and Members of the Committee. I am Commissioner Mike Opat from Hennepin County, Minnesota, the State's largest county, with more than 1.1 million residents, 45 cities, and beautiful Minneapolis as our county seat. I was first elected in 1992 to the county board.

I appreciate the opportunity to testify this morning on Federal limits to truck size and weight because the policy set by Congress will have a direct impact on Hennepin County, our 1600 lane miles of roads, and the 141 bridges that we own and maintain.

I will keep my remarks brief and will be happy to answer your questions today.

Let me simply begin by stating that Hennepin County is opposed to any increases in the size or weight of commercial trucks operating on our highways. This past April, the Hennepin County Board unanimously passed a resolution opposing any increase in truck size or weight, and the Minneapolis City Council unanimously approved a similar measure just three weeks ago.

As I am sure you understand, the safety of our roads and bridges is of particular concern to my constituents and me. Last August, 13 people were killed when the I-35W bridge collapsed in Minneapolis, it was a catastrophic failure of a major bridge and, having been on that bridge a few hours before it fell, it is truly miraculous that we only lost 13 people. The subsequent rush of bridge inspections led us to permanently close the Lowry Avenue Bridge, a 103-year-old Hennepin County bridge on a national highway system freight connector route. We must immediately replace that bridge and we are seeking Federal assistance to help do so. Lowry's four lanes over the Mississippi River added to the eight lanes lost by I-35W, has put a huge strain on the transportation system of the entire Twin Cities Metro area. Apart from Lowry, 10 of our bridges have a sufficiency rating below 50. We inspect 45 of our bridges annually for structural safety.

I am aware that there are groups lobbying Congress to raise the weight limit on single trailers to 97,000 pounds and also allow double-and triple-trailer trucks in excess of 50 tons. I certainly do not fault commercial trucks for causing the bridge catastrophe in Minneapolis, but increasing allowable truck size and weights on Federal highways, without question, will make Hennepin County's roads and bridges more dangerous.

Bigger, heavier trucks would also add to the cost of maintaining and upgrading our roads and bridges. Hennepin County highways are often indistinguishable from State and Federal roads in terms of size and importance on our transportation grids, which you can see from this map. The limits that Congress will set for trucks on Federal highways will impact Hennepin County roads in a major way because the majority of exits off Federal highways are onto county roads.

Let me give you a bit more detail on cost to Hennepin County, since I know many of you at one time were elected to public office for a city or county.

Hennepin County owns and maintains \$3.5 billion in highway and bridge assets. Our five-year capital program will invest nearly \$250 million in highway and bridge construction projects. We will spend more than \$119 million this year alone to inspect, maintain, and operate our transportation network. Increasingly, as the next graph shows, we must rely on property tax, our primary form of revenue, to effectively subsidize a highway system that our constituents already pay for through gas and vehicle sales taxes and registration fees.

Federal rate restrictions have never been higher than today's limit of 80,000 pounds. An increase in truck weights and sizes on Federal highways will directly trickle down to county roads, which were built at a time when there were fewer trucks and lighter trucks. Raising the cap on truck size and weight would also be counterproductive. While every bridge in Hennepin County is safe, when we discover structural problems on a bridge, our first step is to place a weight limit on its traffic.

This is no time to accelerate the deterioration of county and municipal roads and bridges. Over the past five years, Hennepin County has absorbed more than \$54 million in cuts in Federal aid. Almost all of our services and infrastructure obligations are required by law. We have done more with less repeatedly, but increasing demands on our highway system will require commensurate supply of tax revenue. It would hardly be fair for my constituents to pay with their personal safety and additional tax dollars for the incremental savings that may accrue from bigger and heavier commercial trucks.

Mr. Chairman and Members, I realize that Congress, and especially this Committee, are placed in a difficult situation on this issue. With rising fuel prices, I appreciate the trucking industry's desire to cut costs wherever possible. But, from my view—and I think, Mr. Chairman, from the view of every Member in this Committee—the safety of the public has to come first. It is a lesson we in Minnesota were dramatically taught less than a year ago, so I urge the Committee to maintain existing weight and size limits for commercial trucks.

I have included additional comments in my written testimony, Mr. Chairman, and I thank the Committee for the opportunity to testify on behalf of Hennepin County.

In pursuit of extra credit points—I always like to do that, Mr. Chairman—I would just ask that, in my experience of responding to administering Federal and State laws, I would just ask that whatever system that the Committee arrives at and the Congress passes be clear and equitable, and not result in any unfunded mandates that come to our level. We do the best we can to interpret and, of course, the less interpretation needed the better. Thank you.

Mr. DEFAZIO. Thank you.

We now turn to the round of questions to this panel.

To Mr. Paniati, you mentioned the severe sanctions that could be imposed on States if they fail to certify or enforce the weight limits, and I just want to hone in on that a little bit, because staff gave me some statistics here which I think are interesting. I am wondering what constitutes a certified program or what standards you

apply, because there is an unbelievable disparity among the States in terms of how many trucks they weigh. For instance, Oregon weighed 2.4 million trucks; Nevada weighed 4,200 trucks; and Pennsylvania, which probably has more truck traffic than Oregon, weighed 36,000 trucks.

But somehow these are all certified and compliant programs, and I am wondering how do we know, I mean, if there are these extraordinary disparities among the States? They just file a paper plan with you and say, well, we have enforcement and we will do this, but one State that has, say, 100 million truck trips a year weighs a tiny, tiny, tiny fraction, and another State that has a lesser number does a substantial fraction, but these are both compliant certified programs? How does that work?

Mr. PANIATI. Mr. Chairman, one of the challenges that we have is the grandfather provisions that exist and the variations from State to State with regard to what is allowable within each State.

Mr. DEFAZIO. I understand the confusion over the weights and the lengths and all that, but you are saying they have to have a federally certified program to show that they are meeting their own standards, whatever they might be, whether or not anybody can really understand them outside that State, but some States will sample one-tenth or one one-hundredth of one percent of the trucks and other States will sample maybe five percent of the trucks. How is it that a State that samples one one-hundredth of one percent is compliant and another State samples five percent, and then we can confidently say that only one percent are overweight?

Mr. PANIATI. What we are doing is looking at each individual State in and of itself because of the patchwork of laws and regulations that exist. We work with the State each year to get an annual plan which lays out the resources that they have in terms of weigh stations, both portable and fixed, and the personnel resources that they intend to use to enforce the laws. We then work with them on an annual certification, under which the governor certifies that the State is implementing all Federal laws and regulations, and actually look at, the number of permits granted, the number of violations, the number of weigh-ins, and track the trends from year to year within that State.

We have found, and the Code of Federal Regulations indicates, that we are not able to really compare the States because of the variation that exists, and the most effective way to implement the size and weight requirements are to look within a State and the internal consistency from year to year within that State. So that is what we do. If any anomalies stand out, our Division Office staff with responsibility for this area work closely with the State—

Mr. DEFAZIO. Okay, well, we are really not getting to an answer here. You know, the grandfather clause does not affect whether or not they have to follow the standards that are set within that State, and you are saying we have this wildly varying enforcement regime where some States barely look at any trucks and other States scrutinize a lot of the trucks, and that is all somehow compliant with the certification process. That suggests that the certification process needs a little more clarity and consistency. I understand the States aren't consistent on the weights, but the enforce-

ment of whatever weights they have should be consistent, and I don't think we are there.

Let's go to another issue. This could be done much better, and you, I believe, mentioned about needlessly interrupted trips and diversions, which would be with a weigh-in-motion, length-in-motion system. My State has one; it is called Green Light. In fact, the State actually provides transponders for free to the trucks, and it works very well. Truckers like it; the State likes it; and we can sample a large number of trucks without causing a lot of delay.

But other States have privatized these systems and they are not compatible. In fact, the private vendors prohibit some of their people from participating and/or using the transponders from Green Light. Even though Green Light would allow it, they won't allow theirs to be used in Green Light.

I mean, we do have an interstate system, right? And we do want to have some consistency. So what are you doing to mandate interoperability between private vendors, who are for-profit, and States, who aren't for-profit? Can you tell me how we are going to get there, because it seems to me we need a mandate.

Mr. PANIATI. I may defer to Mr. Quade on this. The systems you describe are part of the CVISN system that the Federal Motor Carrier Safety Administration has responsibility over. We are working together on the Smart Roadside Initiative, which works with individual States to encourage all States to employ technology as a way to get more enforcement and more weigh-ins of individual trucks.

Mr. DEFAZIO. Right. But do we have Federal standards for interoperability? This is something I deal with over here with the TSA and the Homeland Security Committee and these for-profits. Since this Administration is so obsessed with not having government regulate and do things that make sense and mandate things, and we want to put everything out to the private sector, so now we have States are going to the private sector, they are going to develop incompatible technology, so the truckers are going to have to have 47 units or 50 units flapping around inside the cab, trying to find a unit that works in that State because they have a private vendor that won't cooperate with the next door State private vendor, which won't cooperate with the next State, which has a State system.

What are we doing about having a Federal interoperability mandate for these systems? I want to encourage them, but why aren't we having a Federal mandate? Are you developing one?

Mr. QUADE. Mr. Chairman, the Federal Motor Carrier Safety Administration does administer the CVISN program, the Commercial Vehicle Information Systems and Network, where we set architectural guidelines, operational concepts, and standards for States to deploy in implementing the CVISN capabilities. We are working toward having a national system that does that through the grant program that is provided by the—

Mr. DEFAZIO. Do we have a mandate that says anybody who deploys this, it has to have either open source software or be interoperable with other systems? I mean, we need a Federal standard. You are not going to get there by having private sector companies competing in different States and saying, oh, if we can get the California market, we are not going to cooperate with anybody else;

maybe we can get the national market. How are we going to get there without a Federal mandate?

Mr. QUADE. We do not currently have a Federal mandate, sir.

Mr. DEFAZIO. Are you anticipating a Federal mandate? Do we need to make you have a Federal mandate? I mean, how are we going to get there? It isn't going to work for the contiguous States of the United States of America in an integrated national system. This can save fuel, it can save time, it can save money, it can increase safety; and all we have to do is say here is the standard. We don't care who provides it, it can be a private for-profit vendor, it can be a State, it can be anybody. But they all have to be able to intercommunicate. Doesn't that make sense?

Mr. QUADE. Sir, as I said, we have architectural guidelines and—

Mr. DEFAZIO. Yes, but do the architectural guidelines require interoperability?

Mr. QUADE. I will have to get back to you on the answer to that question, sir.

Mr. DEFAZIO. Okay. That is kind of a critical question, because my understanding is they don't and that we are developing incompatible systems.

I live in the smaller city that didn't used to get along with the bigger city, and when they were first going to online data systems for their libraries, they went out of their way to make the systems incompatible because they didn't get along, and more enlightened people came along about 10 years later and said this is really stupid; we can enhance the holdings and the access to the public and interlibrary loans if we have compatible systems.

Same thing here. We can facilitate the movement of freight, save time, enhance safety, save fuel, if we require that anybody—we don't care who it is—who develops the system has to make it interoperable and meet a certain standard. That is plain and simple. I hope, when you investigate more, you will find out the answer is yes. If it isn't, we are going to want to get to yes on that.

With that, I think I have exhausted my—one other quick question. We had a president who once discussed the meaning of the word "is." I am going to get to the meaning of the word "shall."

Mr. Paniati, Congress said that, in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross weight vehicle limit and the axle weight frame of heavy duty vehicle with an idle reduction shall be increased by a quantity necessary to compensate for the additional weight.

[INOPERABLE SOUND SYSTEM]

Mr. PANIATI.—units, generators are another example. Manufactured housing, which I spoke about in my testimony is another example. Probably the largest one is the allowance of international containers that move goods in the global marketplace, which are allowed to move throughout the system without having to be broken down. We believe that is probably the source of the largest part of the increase, although it does not account for it all.

Mr. DUNCAN. Well, since you can't tell me how many are for weight, as opposed to length, I would like for you to get some information on that, if you could.

Also, do any of you know about any recent study which would tell us whether these trucks that receive these overweight or over-length permits, do they cause more accidents than trucks that come within the weight and length limits? Does anybody know anything about that?

Mr. PANIATI. I am not aware of a study in that regard, but we can certainly look into it and get back to you.

Mr. DUNCAN. Do you know, Mr. Quade?

Mr. QUADE. Sir, we reviewed the study that the Federal Motor Carrier Safety Administration used when we were doing rules for training drivers of longer combination of vehicles that studied 75 companies that operated both longer combination vehicles as well as regular semi trailers for five years and tracked them over 2.8 million miles. That study determined that the longer combination vehicles were operated in a manner that was actually statistically a little bit safer.

Now, that needs to be put into the context that the LCVs are allowed in the western States mostly on Interstate highways or major non-interstates where the traffic is less. It needs to be put into context that most of the information we have is that longer combination vehicles are not a significantly larger safety problem as they are operated today.

Mr. DUNCAN. Well, but as you point out, those 16 States where those vehicles are permitted are the flatter, more rural type States also, less heavily traveled States, I think.

Mr. QUADE. Yes, sir.

Mr. DUNCAN. Mr. Cole, two later witnesses will testify. One says studies clearly show the increased crash risk and crash severity produced by the use of longer, heavier trucks, and these longer rigs also swing entirely into opposing lanes to make right angle turns. And then another later witness says that the economic benefits enjoyed by a few would pale in comparison to the increased cost associated with the loss of life and property; accelerated deterioration of equipment and the highway system; and developing, implementing, and complying with the inevitable imposition of new rules and operational restrictions. Proposals such as increasing allowable vehicle weights from 80,000 to 97,000 pounds may be described as some as a minor change but could have a dramatic impact on the safety and structural integrity of some Federal lane highways.

Do you have any concerns about that? I mean, you testified that you have heavier trucks going by schools and playgrounds now in the State. On the other hand, you want to put these trucks onto the interstate highways, and, of course, there are millions of children who travel on those interstate highways every day. So do you disagree with these two witnesses, do you think they are wrong?

Mr. COLE. Well, I think it is wrong in the context of our situation in Maine. I can't really elaborate on their particular circumstances. But let me just say that studies have shown that traveling on a divided, controlled access highway is many times safer than going on the primary and secondary and back roads of the transportation system.

I would also point out that our senior engineers at the Maine Department of Transportation, I have an opinion from our five senior engineers, including the chief engineer who has been there for 50

years, who was involved in designing, building, and maintaining the interstate, and they have come to the conclusion that putting the heavier trucks on the interstate will not result in significant deterioration. Matter of fact, I have copies I can leave with the Committee here today. Those are the people I put my faith in. But certainly, the interstate was built to a higher standard than the other roads in the State and is the best place to put the heavier trucks.

Mr. DUNCAN. All right. Well, common sense also would tell you that a divided major highway would be safer than a narrow, two-lane road in most places.

Mr. Opat, you say in your testimony the Minnesota DOT determined that a 20 percent increase in truck weight almost doubles—in other words, almost a 100 percent increase—in the fatigue damage to bridge decks and so forth. Do you know how they determined that? That is a pretty astounding figure.

Mr. OPAT. It is, Mr. Duncan. I am not aware of the calculations they used to arrive at that number, though.

Mr. DUNCAN. All right.

All right, thank you very much, Mr. Chairman.

Mr. DEFAZIO. Thank you.

With that, I will turn to the Chairman of the Full Committee, Mr. Oberstar, for his questions.

Mr. OBERSTAR. Thank you, Mr. Chairman. I again want to welcome this panel and appreciate their testimony, Mr. Opat in particular from our State of Minnesota, from Hennepin County. You have rendered a great service there and you shed considerable insight on the issue before us today.

Mr. Paniati, the Federal Highway Administration, some eight years ago, found that combination trucks weighing between 80,000 and 100,000 pounds pay 50 percent of the cost of the effect of their driving on roadways into the Highway Trust Fund, and trucks weighing more than 100,000 pounds pay just 40 percent of the adverse consequences of their travel on the road system, and concluded if truck size and weights were changed in the future, changes in Federal truck taxes should also be evaluated to match appropriately the pavement and bridge wear caused by heavier trucks.

Does your administration adhere to that statement?

Mr. PANIATI. What we do believe is that the time is right, as we move to reauthorization, to reexamine this issue. It is a complex issue that requires balancing between safety, the economic benefits, the service life of the infrastructure and the pavements, and the funding mechanism. So we do believe, going forward, that we should look at the entire issue through all of its dimensions as we consider changes being made to any part of it, which would include the cost allocation that you cited.

Mr. OBERSTAR. So in a general way you support the position taken by Federal Highways in 2000, but you are not being very specific about it, but that is all right, it is good enough for the moment.

The Oregon experience, or experiment and experience, on vehicle miles traveled in lieu of the highway user fee is still under evaluation. Oregon, I think, made a bold stroke in moving ahead with this

idea, and it has to be a factor that we consider next year in the authorization of the next generation of transportation infrastructure.

But I think that, to be complete, if we are going to shift to a new model from the current highway user fee to vehicle miles traveled, it should also include weight, because the weight of the vehicle on the road surface, and especially on bridges, is a significant factor in the effect that the driver has on the road surface. If we are relating the Highway Trust Fund to the traveled surface, then we should reflect the amount of usage and the consequence of that usage on the road surface.

There is another issue with respect to trucks, and that is the bridge formula. We don't have time today to enter into an exhaustive discussion, or even a superficial one, of the bridge formula. Briefly, for those who are not familiar with it, it is the engineering formula by which bridges are built so that they vibrate in harmony with the harmonic vibrations issued by the tractor or the tractor trailer combination. As trucks get heavier, engines get more powerful, that formula shifts and the vibrations likely are contributing to early deterioration of the bridges and contributing to the larger number of structurally deficient bridges that we have, along with other factors—corrosion and metal fatigue.

But I want to know whether you have been paying attention to this issue of truck weight consequence on the road surface. Do you have updated studies? Do you have research data on the actual impact on the road surface, and various types of road surface—asphalt versus concrete—and on bridge structures from heavier weight vehicles, both those that are grandfathered in and those that are permitted to carry heavier weights and longer combination vehicles?

Mr. PANIATI. This is an area we continue to do research and work in. As you suggest, there was a cost allocation study that was originally completed in 1997 and updated in 2000. We expect to release an update this fall that looks at it from a macro level in terms of the impacts. We also are working to better understand the relationship between individual loads and the size of those loads and the damage that they might do on the infrastructure, both the bridges and the pavements.

Going forward, I think we are becoming more and more sophisticated in our models and our tools to understand those relationships. We try to use that information to support States as they think about appropriate permitting fees associated with it. Studies like the Oregon study that looks more broadly at the potential use of technology with regard to the use of the system, offer the potential to bring a lot of dimensions in balance between the use of the system and the cost paid for the system.

Mr. OBERSTAR. Do you have a document you can submit to the Committee that shows, over a period of X number of years, there has been this effect demonstrated, researched, documented of heavier vehicles, longer combination vehicles on the road surfaces and on bridges?

Mr. PANIATI. We can certainly follow up with the results of the research we have done to date and a summary of the research we have underway.

Mr. OBERSTAR. Thank you. I would like to have that submitted to the Chairman, and we can then distribute it to all Members so they have it available. I think that is very important information.

The overweight permits issued by States,—let me ask the State representative witnesses here—why are those not related to weight and effect of the permit of the heavier vehicle upon the road surface? Why is there no relationship?

Mr. HONEFANGER. Mr. Chairman, Mr. Oberstar, in Ohio's case, we look at the weights. Every permit application we receive into our system receives a structural analysis and a determination as to whether that vehicle is safe to travel on the Ohio highways.

Mr. OBERSTAR. But is the cost of the permit, or is there a cost associated to the permit, and is that related directly to the effect of the heavier truck on the road surface?

Mr. HONEFANGER. Currently, in Ohio's case, permit fees are based on the administrative costs to manage our program.

Mr. OBERSTAR. On the administrative cost. Why not on the effect of the road surface?

Mr. HONEFANGER. Well, right now we are currently looking at ways to implement such a fee, but it is a long process and we are working with industry to do this in the least impacting manner.

Mr. OBERSTAR. Mr. Cole, do you have a comment on that question?

Mr. COLE. I believe we have a similar situation in Maine. However, this enforcement is outside of my department, but, Congressman, I will check into that and get back to you.

Mr. OBERSTAR. Maine was one of the two States—Minnesota being the other—that I referenced in my opening remarks about trying to work out a pilot program, and Maine was not willing to assess the Federal Highway Administration determined fee for miles traveled and weight in the program, and I will give you an opportunity to say why you didn't want to do that.

Mr. COLE. Well, Congressman, first of all, we are very appreciative of your efforts to find solutions. I don't remember all the circumstances around the proposal. I do remember there were some concerns on the part of the Department beyond even that specific issue, but, sir, I don't want you to go away feeling we didn't appreciate the efforts. We are still very much open to trying to find solutions.

Mr. OBERSTAR. I was hoping we would get it launched last year so we would have some data available for the next authorization period, and Mr. Michaud participated with me.

I just want to point out to all the witnesses in the course of the consideration of the SAFETEA-LU legislation, we had 14 requests from various interests for exemptions for various times of the year for heavier and for longer combination vehicles. Everything from cotton modules—which I didn't know existed until someone from Arkansas came up with that proposal—sugar cane and sugar beets, and potatoes, and lumber and raw logs, and goodness knows. There were 14 of them.

And we will face the same issue in the next authorization cycle and I tell you I am going to take a stand right now and say no. The burden is on you to prove that there will not be an adverse effect on the road surface or on those 76,000 structurally deficient

bridges or those other 77,000 functionally deficient bridges on the National Highway System.

Mr. Opat, you referenced the Hennepin County resolution or ordinance. I had to step out of the room while you were speaking on that to meet on another transportation issue. Would you restate that for me?

Mr. OPAT. Well, Mr. Chairman, Mr. Oberstar, just that the County Board did pass a resolution opposing any increase in weight limits, and I was speaking about the Lowry Bridge.

Mr. OBERSTAR. Oh, it was the town board, not the Hennepin County commissioners?

Mr. OPAT. It was the County Board, and also the Minneapolis City Council passed it.

Mr. OBERSTAR. Okay. I see. But that was for a specific bridge?

Mr. OPAT. No, to any increase. In your deliberations, any increase to weight or size. I was speaking about the Lowry Bridge that we have had to close now since we have had such a rush to inspect all our bridges to ensure that they are safe. And I know you are familiar with the Lowry Bridge, it is on the national highway connector, freight connector route, and it is one that we have great concerns over there; a number of industrial uses that come over that concrete amongst them, so it has been one of our foremost serious concerns.

Mr. OBERSTAR. Well, there are just so many avenues of inquiry here, Mr. Chairman. We have a great many Members. I could spend the rest of the day myself on the questions I have, but I will desist, except to say, Mr. Quade, the middle name of your organization is safety. That is the other issue here on the Federal highway side, the impact of heavier vehicles on the road surface and on bridges, and the cost of reconstruction and rebuilding, and the other is the safety issue. I want you to get information from the Transportation Research Board on their most recent—which was several years ago—study of bridge formula and be prepared to come back and have a meeting with the Chairman and Mr. Duncan and myself on that subject.

Thank you.

Mr. DEFAZIO. Thank you, Mr. Chairman.

We will, as per usual, go to Members in the order in which they arrived, and on the Republican side next would be Mr. Latta.

Mr. LATTI. Thank you very much, Mr. Chairman. I appreciate the hearing today.

To our Full Committee Chairman, I could sit here all day and hear your questions, sir, so I appreciate your vast knowledge on the subject. I appreciate it.

If I may just ask a few questions this morning and direct them to Mr. Honefanger, and not mainly in your capacity of AASHTO, but mainly as manager at ODAT. A couple questions.

First, I appreciate your all for being here today because, where I come from in Northwest Ohio, of course, we have Indiana and Michigan as our borders, and one of the questions I have that has come up through the years is vehicles that are overweight that come out of Michigan that come into Ohio, how are those vehicles regulated and how far can they come into the State and what are those regulations?

Mr. HONEFANGER. Currently, they would require a permit to enter the State of Ohio. We issue permits for what we call Michigan legal weights. Those permits allow travel into the three counties that adjoin Michigan, depending on the origin, destination. That is in order to allow Ohio companies to compete in Michigan so that they are not put out of business because they cannot meet the legal weight standards in Michigan.

Mr. LATTA. Just following up on that. When you are looking at the three counties, with those three counties, is there a distance or is it the county boundaries? How do you go by that?

Mr. HONEFANGER. Typically, right now, it is a distance, probably 20 miles or less, because of the roadways and less structures in that relatively short distance.

Mr. LATTA. Another question is we were talking about the multiples and the other weights. Can you refresh my memory? It has been a while. What are the regs in Ohio for overweight vehicles or multiples? What are the requirements that a company would have to go through, or a trucking firm?

Mr. HONEFANGER. Mr. Chairman, Mr. Latta, the legal weight limit in Ohio is 80,000 pounds. Anything that weighs greater than 80,000 pounds would have to have a permit to legally operate. If you are referring to divisible loads as the multiples, we look at that on a case-by-case basis. We really try not to issue permits to divisible loads; only in instances where there is a public purpose. If you are talking about multiple trailers, those are only allowed to operate on the turnpike with a few exits where we issue permits to allow the triples to exit and go into a marshaling yard.

Mr. LATTA. If I could just follow up on that statement in regards to the multiples on the turnpike. I know that the Ranking Minority Member, Mr. Duncan, asked this a little bit earlier, in regards to access to statistics. Do we have statistics as to the triples that are running on the turnpike right now?

Mr. HONEFANGER. Mr. Chairman, Mr. Latta, we wouldn't have those at ODAT because the Turnpike Authority is its own governmental entity.

Mr. LATTA. Would ODAT be able to get those statistics for us?

Mr. HONEFANGER. I believe we can, and we will forward them to you.

Mr. LATTA. Do you remember what year it was that they started allowing triples to be run on the turnpike?

Mr. HONEFANGER. Mr. Chairman, Mr. Latta, no; it was before my time.

Mr. LATTA. Okay. Well, again, I appreciate your testimony coming down today, and all the panel, because this is an issue, especially when you are talking about economic development and other issues in this Country about trucking, and trucking is such a big part of Ohio, with 80 percent of our goods being delivered by trucks. So I appreciate your all coming back, and I yield back.

Thank you, Mr. Chairman.

Mr. MICHAUD. [Presiding] Thank you very much.

First of all, I would like to thank Chairman DeFazio and Ranking Member Duncan for holding this hearing today. I would also like to thank the witnesses for coming today, for your thoughtful testimony.

The issue of truck weight is an extremely important issue to me and to the State of Maine, and I know that Commissioner Cole knows the truck weight issue very well. I think Maine is unique in the situation that we have in the State of Maine and, as you can see on the screen today, the truck map that we have of the New England area, I think when you look at the map,—which is also attached to Commissioner Cole's testimony—you can see that the portion of the interstate that is highlighted in green represents where the governor, the Maine legislature, the Maine Department of Transportation, the entire Maine congressional delegation, and hundreds of small businesses have requested an exemption from the Federal truck weight limit.

What this map also shows is that Maine is surrounded by States and provinces that allow weight of 99,000 pounds or more on their interstate system. They are highlighted in the red. At the end of the day, Maine is asking to be treated fairly. And as the map clearly illustrates, Maine is at a competitive disadvantage. Thoughtful implementation of the Federal truck weight exemption for the remainder of Maine's interstate would help our struggling economy and at least put us at equal economic competitiveness. Maine has lost over 23 percent of its manufacturing base alone. A lot of that is in the paper industry, which uses trucks to move their products in and out of the State.

The fact that Maine's interstate weight limits are not consistent with surrounding jurisdiction makes us an island unto itself. The weight limit change in Maine is crucial. Commissioner Cole did a great job in outlining the benefits for Maine. It will allow our industry in Maine to be competitive; it will save fuel costs; it will help reduce pollution; and, most importantly, it will promote safety for Mainers.

I would like to ask unanimous consent that the entire Maine Department of Transportation study on truck weights be entered into the record. Without objection, so ordered.

Mr. MICHAUD. Maine is unique in the Northeast and I believe it deserves a solution to the problem that we have, and I would like to ask a couple of questions dealing with weights—not the length, but weights. Actually, my question will be to Commissioner Cole.

I know you talked a bit about the safety issue. Could you elaborate more on the safety issue as it relates to Maine specifically? I know that is a concern that we heard this morning, and the other panel will talk about the safety issue as well. So if you could elaborate, Mr. Cole, on the safety issue.

Mr. COLE. Well, perhaps I can give you an illustration, Congressman, that will bring this home. The frustration among Maine people, as you know, is that within eyeshot of the interstate they are seeing these trucks go down their neighborhood roads through their village centers.

Just to give you an illustration of that, if you look up at the map, the distance in the green shaded area is about 192 miles from Augusta to Holton. That is what we call the gap or the doughnut hole. Trucks have to get off the turnpike at that point and take the secondary roads up to the northern part of the State. As you traverse those secondary roads, primary and secondary State roads, what you are going to find along the way—now, versus interstate

divided highway—along the alternate route, you are going to go through at least 20 traffic signals, more than 270 intersections, and over 3,000 driveways and entrances. Add to that numerous schools, gas stations, pedestrian crossings. It is just common sense that allowing the heavier trucks to go on the interstate, which runs parallel to many of these routes, is just common sense and it is safer for all concerned.

I should add that our truckers want to be on the interstate. It is the most safe and efficient route for them and the public.

Mr. MICHAUD. Thank you, Commissioner Cole.

My next question is to Mr. Paniati. I read somewhere along the line there is a study that the DOT looked at the footprint of tractor trailers as it relates to the road system and found that a 97,000 pound, 6-axle vehicle is actually softer on the footprint than an 80,000 pound, 5-axle vehicle. I am not sure where I read it, I think it was a DOT study. Is that correct?

Mr. PANIATI. I am not familiar with the study that you refer to. Certainly, any changes like that, to 97,000 pounds, would have to be examined both on the pavement side as well as Chairman Oberstar indicated in the bridge formula to understand their implications. As I said earlier, the Department believes that moving forward toward reauthorization is the time to look at such changes, but in the context of safety, economic productivity, as well as the service life of the pavement and bridges.

Mr. MICHAUD. My last question is to Mr. Honefanger. In your testimony you mentioned that AASHTO, in cooperation with the U.S. Department of Transportation and the trucking industry, is in the process of carrying out recommendations that call for an investigation into the feasibility of regional adjustments in truck size and weight in particular corridors that demonstrate important economic and safety benefits. Where does that stand now and have you actually looked at the particular issue we are facing in Maine when you look at the weight situation?

Mr. HONEFANGER. Mr. Chairman, I am aware that there are regional groups within AASHTO that are working on things like regional permitting. The Northeast, with cooperation of the National Federal Highway Administration, for example, has recently worked with the manufactured housing industry to develop better procedures, better ways of moving these overdimensional loads through the Northeast region. The Southern States have a regional cooperative agreement to issue permits; the Western Region. The Mississippi Valley, the central part of the Country is working on developing the process to make a regional type permit to facilitate the movement of overweight, overdimensional loads.

Mr. MICHAUD. When is the study going to be done?

Mr. HONEFANGER. Mr. Chairman, we have not done a formal study. Basically, the Subcommittee on Highway Transport within AASHTO, we have begun discussions and have opened up dialog with the trucking industry, working with our Federal partners, working with the member States to approach this, but we have not done any formal studies.

Mr. MICHAUD. Thank you.

Mr. Brown?

Mr. BROWN. Thank you, Mr. Chairman.

Thank you, gentlemen, for coming and creating some dialog on this issue. I know in South Carolina, we were one of those study States who would be participating in the 97,000 pound truck.

Mr. Paniati, I have a copy of the study that you have here and there are a number of States that exceed the 80,000 pound limit, like we are positioned in South Carolina to enforce. Could you tell me the rationale behind—I know that Mr. Cole stated, and I think the Chairman of the Full Committee also stated, that there is some, I guess, risk of deterioration of our roads and bridges based on the weight of the trucks. Yet, I noticed in the State of Michigan, where there is a 164,000 pound limit, which is double the allowable limit in South Carolina.

Mr. PANIATI. Yes. The limits you refer to were what were grandfathered in in 1956 with the Interstate System, so there are a variety of weight limits across the Country, from 80,000 pounds to much higher limits from State to State. The law as it exists allows those grandfather rights, which vary from State to State not only weight limits, but also whether the load has to be permitted or not, whether it is restricted to a particular commodity, and whether it is restricted to a particular route or set of routes. So there are a variety of complexities that go along with the grandfather rights that exist from State to State.

Mr. BROWN. Have you been able to statistically tell the difference between the maintenance or the deterioration of those roads and bridges in Michigan compared to, say, South Carolina, some of the States restricted to the 80,000 pounds?

Mr. PANIATI. We have not done those specific State-to-State comparisons, but as I discussed earlier, we do know that heavier loads do increase deterioration on roads and bridges, and that there is certainly a relationship between the two.

Mr. BROWN. I know, as we look at the truckers now around the Nation, with diesel fuel approaching \$5.00 a gallon, there is a constraint to be able to continue to operate. A lot of the independent truckers are actually going out of business because they can't continue to increase the fees enough to offset the cost of fuel, so I guess everybody is looking for more efficient ways of doing it. Are there any models or any studies in the auto industry or the trucking industry to detect better methods of transporting goods with more technically efficient trucks?

Mr. QUADE. Sir, what I can tell you is that the Federal Motor Carrier Safety Administration has been involved in studying numerous technologies that might be applied should a decision be made to allow increased weight, such as electronic roll stability, automatic collision warning systems, lane departure systems. These are technologies that we are promoting for the trucking industry to adopt voluntarily and are certainly among the things that we may be able to implement should the policy decision be made when looking at all the factors that Mr. Paniati has explained with the safety, the infrastructure, the environmental considerations. Those are some tools that we might be able to use in order to make sure that if we increase the weights, it can be done safely.

Mr. BROWN. When was the 80,000 pound limit set?

Mr. PANIATI. That was set in 1974.

Mr. BROWN. And there has been no revision since then?

Mr. PANIATI. No, there has not.

Mr. BROWN. These States that are grandfathered in, are they required to have six axles or are they up on the five axles?

Mr. PANIATI. Again, there are a variety of different configurations, I believe, that are used within those States under the longer combination vehicle freeze that was enacted in 1991.

Mr. BROWN. Thank you very much.

If I could ask Mr. Honefanger, in issuing the permits, what criteria do you use and what upper limits do you use in issuing those permits?

Mr. HONEFANGER. Mr. Chairman, Representative, in Ohio's case we look at the vehicle compared to the structures that it may cross, the geometrics of the highway. To say there is a limit, we really don't cap it. If it passes analysis, we issue a permit.

If I may also, my colleague from Louisiana—since he is involved in issuing permits—I know Louisiana does it differently than we do in some cases, so I will let him further answer that.

Mr. SILVIO. Yes, sir. In Louisiana we also don't necessarily have a cap, per se, in terms of how heavy a load can be. We do have guidelines in place, though, that require analysis or even more thorough analysis, depending on the weight. For example, what we would call a routine permit would be up to like 232,000 pounds gross weight. But beyond that, given the petrochemical industry and so forth in Louisiana, we do have opportunity from time to time to have much heavier loads, or I should say the need to analyze those and issue permits for those.

I will say, too, it was mentioned earlier by Mr. Oberstar with regard to fees and so forth, Louisiana is a little different than Ohio in terms of how we administer those fees. Our fees would be more in line with recapturing, I guess, somewhat the damage that is done. I don't think that you can ever—I am not sure that there is a way to totally recapture that without doing irreparable economic damage to the industry, because it is so expensive in this day and time.

For example, a mile of interstate you might be talking about \$4 million construction, that type of thing, or maintenance type situation. So you just have to basically try to do some sort of a ton-mile type fee structure where you can charge them how much they are over the legal weight plus how far they travel and base it on that. So that is how we handle it in Louisiana, and it works pretty effectively.

Mr. BROWN. Thank you, Mr. Chairman.

Thank you, gentlemen.

Mr. MICHAUD. Thank you.

Mr. Sires?

Mr. SIRES. Thank you, Mr. Chairman, and thank the panelists for being here. I have a couple of questions.

I represent a district in Northern New Jersey which has the ports, has the tunnels, and one of the statistics that is always thrown about is that in New Jersey, that particular part, by the year 2020, trucking is going to double, and I am concerned about the safety factor, because as these trucks get bigger, they get heavier. I know the drivers have a guideline of how many hours they can be in these trucks. Obviously, with the bigger trucks, with the

heavier trucks, any accident tends to be more catastrophic. Who monitors the amount of time these drivers are in the truck? There is a Federal law.

Mr. QUADE. Yes, sir. The Federal Motor Carrier Safety Administration has rules on the hours of service limitations for drivers. We have staff in every State that does compliance reviews on trucking companies that are having poor performance on our highways. We also, through our grant program, fund enforcement agencies in every State to do over three million roadside inspections a year, during which the hours of service are checked. We are the agency responsible for ensuring that is done.

Mr. SIRE. So has anybody noticed a correlation with the fact that you now have bigger trucks, the accidents tend to be more often as it relates to the human factor?

Mr. QUADE. Sir, I think that there are many, many factors that play into the performance of drivers on the highways, and isolating one is very difficult. I can tell you that for the most recent year for which we have crash statistics, the fatalities involving large trucks dropped 5 percent between 2005 and 2006. This is the lowest rate since we started tracking this data in 1975.

Mr. SIRE. It says here the permits have gone up 40 percent for overweight permits. Despite that, it dropped 5 percent?

Mr. QUADE. Yes, sir.

Mr. SIRE. Pretty amazing. Thank you very much.

Mr. MICHAUD. All done?

Mr. SIRE. Yes.

Mr. MICHAUD. Ms. Fallin?

Ms. FALLIN. Thank you, Mr. Chairman.

I appreciate all of you coming today to provide us good information. I know it is a very important topic, but I have a little bit of a different angle I would like to visit with you about that I have been pursuing for about the last year that I have been on this Committee, along with some other Congressmen, Representative Dan Boren and Representative Aderholt. It deals with safe and efficient transportation of our agriculture commodities and the goods to market in the rural areas of our States. I know that many of you represent within your whole State rural areas too.

How we can, under our existing Federal motor carrier safety regulations, help producers get their products to the marketplace and commodities when they are forced to comply with some of the same regulatory requirements as individuals operating under commercial motor vehicle year-round licenses and regulations, even though they are transporting seasonal goods with smaller haul vehicles that are used just within a State? And occasionally they cross State lines and get caught up in the Federal regulations for weight limits.

I have a picture here I want to show you specifically what I am talking about, and that is our farmers hauling their goods and commodities, as I said, around their communities. On occasion, in my State, they may cross State lines and get caught up between the variance of some of the exemptions that have been allowed in the weight limits.

I guess my question is, I would like to know that if we were able to amend the commercial motor vehicle safety requirements to ex-

empt farmers who are engaged in agricultural-related activities from the Federal commercial vehicle and operator regulations, would this have an impact upon safety for this type of vehicle? Would it have an impact upon the marketplace, upon efficiency of travel?

I know we talked a little bit about economics and commerce, and trying to stimulate the economy, especially here in these difficult times of rising fuel prices. Would you see a problem if we had legislation—which I have actually introduced—that would impede upon the safety and trucking limits?

Mr. QUADE. Congresswoman, I can comment on that. The Federal Motor Carrier Safety Act of 1984 set the limit for interstate transportation at 10,001 pounds, and many of our motor carrier safety regulations start at that level. When a farmer crosses a State line, he becomes an Interstate transporter. Indeed, even some transportation within a State is determined to be interstate because the final destination is interstate. So we do have some exemptions in our regulations to try to assist the agricultural community while maintaining safety.

I can tell you—and I don't have any statistics with me, but I can provide them—that agricultural trucks are a more statistically significant portion of crashes—not the majority—but there are crashes. We do see in our safety analysis, in our data analysis, that agricultural trucks are involved in crashes and are a safety problem that the agency believes we need to continue to oversee within the limits that are set.

Ms. FALLIN. Any other comments here?

[No response.]

Ms. FALLIN. Do you have issues with this in your rural areas of your States?

Mr. HONEFANGER. Mr. Chairman, Representative Fallin, yes, we do, but in Ohio's case we allow an exemption of 7.5 percent for agricultural commodities being transported from the field to the market, so to speak, is the way it is phrased, as long as they do not travel on the interstate highway system. Louisiana has exemptions also.

Mr. SILVIO. Yes, Ms. Fallin. Louisiana has made allowances for agricultural products, particularly sugar cane. I think everyone is aware there is actually a special allowance for those to travel on the interstate. Otherwise, the allowances are for travel off of the interstate. But they can carry agricultural products in a natural state up to 100,000 pounds in Louisiana.

With regard to safety concerns, I think that is sort of out of our area in DODT; our Department of Public Safety handles those type situations. I can say that it is kind of hard to equate agricultural haulers with normal permit haulers because the permit haulers are a very special type of profession; whereas, maybe when you are hauling agriculture you have a different type of individual doing that type of work, maybe not as specially trained. So it is hard to speak to the safety aspect of that. But we have made allowances in Louisiana for agriculture products and, as far as I know, it has worked effectively.

Ms. FALLIN. Mr. Quade, if I could ask you one more question. You said that you are tracking statistically about safety of these

farm trucks. What do you find that is a problem that you are stating, is it quality of the truck, the brakes, the condition of it?

Mr. QUADE. Well, I was speaking just to the statistics. There are literally hundreds, perhaps thousands, of farm vehicles that are involved in serious crashes every year, I don't think that farm vehicles are atypical of any other type of truck on the highway. There are a variety of reasons why crashes happen, from operating too fast to inattention to occasionally vehicle maintenance problems, although those are actually the minority, as opposed to the majority.

Ms. FALLIN. So do you find a difference between that and just passenger travel on highways? Do you find an increase in that? Are they less safe?

Mr. QUADE. At the Federal Motor Carrier Safety Administration, we oversee commercial motor vehicle trucks. I am not aware of an analysis of the CMV data versus the passenger vehicle data.

Ms. FALLIN. I am just curious that there would be a higher incident of traffic issues with farmers taking products within their State versus just regular transportation. But if you have a report on that, I would like to see that.

Mr. QUADE. I can certainly see what we have on that subject.

Mr. MICHAUD. Thank you.

Mrs. Napolitano?

Mrs. NAPOLITANO. Thank you, Mr. Chairman. I am listening to all the testimony and I have a district that has large truck volume. I have three freeways that I contend with. One has 25,000 trucks a day, another one 22,000, another one about 40,000, and it is expected to double by 2020. So truck traffic is exceedingly important in my area and its safety to the residents that I represent.

Looking at one of the reports that we had, in 1997, the Federal Highway Cost Allocation Study, which apparently had an addendum in 2000, found that the registered vehicles that had weights 75,000 to 80,000 paid only 80 percent of their share of Federal and the 80,000 to 100,000 paid only half, while the lightest trucks are pretty much comparable in paying for their effect on highways.

Have we done an update on that study? Do we have any way of being able to say maybe we need to increase the taxes on those that are affecting our highways and our streets? I can tell you I live in an area where I have a distribution center, and those ruts you can actually build something in them they are so deep.

Mr. PANIATI. The study that you refer to looked at the Federal side the impacts as well as the revenues coming in to the Highway Trust Fund from commercial vehicles. We are in the process of updating it. We expect to have that update available this fall, those numbers are currently being updated.

Mrs. NAPOLITANO. Are you taking input?

Mr. PANIATI. Sure.

Mrs. NAPOLITANO. From States?

Mr. PANIATI. Yes, we are. We are working collaboratively in pulling that together. We work closely with the States and use a lot of the data that come from the States to support our highway cost allocation analysis.

Mrs. NAPOLITANO. Okay, because I would love to be able to see that, Mr. Chair, handed to this Committee, at least the draft, to

see where they are going with it and to indicate whether or not that is going to be part of the solution.

Mr. PANIATI. Yes. We can certainly follow up and outline the work we are doing and where we are in the process.

Mrs. NAPOLITANO. The other question I have has to do with the number of miles that are federally controlled, in other words, the upkeep is paid for by the Federal Government, up to 90 percent; and the rest are State, county, whatever other responsibilities. What difference is there in being able to determine whether or not some of these roads abide by the standards set by the State in usage for the increase in weight, since there is no height limitation? My concern also is, according to Chairman Oberstar for the bridges, the weight increase that is going to create more stress on those bridges. That is one of the concerns.

Mr. PANIATI. Federal weight restrictions apply only to the Interstate System. Off the Interstate System the States determine the weight. In size area there is what is called the National Network, which is approximately 209,000 miles, which provides for the network of allowing for certain size vehicles to be able to traverse uniformly across the system.

Mrs. NAPOLITANO. On the waivers or the grandfathering for those weight limits or for the trailer standards, I know in California I travel right by the UP and the NSF rail line, and I see 52-footers coming out of there, beaucoup of them, not just the 48. I come from the transportation industry, by the way, so I understand a little bit more. If we have a limit, why are we grandfathering and what is it that we can do to ensure that grandfathering does not contribute to the downgrading of our roads and highways?

Mr. PANIATI. The grandfathering is sort of what we inherited in 1956 and have lived with going forward, in addition to the limits that were put on longer combination vehicles in 1991, so we do have a mixture of laws and regulations out there. On the size side, the Federal regulation deals with size in two areas: it deals with, as I mentioned, the National Network, which provides for twin 28-foot trailers or 48-foot single out on the roadway; and then it provides for and caps the longer combination vehicles as they existed in 1991, which includes a number of the Western States in particular. But I think there are 21 States that have the ability to allow longer combination vehicles.

Mrs. NAPOLITANO. But how are you able then to ascertain that some of those are not violating your grandfather clause?

Mr. PANIATI. Well, it is the State's responsibility to enforce the laws. We work with the States through the annual certification and planning process and our oversight by our Federal Highway Administration Division Office personnel located in each State. There is a designated person that works with the State that receives the plan. As part of that planning process, the State has to identify any changes in State law that conflict with the Federal requirements, and we work closely with the State legislatures to ensure that doesn't happen. Then they work closely with the State in overseeing the permitting process, the entire process, to ensure it is in compliance with Federal requirements.

Mrs. NAPOLITANO. Okay, because at that time there was an attempt to put tandems that were more than the on-ramps could tol-

erate, and that would have caused a lot of safety issues with the traveling public.

Thank you, Mr. Chair.

Mr. MICHAUD. Thank you.

Mr. Boustany?

Mr. BOUSTANY. Thank you, Mr. Chairman. Mr. Chairman, first of all, I want to offer my greetings to Mr. Silvio from my home State of Louisiana. I look forward to working with you on all these complex issues.

Commissioner Cole, in your testimony you stated that the MaineDOT study found that an interstate weight exemption increasing weight limits would save the State annually in bridge and pavement costs, but lowering the State truck weight limits would result in more net damage to the system. Can you go into that a little bit more? Clearly, there are other factors here. The one that comes to mind to me would be traffic volume, but could you discuss that?

Mr. COLE. Basically, the net savings are a result of taking the heavier trucks off the secondary and primary State roads, which are more vulnerable to damage, and putting them on the interstate, which is better designed to accommodate that type of vehicle.

Mr. BOUSTANY. Okay.

Mr. COLE. It is as simple as that. There is a pretty extensive methodology in the report which I don't pretend to understand thoroughly, but that is the essence of it.

Mr. BOUSTANY. Because it raised a question to me. If we increase weights and size, do you actually reduce trucking value?

Do we have any answers to that, Mr. Paniati. Have there been any studies that show that kind of relationship?

Mr. PANIATI. I think that is a logical expectation, that increasing the size and weight would decrease the number of vehicles on the roadway. There have been some Canadian studies in particular that have allowed heavier, longer vehicles that have looked at that particular impact. So that is a logical direction that it would go.

Mr. BOUSTANY. Because I wonder if you did increase the weight limits and size limits, you reduce trucking traffic volume. Does that have a safety benefit and does that ultimately reduce wear and tear? I guess it clearly depends on the surface and the other factors that Chairman Oberstar had mentioned earlier. I guess what I am getting at is do we really have good cost benefit analysis data on this that would help us, as we go forward with the next highway bill. Are these weight limits and size limits that are imposed statutorily, are these arbitrary numbers?

Mr. PANIATI. I think there is a lot of technical information that exists in the industry in this area. There have been several studies done by the Transportation Research Board; there has been quite a body of work done by the Federal Highway Administration; and we certainly stand ready to provide technical assistance to members with regard to the potential impacts of proposed changes.

Mr. BOUSTANY. Okay. I appreciate that, because in looking at all this, clearly, we have to look at the infrastructure, wear and tear, and the safety side, and how does that all fit in to a cost benefit analysis, and then the impact on fuel tax revenue. If we go with that standard approach, do we have good data on whether heavier

loads—clearly, you are getting fewer miles to the gallon, but maybe with less traffic. What is the ultimate impact on fuel tax revenue? Is there data on that?

Mr. PANIATI. Again, I think we could do the analysis necessary to do that. As you suggested, it is a very complex equation with several variables in there, and you need to analyze each one of those to really understand the net impact on the whole. I think we do have sufficient body of knowledge on each of those variables in which to conduct that kind of analysis.

Mr. BOUSTANY. I appreciate that.

Any of you other gentlemen want to comment on any of this, please do so.

Mr. SILVIO. I would just like to comment that, first of all, thank you. I look forward to working with you as well on some of these issues. I did want to say that we have done some studies in Louisiana with regard to the impact of these agricultural loads on both interstate and non-interstate and where they travel, and there are some general things that came out of those studies that I think is important to note with regard to cost benefit.

Number one, those trucks tend to be 18-wheeler or 5-axle type vehicles and, in general, the heavier you get on a group of axles, the more damage that you are going to do. So a lot of it can be mitigated just by reducing the amount of weight that is allowed on a tandem axle, for example, a 2-axle trailer. If you get up to 48,000 pounds, for example, that becomes a source of significant damage; whereas, if you reduce that back to, say, 44,000, you have accomplished a lot just by reducing that weight that is allowed.

The other thing is if you add axles, which is something that is in Louisiana law for the sugar cane trucks, they are going to be required to add the third axle on the trailer to help mitigate the damage that they are doing, and that will help with the amount of damage. Now, there is a cost involved to industry to do that, and they are looking at creative ways to be able to help them maybe absorb some of the pain of that. But there are studies that have been done that I think can help out in this area.

Mr. BOUSTANY. Thank you very much.

I yield back.

Mr. MICHAUD. Thank you.

Ms. Richardson?

Ms. RICHARDSON. Yes, thank you, Mr. Chairman.

First of all, Mr. Cole, when Mr. Sires asked you the question specifically about safety, he referenced the fact that in his particular community they expect an increase of traffic. My district is the same. I represent the Long Beach area in California, with the two largest ports in the Nation, 45 percent of the entire Nation's cargo.

So my question to you is, first of all, could you please provide to this Committee the safety report by State and by district, because coming from local government, I know you can say overall that safety has reduced by 4 percent, but that doesn't mean particularly in my district it has reduced by 4 percent. In fact, in my area it could have gone up 10 percent.

I have the 710 Freeway, for example, and we are on the national news on a weekly basis of some sort of accident involving trucks,

where people are hurt and traffic is snarled, and there is much issue surrounding that. So can we get that from you?

Mr. COLE. Yes. I believe the report was included with the testimony.

Ms. RICHARDSON. Is it by district? I didn't see it by district.

Mr. COLE. You mean Maine districts?

Ms. RICHARDSON. By our Congressional districts.

Mr. COLE. Oh, no, no. This pertains specifically to Maine.

Ms. RICHARDSON. I am not talking about Maine. I am a Member of Congress from California. I am sorry, maybe I have the wrong name, the gentleman to the right of you. I apologize.

Mr. QUADE. Ma'am, I will see what we can do about breaking down the truck crash statistics by district. We certainly do it by State on a regular basis, and we can see what we can do about doing it, how much granularity we can get with respect to reporting that, yes.

Ms. RICHARDSON. Okay, so, at a minimum, it would be by State, and if not that, by region, because many of us, for example, Mrs. Napolitano, we have the same area in the same region, meaning Los Angeles County.

Mr. QUADE. Right. We can, at a minimum, do it by State and I think we can examine whether we can do it even more granular than that.

Ms. RICHARDSON. Okay. And I apologize if I have got—I can't really see the names here. Mr. Paniati, the other question that I had was you had a question from my colleague that said, based upon having larger trucks, would that potentially reduce congestion. All of us sitting here on the Transportation Committee have heard to nauseam that we expect traffic, in terms of congestion with trucks, to double, if not triple, within the next 10 years. So I was a little surprised with your response and would challenge you to go back and let's really look at that research, because just because you get a larger truck doesn't mean that we still have more goods that are coming in. So, yes, you have a larger truck, but I think only larger trucks would just allow for, instead of a 30 percent increase, maybe it is a 10 or 20 percent increase. But to say to us, as Members of Congress, that we can anticipate a reduction in congestion, I think that is laboring very closely to not being correct.

Mr. PANIATI. I apologize if that is the impression that I left. I did not intend to suggest that they would reduce congestion. I was responding to the question about if you take the same amount of goods currently carried and you increased the size of trucks, could you then reduce the number of trucks carrying those same amount of goods, which I think—

Ms. RICHARDSON. Sir, I am not going to ask our clerk here to read it back, but I did not hear the term "same." I did not hear that.

Mr. PANIATI. Well, I apologize if I wasn't clear in my response. But certainly I would agree with you that larger trucks, in and of themselves, would not reduce congestion out on the system, or eliminate the congestion problem that exists out on the system. You are correct that our figures indicate that we are in a period of rapid growth in terms of the volume of trucks on the roadway,

so that is a fact that we are trying to deal with, and this is one avenue to begin to deal with it, but it certainly would not fully address the problem.

Ms. RICHARDSON. Then, Mr. Chairman, let it be noted for the record, as I stated, I believe his original answer was incorrect, and I do not believe it was stated as same. This is serious business here. I represent a district where goods movement is key, and I support goods movement, but we have to make sure that, as many Members have said here, also safety is a part of that, and that is a critical piece that has to be done accurately. Thank you.

Mr. MICHAUD. Thank you very much. Those are very good questions, and it gets back to the issue that this is a complex issue. Actually, I was just out in LA County last week, and I saw the problem that you are facing. But when you look at different situations such as Maine, actually, it could reduce congestion in the communities by putting them on the interstates. So it is different situations for different States, and I think it is going to take a lot of work to try to do something to take care of the problem.

Mrs. CAPITO?

Mrs. CAPITO. Thank you, Mr. Chairman. I want to thank the Members. Talking about different situations, we are going to go from LA to West Virginia.

In 2003, our legislature designated certain roads in the coal field area as certain trucks to be able to carry up to 120,000 pounds. This was in response to a lot of problems from heavy coal trucks that were repeatedly violating it, so this has been in effect for several years.

Here is the problem. I want you guys to help me out with this. The truck comes out of the hollow; it is going down to the prep plant; it goes through the little town of Chesapeake where the houses are built right on the two-lane road.

You are from Ohio, you know exactly what I am talking about.

And they come barreling down there. I am sure they are driving the speed limit but, still, 300 or 400 trucks a day on the way to the preparation plant. Well, if they could get up on the interstate, which they have to go under for seven miles, they can go from exit to exit to get onto the preparation—get on the interstate seven miles, get off, and get to the preparation plant and save the town of Chesapeake and a lot of the people there a lot of danger, a lot of dirt, and a lot of sort of fear when business is going on.

The only mechanism I have found to try to do this is through legislation, and I have been repeatedly shut out of being able to do that for that seven mile tract on Interstate 64. Can you give me some other suggestions on how I can get this done, or is this my only option?

Mr. PANIATI. I believe it is your only option. The Federal Highway Administration does not have the ability to waive or exempt vehicles of heavier weights on any part of the system. So while we might look at the situation and come to the exact same conclusion that you have, we do not have the authority to grant that waiver.

Mrs. CAPITO. Well, then the next thing I would say is waivers have been granted. For instance, in West Virginia, on Interstate 70 in the northern panhandle—and you may have this in Ohio too—there have been some waivers granted for steel shipments for, obvi-

ously, the heavy weight of what is being carried. When was the last waiver granted that you are aware of and does it fall within the category which I am trying to address here?

Mr. PANIATI. I would have to get back to you for the record exactly when the last one was granted, but I am aware of at least 12 exceptions that exist that have occurred as a result of legislation, congressional action that have provided various exemptions.

Mrs. CAPITO. If you could provide that list for me. I mean, I think I have seen parts of it, but I would like to see an entire list. You know, it is funny in the discussion of this, each of our States have different issues and different ways of—you know, when you look at safety, putting the truck up on the highway, is that safer or not safer? Well, running it through Chesapeake, is that safer or not safer? And I think this is where I think maybe a little more flexibility, at least in my State, in terms of these larger trucks and coal shipments might be a way to really answer the safety question and the other issues associated with carrying coal to the processing plant. That is my only question. Thank you.

Mr. DEFAZIO. [Presiding] Thank you.

Mr. Dent.

Mr. DENT. Thanks, Mr. Chairman.

I guess I will address my question to Mr. Paniati. Following up on Congresswoman Capito's comments, I have seen situations in my district where we have had water trucks that were not allowed to move at 100 percent capacity; in other words, they could only fill the water up to maybe half or two-thirds to meet the weight requirements. But it was often cited that taking a container half filled with water was less safe than a container full of water coming down some of the rural roads, and we would look for exemptions and I understand the complexity of this issue. That was just one issue in my district.

Similarly, I have a truck manufacturer in my district, Mack Trucks, and we were dealing with the CAFE issue, corporate average fuel economy, and they were very concerned about CAFE being applied to heavy trucks. They make a lot of refuse trucks, garbage trucks, construction vehicles, and their argument was that they could perhaps meet such a standard, but they would truly have to build a much smaller, lighter truck; and they argued there would be more trucks on the road, and how much fill are you going to save.

I know Dr. Boustany asked I guess Mr. Cole from Maine about that issue, about the heavier truck. I guess the heavier truck would result in limits that would result in less net damage? Did I understand that correctly?

Mr. COLE. Our dilemma is trying to harmonize truck weights in our State. Our proposal is to increase the Federal weight to match the State weight, but others have said why don't you turn everything back to 80,000 pounds, and part of the reason is for every two trucks that are operating at 100,000 pounds gross vehicle weight, you would need almost three trucks at 80,000 to replace them. So if you look—actually, I have in my testimony—

Mr. DENT. So you would need more vehicles on the road to haul the same amount of material, essentially?

Mr. COLE. Right. In my testimony I cite out of USDOT's Comprehensive Truck Size and Weight Study. When you look at load equivalency factors, which adjust for payload—not just the size and weight of the truck, but payload—to carry the same amount of payload, it is less impactful at 100,000 pounds, if I am reading and interpreting this correctly.

Mr. DENT. So you would be advocating a maximum flexibility?

Mr. COLE. I am with the lady from West Virginia. Absolutely.

Mr. DENT. Mr. Paniati, do you want to add anything?

Mr. PANIATI. Again, our job is to implement the laws as passed, which is what we were doing, and we do not have any flexibility to be able to grant waivers or exceptions beyond the existing Federal weight requirements. So these individual situations that you identify, I can see where there is clearly a logical rationale for operating differently than we do today, but we do not have the authority to grant those exceptions.

Mr. DENT. Have you given any thought to my comments? The CAFE standards, they do not apply to the heavy trucks, but there was a lot of concern at the time that they may in fact be applied to heavy trucks, and the fear was that you would have to have more trucks on the road to haul the same amount of material and you wouldn't save fuel in the end. I don't know if anybody has any thoughts on that issue.

Mr. PANIATI. I would have to have someone get back to you for the record on that. That is not an area of expertise that I have, in the CAFE standard area.

Mr. DEFAZIO. Okay, we will now turn to Mr. Duncan.

Mr. DUNCAN. I will do this very quickly, because I know we need to get to the next panel.

These weight limits vary greatly from State to State. I think we counted up 24 States that have over 80,000 pound limits. Michigan has 164,000; New York has 143,000. I noticed that Massachusetts, which is a heavily urban State for the most part, has 127,000. Does Michigan have a lot more wrecks of these big trucks, or New York? Have you see any State-specific studies, Mr. Paniati or Mr. Quade, in these States that have these much, much greater weight limits?

Mr. QUADE. Sir, we do have data on the number of crashes by State, as I was describing to the Congresswoman earlier. With respect to what the weight of that truck was during that crash, I will have to investigate to see whether we have any data that is that specific.

Mr. DUNCAN. All right. Well, I can see why Maine feels it is unfair, when all the States around it have these much higher limits. I saw where, in Canada, they vary from province to province. I think they average 127,000. Mexico averages 106,000, although it is not enforced.

One final question. Mr. Paniati or Mr. Quade, can either of you—you know, somebody else said it would be safer because there would be fewer trucks on the road if we go to heavier limits. It seems like more people say it would be less safe. It would be better for the environment to have fewer trucks and so forth. Can either of you express an opinion as to whether the good outweighs the bad, since you are two of our highest officials in regard to our highways?

Mr. PANIATI. I think you would have to take a look at a specific proposal and evaluate that proposal from all dimensions, because a higher weight, for example, could have impacts on the service life of the pavements and bridges; it could have some safety impacts. But it depends on what weight you are establishing as to those impacts, and also the economic gains from moving to those weight limits. So we would certainly, as I indicated earlier, be prepared to provide technical assistance on any specific proposal, but we would need to look at the specific proposal to be able to evaluate it.

Mr. DUNCAN. I understand we have got to weigh all that, but at this point, based on what you know, you really don't have an opinion?

Mr. PANIATI. Not without seeing a specific proposal. We do believe that it is time to look at the potential for some changes, given the growth in freight that we have seen and some of the data that exists out there with regard to the operation of longer combination vehicles and others, but I wouldn't be prepared to comment without being able to look at a specific proposal.

Mr. DUNCAN. Do you have an opinion, Mr. Quade?

Mr. QUADE. I would just echo what Mr. Paniati has said, that it is a complex situation that requires a lot of study.

Mr. DUNCAN. All right, thank you very much.

Mr. DEFAZIO. My understanding is that the National Highway Traffic Safety Administration is working on a tractor stopping distance rule, is that correct? Do either of you know?

Mr. QUADE. I am sorry, sir, I do not have knowledge.

Mr. DEFAZIO. You don't know about that? Okay. Because my question would be if a rule is going to be published about tractor stopping distances, I am wondering how that accommodates or deals with higher weight trucks. I mean, if we are looking at the supposed Federal limit of 80,000 pounds, which doesn't really exist, and saying, well, we are going to test tractors on an 80,000 pound truck and we are going to set a mandatory stopping distance—and I don't know what new technologies or what they are looking at in terms of whether it sort of like ABS systems on cars or what they are going to do; I have no idea what you guys are proposing.

But I am wondering how they deal with the potential for the heavier trucks, because we are going to have testimony in the next panel that says 100,000 pound truck takes 25 percent longer to stop than a 80,000 pound truck, and I was wondering how the rule might deal with that. If there is any information that could be provided regarding the rule and how it is going to accommodate different weights in terms of mandating stopping distances, that would be of interest.

Okay, if there are no other questions,—there is no one else here—with that, I will thank the panel for their testimony and move on to the next panel.

Okay, this panel is composed of seven people, and again I will just say to the panel we have your testimony; it has been read and digested, and any departure from reading a prepared statement which addresses some of the issues and concerns that you have heard here today would be helpful. With that, you will each have five minutes.

First will be Mr. Vincent Brezinsky, Driver, with the International Brotherhood of Teamsters.

And the order is alphabetical, if you didn't notice.

Mr. Brezinsky.

TESTIMONY OF VINCENT BREZINSKY, DRIVER, INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 745, DALLAS, TX; TOM CARPENTER, DIRECTOR OF TRANSPORTATION, GLOBAL SUPPLY CHAIN, INTERNATIONAL PAPER; GERALD A. DONALDSON, SENIOR RESEARCH DIRECTOR, ADVOCATES FOR HIGHWAY AND AUTO SAFETY; BILL FARRELL, INDEPENDENT DRIVER, OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION; CAPTAIN JOHN HARRISON, PRESIDENT, COMMERCIAL VEHICLE SAFETY ALLIANCE; MIKE SMID, PRESIDENT AND CEO, YRC NORTH AMERICAN TRANSPORTATION; AND MIKE SPRADLING, PRESIDENT, OKLAHOMA FARM BUREAU, AMERICAN FARM BUREAU

Mr. BREZINSKY. Thank you, Mr. Chairman, Members of the Subcommittee. My name is Vincent Brezinsky. I have been a long-haul driver for approximately 31 years, having logged just short of two million miles driving a variety of commercial motor vehicles, including doubles and triples. I have driven in various parts of the Country, including the Northeast and, more recently, the Midwest and Southwest, working for Roadway. Currently, I drive from Dallas, Texas to Springfield, Missouri, a run of 432 miles. Out of the six tours I drive per week, four are usually driving doubles.

While I am a member of Teamsters Local 745 in Dallas, Texas, I am here today representing the 1.4 million members of the International Brotherhood of Teamsters and, in particular, the approximately 600,000 members who drive trucks on America's interstates, State highways, and city roads. About 140,000 drive tractor trailers, including doubles and triples. By far, we have a very good safety record and our Teamsters members have the protection of the Union if a driver refuses to drive any vehicle that does not conform to the current truck size and weight limitations.

The Teamsters Union sees no reason to increase the truck size and weight. I think it is important that you hear from a driver's perspective the unique challenges of operating longer and heavier vehicles. Greater alertness is required when operating heavy trucks because there is less margin for error. For example, total length stopping distance for an 80,000 pound truck traveling at 55 miles an hour is 335 feet, compared to 225 feet for a passenger car. It is extremely difficult to judge these distances in congested traffic. It is also extremely difficult to get a tractor trailer up to highway speed in the merge lanes that currently exist. It would be even more difficult to perform that feat with a heavier and/or longer truck.

Most ramps are not built for LCVs. Trailers are too long to make the kind of turns that are required. You have seen all the tire marks on the concrete barriers on the exit ramps.

Keeping track of automobiles traveling alongside our rigs is challenging. The no-zone area or blind spot, the area where a car is not in sight of the truck driver's side view mirrors, substantially increases with longer vehicles. I drive a 62 mile an hour unit in a

70 to 75 mile per hour speed limit area, and sometimes the impatience of smaller, faster vehicles is problematic. As I try to overtake a slower vehicle and get a safe distance from that vehicle to return to the slow lane, these vehicles try to get around your right-hand side before I can maneuver back. I have to check my mirrors every three to five seconds.

It takes 9,600 cars to cause the same road damage as one 80,000 pound truck. In West Texas, in some areas of Interstate 20, road construction crews are constantly repairing the highway due to tire ruts in the roads from 18-wheelers. It makes my truck hard to control, especially double trailers. Weather conditions such as rain or high winds make it even more difficult.

Some claim an increase in truck size and weight will mean fewer trucks, fewer trips, and fewer miles traveled on our highways, but history does not bear that out. According to the Federal Motor Carrier Safety Administration, over the past 20 years, there has been a 49 percent increase in registered large trucks and a 76 percent increase in miles traveled. Trips continue to increase because of just-in-time delivery and the number of trucks on U.S. highways has steadily increased, even after increases in both size and weight of large trucks. Further increases could actually lead to even more traffic as lower shipping rates due to increased sizes and weights could result in diverting freight from other modes of transportation. That might sound good for increasing the Teamsters Union membership, but let me tell you our highways are overused and heavily congested, resulting in constant delays and longer travel times.

I would like to address the saving fuel myth of heavier trucks. As the trucks get heavier, more fuel is used. Heavier loads require more horsepower, and the low sulfur fuel used today doesn't provide the same pulling power or takeoff power in today's truck engines. On some of the newer tractors, the computer can sense the need for more horsepower, and more fuel is used in order to get it. So increasing the weight will result in even more fuel usage.

Currently, both Mexico and Canada permit heavier trucks. The weight limit on Canadian trucks is generally 137,850, which is 70 percent heavier than the U.S. limit of 80,000 on the interstate highways. In Mexico, the federal government sets a standard of 106,900 pounds, but there is little or no enforcement. I have had some problems with overloaded trailers coming from Mexico to our Laredo terminal. For example, I had a load of tire tread recapping going to Abilene, Texas weighing in at 85,000 gross, 5,000 pounds overweight. The company had to spend time and money to correct a problem that should have been addressed at the border crossing. It makes me wonder how many of these units are going north undetected.

We must insist that Canadian and Mexican trucks adhere to our size and weight limits when traveling in the United States, and make sure that the proper inspection and enforcement mechanisms are in place.

In summary, the Teamsters Union opposes any changes in the current truck size and weight regime. The FMCSA has done an inadequate job of enforcing current weight limits on our highways. There is strong evidence that most bridge and road damage is caused by heavy trucks. There are real safety, highway design and

operating issues involved in expanding the use of heavier trucks and double and triple trailers on the national network. Any projected gains in productivity may prove to be negligible.

Finally, the States and the Federal Government lack the funds needed to properly repair, maintain, and expand our infrastructure to meet the growing transportation needs, let alone build onto the reinforced infrastructure necessary to operate longer and heavier vehicles on the current system.

Mr. Chairman, that concludes my testimony. I am happy to answer any questions.

Mr. DEFazio. Thank you.

With that, we will turn to Mr. Tom Carpenter, Director of Transportation, Global Supply Chain, International Paper Company.

Mr. CARPENTER. Thank you, Mr. Chairman and Members of the Subcommittee. My name is Tom Carpenter, and I am the Director of Transportation for International Paper based in our headquarters in Memphis, Tennessee. I want to thank you for the opportunity to speak on the important issue of truck weight.

Chairman DeFazio, I agree with your opening comments: the current system is broken.

I want to say that at International Paper safety is our number one priority, both for our employees and the communities that we serve. In 2008, International Paper will spend well over \$1 billion on freight transportation, including over 600,000 truckload shipments. We are fully committed to moving these truckload products as safely as possible.

I am here today not only on behalf of International Paper, but also on behalf of the coalition Americans for Safe and Efficient Transportation, or ASET. ASET has long sought authority to give 6-axle single-trailer vehicles access to interstate highways for loads up to 97,000 pounds.

There are many reasons why there is a need now to begin to lift the Federal freeze on truck weights. These include skyrocketing diesel fuel prices, a tripling of highway congestion since 1982, increased operating costs from new regulatory requirements, and a steady tightening of the supply of qualified drivers.

While the trucking industry faces steadily escalating costs, inevitably these costs are borne by consumers. More money for diesel fuel, combined with the congestion and shortage of drivers ultimately leads to higher cost for products once they hit the store shelves. This is why we are supporting an effort to couple improvements in trucking efficiency through higher weight limits with improvements to the safety of the truck fleet through the addition of a third axle on single-trailer vehicles. Allowing 3-axle trailers the ability to carry heavier loads will improve industry efficiency, reduce fuel use and carbon emissions, and reduce the total amount of weight carried on our highways. All of this serves to reduce the total vehicle miles traveled by trucks which should serve to reduce the number of highway accidents.

Let me give you a specific example of how we think raising the weight limit in tandem with the addition of a third trailer axle will be a win-win for shippers, truckers and the commuting public. Taking just one of my paper mills in Alabama as an example, we ran

some numbers that we think are compelling enough for this Committee.

Each week, we ship about 600 fully loaded trucks from our mill in Courtland, Alabama. These trucks travel an average of 628 miles one way and travel most of that distance on the interstate highways.

If the weight limit is increased to 97,000 pounds, we could increase the weight of the cargo on each truck from 45,000 pounds to almost 60,000 pounds. International Paper could then transport the 27 million pounds of paper we ship from Courtland, Alabama to our customers each week on 450 trucks instead of the 600 that we are currently shipping.

Here is why this is critically important: 150 fewer trucks on the road driving 628 miles one way results in a reduction in 94,000 vehicle miles traveled each week. With fuel today costing 77 cents per mile, the fuel savings would be close to \$73,000 per week with a reduction in CO2 emissions each week of 130,000 pounds.

Perhaps, most startling is the total weight reduction achieved each week on the roads and bridges between Courtland and these destinations of 5,250,000 pounds per week. This has got to be of long-term benefit to our infrastructure.

Another key reason for the need to lift the freeze on truck weights is our dependence on fossil fuels and the greenhouse gases that are emitted into the air from trucks.

When the DOT looked at this issue, they looked at our 97,000 pound proposal and found that it would reduce vehicle miles traveled by 11 percent and fuel usage by 6 percent across the United States. That would mean annual savings of approximately 1.9 billion gallons of diesel fuel, resulting in a decrease of 6.5 million tons of criteria pollutants and 43 billion pounds of carbon emissions.

However, because we recognize the need to improve our transportation infrastructure, particularly in bridge reinforcements, International Paper along with the ASET Coalition would be willing to support an increase in the highway user fee tax for six-axle trucks seeking to carry the heavier loads. We recognize that it is time to pay to play, and we are prepared to do so.

Mr. Chairman and Members of this Committee, in conclusion, our goal is to improve trucking efficiency and create a safer highway transportation system all at the same time. We are willing to work with the Members of this Committee on any reasonable proposal to advance this issue.

While we believe there is an urgent need to act on this issue today, we would certainly be willing to discuss any number of ways to phase in this effort provide additional testing through the implementation of pilot programs. We stand ready to assist you in this effort in any way that we can.

I appreciate this opportunity to share my views and would welcome any questions that you might have. Thank you.

Mr. DEFAZIO. Thank you.

Mr. Gerald Donaldson, Senior Research Director, Advocates for Highway and Auto Safety.

Mr. DONALDSON. Thank you, Mr. Chairman. Good morning to you and the Members of the Subcommittee on Highways and Transit.

I am Gerald Donaldson, Senior Research Director for Advocates for Highway and Auto Safety.

Congress and the American people stand at a crossroads today. If Congress allows more, bigger, longer and heavier trucks, American families will pay with their lives and their wallets. Each year, about 5,000 people are killed and more than 110,000 are injured in large truck crashes, a figure that has scarcely changed in many years.

Truck crashes are very expensive, are fatal and cost \$3.6 million. The total cost to the United States every year is a staggering \$41.5 billion for fatal truck crashes.

The American public has said they don't want bigger trucks. It has said it over and over. Our recent poll done in May showed two-thirds of Americans opposed to increasing truck sizes and weights, and more than four out of five people interviewed said specifically they didn't want more LCVs to operate on their roads.

Allowing trucks to get bigger and heavier will only produce more crashes, more deaths and more injuries. They are harder to control, they take longer to stop, and they can have more severe crashes.

In respect of the comments we have had here today from several of the witnesses and exchanges with Members, I would like to emphasize the fact that it is pretty well documented for the past 35 to 40 years that no increases in truck sizes and weights have ever resulted in fewer trucks on the road. Each time there was an increase in truck size and weight through Federal legislation and to the extent that States would increase truck sizes and weight by using their discretion under their grandfather rights and the accordance of special permits, there were more trucks that were bigger and heavier than ever before.

I would like to see if I can harvest some of those extra points that Chairman DeFazio said instead of going on breathlessly reading an oral statement. So let me cut to what he asked for which is what we need to do for the future, which I think is very crucial.

First, I want to emphasize that Chairman Oberstar's remarks at the very start of this hearing are absolutely fundamental, and I need to stress them again.

Whatever we do here and whatever Congress does have to have safety as its ultimate rationale. That is the absolute foundation of both motor carrier safety and for truck size and weight increases. Those two things are absolutely crucial.

We have, however, attempted to be able to make Congress move toward increased truck sizes and weights. We have a group, Americans for Efficient and Safe Transportation, ASET, seeking congressional approval to allow 97,000 pound trucks in 6 States: Georgia, Maine, Minnesota, South Carolina, Texas and Wisconsin.

Those six States had one-fifth of all the large fatal truck crashes in the United States last year, and they face serious highway shortfalls.

First, what should Congress do?

Congress, first of all, has the power to stop any pilot programs or State option programs like the one that is being recommended by ASET, particularly when they threaten public safety and place more pressure on our crumbling infrastructure. Congress has to re-

spond with a resounding no to shipping and trucking interests seeking size and weight increases.

Congress should never thaw the LCV freeze. It works. It has stopped the diversion of giant double and triple-trailer trucks to more of our lower class roads. It has been one of the greatest life-saving and motor carrier safety measures ever enacted by Congress.

Congress should also enact the proposed legislation that was introduced by Congressman James McGovern, H.R. 3929. Both Congressman Oberstar and Congressman DeFazio emphasized the fact that we have a system that is badly broken.

Congressman Oberstar's locution, as I remember, was a patchwork quilt.

I want to go even one better. It is not just a patchwork quilt. It is a crazy quilt, and there is no way to reconcile the type of deviation from State to State, the different practices in terms of permitting, the different interpretations of grandfather rights that we have out there now, and to be able to have Congress respond to this as being a rationale scheme that they can improve on.

We can't tinker with it. It has to be changed. Congressman McGovern's proposal is to start over with a blank slate. Let's get rid of the grandfather rights. Let's get rid of the special permitting abuses that are being used right now in an exploitative way.

It is a spoils system. It is used to divide and conquer State by State to get ratcheted-up sizes and weights.

Congress has to stop the uncontrolled use of overweight permits granted by the States including the permits for divisible loads that the States are treating as nondivisible loads.

Congress spoke very clearly about what they said a divisible load should be, and that is being honored more in the briefs than in reality. The States are easily and frequently granting loads that are inherently divisible, nondivisible load permits.

Congress has to get tough. It has to get tough on unsafe trucking practices by restoring FHWA's enforcement powers over truck size and weight practices. Those were undermined by the 1982 Surface Transportation Assistance Act with four little words, which the State determines, and that allowed the States to interpret their own grandfather rights and to accord themselves their own permitting practices, and the result has been an explosion in overweight trucks and excessive permitting.

Lastly, Congress should adopt the wise recommendations of the National Transportation Policy and Revenue Commission's report, Transportation for Tomorrow. That report had superlative insight into the crisis in American infrastructure funding and the need for us to be able to redouble our efforts to bring us back to the level of greatness that we once had in this Country for our highways and bridges.

For the very first time, we need to restore actual user fee equity to the system. Big trucks dramatically underpay their fair share for the use of our roads and bridges, and we have to reestablish user fee equity. This report tells us how to do it, including the use of weight distance taxes which Oregon has not only pioneered but also successfully resisted numerous attempts to overthrow that successful system in the State.

Thank you for this important opportunity to address the Subcommittee on this crucial safety and infrastructure protection issue.

Mr. DEFAZIO. Thank you, Mr. Donaldson.

Mr. Bill Farrell, independent driver from the Owner-Operator Independent Drivers Association.

Mr. FARRELL. Good morning. My name is Bill Farrell. I have been involved with the trucking industry for the better part of four decades. As a driver, I have logged well over two million miles without a chargeable accident.

I have also owned and managed a small fleet of trucks, and I am currently driving one of my units, and I employ drivers for my other six trucks. I have been an active member of OOIDA for more than 32 years.

On average, OOIDA members operate their vehicles well over 100,000 miles on this Nation's highways each year. Unquestionably, they have the most at stake when it comes to highway safety. Their lives and livelihoods literally depend on it.

Truckers such as OOIDA members know from firsthand experience that further increases in size and weights of commercial motor vehicles can endanger highway users and hasten the deterioration of our Nation's roads and bridges. As such, OOIDA has long been an opponent of increases to Federal truck size and weight standards.

Advocates of increased size and weight limits point to productivity and environmental benefits that are allegedly associated with larger vehicles. They ignore both the safety risk and the added strain on highway infrastructure that these vehicles present. These factors more than offset any theoretical productivity or environmental gains.

Stability, mobility and maneuverability are substantially reduced on bigger and heavier trucks. Specifically, heavier weight adversely affects vehicle performance, increases stopping distance, exacerbates brake fade on downgrades and slows the vehicle's ascents on hills. In many cases, the center of gravity rises in correspondence with heavier allowable weight limits, increasing the risk of vehicle rollover.

For these and other reasons, allowing increases to Federal size and weight limitations would seriously jeopardize the safety of commercial drivers and the motoring public.

Increasing truck size and weights would also accelerate the deterioration of the Nation's highways and bridges. As the size of vehicles increase, the number of highways and bridges that are designed to accommodate them become fewer.

If sizes and weights are increased, many routes as well as pickup and delivery points will become totally inaccessible without substantial costly upgrades to accommodate vehicles larger or heavier than currently allowed under Federal rules.

The type of configuration currently being advocated by proponents of heavier trucks, 97,000 pounds gross weight on 6 axles, presents a serious handling issue due to the fact that adding a third axle to the trailer will increase the maximum allowable trailer weight to 51,000 pounds compared to 34,000 to 40,000 pounds now.

The trailer weight would then exceed the allowable weight of 46,000 pounds on the tractor, creating a dangerous kinetic force that could easily push the tractor out of control when attempting to stop on icy, snowy or wet road surfaces. Add to that, descending a steep mountain grade in the same conditions, and even an experienced driver will surely be challenged to keep the vehicle under control.

Additional axle combinations that would be necessary with weight increases would increase the damage to road surfaces relating to scuffing. This is a phenomenon associated with certain axle configurations where the vehicle's tires drag across the road surface when turning.

Scuffing is most prevalent in configurations where a trailer is equipped with a group of three or more axles such as the type of configuration currently being advocated. Scuffing is especially damaging in hot weather, a condition under which one can actually see the pavement buckle and roll up under stress.

Increases to allowable weight standards would also hasten the deterioration of trucking equipment. While these issues may not be of great concern to large corporate motor carriers who turn over their equipment on a regular basis, it would correspond to a significant cost increase for the small business truckers that comprise the vast majority of the U.S. trucking industry.

Furthermore, the increased wear in equipment is not only a costly issue but also represents another serious safety concern.

If truck size and weight restrictions are set aside, a select few shippers may benefit. However, it is highly doubtful that the public would gain any economic relief or environmental benefit from those shippers' ability to utilize large vehicles.

Short-term, limited economic benefits enjoyed by a few would pale in comparison to the increased cost associated with loss of life and property, accelerated deterioration of equipment and the highway system, and developing, implementing and complying with the inevitable imposition of new rules and operational restrictions.

Unfortunately, if weights are increased, efficiency in the trucking industry would likely be lost, not gained.

Thank you again, Chairman DeFazio and Congressman Duncan, for the opportunity to testify before this Subcommittee. I would be happy to answer any questions.

Mr. DEFAZIO. Thank you.

Ms. FALLIN. Okay. Well, thank you, Mr. Chairman. I appreciate that.

I hate to run, but I have been sitting here for a couple of hours, and I have to run to a lunch meeting.

But I have a special guest in from Oklahoma, Mr. Spradling, who is with the Oklahoma Farm Bureau, and he is going to visit with us about truck weight limits and especially as it relates to our rural farmers and the commercial vehicle licenses and some of the challenges that we have faced with getting our products to market, some of the rural areas. I hated to leave right before he testified, but I wanted just to welcome him and say thank you so much for coming today.

Mr. Chairman, whenever it is appropriate for him to speak, I would appreciate that.

Mr. DEFAZIO. Sure. We have no particular order, so he could go now. That was a good introduction.

Go right ahead.

Mr. SPRADLING. Mr. Chairman, thank you very much for the variance here, and thank you, Congresswoman.

I am Mike Spradling, President of the Oklahoma Farm Bureau Federation. I am here today on behalf of the American Farm Bureau Federation, a grassroots organization representing a diverse range of agriculture producers from all 50 States and Puerto Rico.

My wife and I operate a cattle and pecan operation near Sand Springs in Tulsa County, Oklahoma.

The Farm Bureau appreciates the opportunity to share the impact that truck weight limits imposed by the Safe, Accountable, Flexible and Efficient Transportation Equity Act, known as SAFETEA, and the Federal Motor Carrier Safety Regulations are having on farmers and ranchers hauling their own products to market.

While Farm Bureau recommends changes in the FMCSA's rules, we are in no way seeking to relieve farmers of the obligation to operate their farm vehicles in a safe manner or maintain those vehicles in a safe working order. However, several factors make it difficult for small farmers and ranchers to get their products to market.

Concentration within the agriculture industry has reduced the number of grain elevators, cotton gins and livestock markets, forcing farmers and ranchers to drive longer distances often across State lines to sell their commodities.

DOT's decision to define a commercial motor vehicle at its lowest weight, authorized by SAFETEA, has created an impossible threshold for farmers and ranchers to legally transport their goods.

Farm Bureau believes that the DOT already has the authority to address two issues by increasing the CMV weight limit of 26,001 pounds and creating a uniform system of rules. Despite numerous contacts with FMCSA describing the hardships imposed by the agency's decisions, no relief has been granted. Therefore, we need your help.

SAFETEA got DOT some flexibility in defining the weight requirements for CMVs, yet they chose to define CMV as a vehicle with a gross vehicle weight rating or gross combined weight rating of 10,001 pounds or more.

While 10,001 pounds sounds like it would apply to a large commercial vehicle, the truth is it takes very little to reach that threshold. For instance, a heavy-duty pickup truck can often exceed the 10,001 pound weight limit.

Under those same regulations, a State may exempt the CMVs up to 26,001 pounds if the vehicle is engaged solely in intrastate commerce. For many farmers and ranchers, the closest market, grain elevator, port or cotton gin is just over the State line. Under current regulation, crossing State lines changes the classification from intrastate carrier to interstate carrier, triggering the requirements such as the need for a commercial driver's license.

Establishing a national threshold with 26,001 pounds would eliminate the inconsistent and confusing system currently in place and free small farmers and ranchers from regulation. The only true

solution that will relieve agriculture producers from burdensome regulation is to increase weight limits for farmers and ranchers hauling their own commodities in their own vehicles.

The following three suggestions, while not enough, would provide relief for some farmers and ranchers and could be accomplished in the short term:

Farm Bureau believes that there are legitimate reasons to raise the weight limits for farm trucks above the 26,001 pounds. One partial solution is to raise the weight limit for CMVs to at least 26,001 pounds as provided in the H.R. 3098, the Boren-Aderholt-Fallin Bill. Again, this will help some, but it will not eliminate the issues for everyone.

Congress granted FMCSA the ability to devise a workable definition that would not impede commerce. The agency has refused to consider this flexibility.

A second partial solution is for Congress to require FMCSA to exempt border crossings between States with similar weight restrictions for farmers and ranchers hauling their own goods. If States have compatible CMV definition, it makes no sense to add another definition.

The Farm Bureau has heard the argument that it would allow some unscrupulous operators to put together cross-country truck routes. However, we propose this option only for farmers and ranchers transporting their own goods.

Thirdly, the regulators created some exemptions for farmers and ranchers hauling their own goods within a 150 air mile radius of their own farms. For many farmers and ranchers, a State line lies within a 150 air mile radius.

A third partial solution is to provide an exemption for the CMVs for farmers who cross State lines within prescribed radius. However, the situation is less than ideal because it would be difficult for law enforcement to determine which farmers are in compliance.

Farm Bureau appreciates the time and attention you have given to hearing about problems caused for farmers and ranchers by the FMCSA's definition and enforcement of the CMV provision of SAFETEA. Farmers and ranchers hauling their own goods to market across relatively short distances should not be captured by regulations intended for commercial long-haul drivers.

I want to thank you very much for this opportunity to present testimony today, and I look forward to your questions.

Mr. DEFAZIO. Thank you.

Since you have to leave, do you have a question you want to direct to him of any sort? Just go ahead.

Ms. FALLIN. Thank you, Mr. Chairman. I appreciate your working with me.

I do have one question. In the previous panel where we had testimony about weight limits and were talking about, of course, the larger commercial weight limits, I asked the regulatory side if, based upon this issue that we are dealing with on farm trucks and weight limits and the interstate, if we increased the weight limits on the farm trucks, if there would be any safety hazards for that.

The gentleman stated that he had statistical data that said that farm trucks do have a lot of accidents and that he didn't think it would be wise, if I understood him.

So have you tracked any type of safety numbers as it relates to just the pickup trucks driving with a load behind them and doing the short hauls, just the producers taking their own goods within the communities or even if it is across the Oklahoma panhandle to another State?

Have you seen higher incidents of safety issues compared to even regular motor vehicles?

Mr. SPRADLING. Congresswoman, certainly, I do not have those statistics, and I would be anxious to see them as well when they do provide those.

Certainly, though, in our written testimony and in the oral testimony, as I mentioned here earlier, we are in no way asking for an exemption on safety of the vehicle, for the vehicle or the driver. So we feel that the vehicle certainly has to meet the safety requirements, and the driver has to be capable and healthy in order to operate that vehicle.

Ms. FALLIN. Good. All right. Well, I did ask him for those statistics. So, hopefully, he will get them to me.

Mr. DEFazio. They would be of interest to the Committee. So that would be good. Thank you.

Okay. Now we will return to Captain Harrison, the President of the Commercial Vehicle Safety Alliance.

Mr. HARRISON. Good afternoon, Chairman DeFazio, Ranking Member Representative Duncan and Members of the Subcommittee.

I am John Harrison, President of the Commercial Vehicle Safety Alliance and also a captain with the Georgia Department of Public Safety.

CVSA is basically an association of all the enforcement agencies in North America that does commercial vehicle safety enforcement as well as size and weight enforcement.

In my testimony today, I will discuss enforcement and safety issues relating to existing truck size and weight regulations as well as offer some of our views on a path forward.

Traditionally, the enforcement aspects of truck size and weight have been viewed through the prism of infrastructure protection and preservation. CVSA believes more emphasis needs to be placed on the safety performance of vehicles, drivers and motor carriers who operate larger vehicles and, more specifically and importantly, those who choose to violate the law and operate vehicles in excess of the size and weight limitations.

From 2005 to 2007, there were 892,000 commercial vehicle size and weight violations cited by roadside inspectors where a subsequent safety inspection was completed. This number represents 13.3 percent of the total number of violations cited during the driver inspections over this time period and ranks number 2 on the list in terms of most often cited violations.

What is not known is how or if these data correlate with other motor carrier driver and vehicle safety performance problems in crashes. Through our members' experience, we believe it does.

Before any significant decisions are made to modify truck size and weight limitations, we believe there needs to be a better understanding of the efficacy of the enforcement regime and, more impor-

tantly, if there is a correlation of oversize, overweight vehicles and their performance with increased crash risk and consequences.

In our written testimony, we have identified several specific safety issues that would concern us with respect to increasing size and weights. In addition to the safety issues, there must be adequate resources made available to the enforcement agencies, so they are able to monitor compliance and take enforcement action when warranted.

The FHWA has safety as a core component of its mission, and we want to make sure that it remains so, that it remains a part of its truck size and weight program.

It is our firm belief that oversize and overweight vehicles present safety hazards on our roadways.

We believe if a FHWA is able to establish a stronger safety nexus to size and weight enforcement, it will help the State enforcement agencies make their case for receiving their full measure of support and resources, both State and Federal funding, for the State Departments of Transportation to carry out their enforcement efforts.

We believe there needs to be a stronger Federal role in facilitating a framework for research, policy and performance-based regulations and the enforcement of truck size and weight operations on the interstate portion of the National Highway System.

We also believe more study needs to be completed on the non-interstate portions of the National Highway System. The larger truck-related crash data indicate that a larger portion of fatality crashes are occurring on non-interstates. Consequently, there is a gradual shift of enforcement resources to non-interstates.

In addition, many States are deploying virtual weigh stations to help expand their enforcement footprint. These technologies allow for the unmanned identification, monitoring and weighing of commercial vehicles. This practice should be encouraged and supported at the Federal level.

One of the largest challenges that exists in truck size and weight policies and regulation is the lack of uniformity from State to State and sometimes even within States. In addition, there are a variety of exemptions and special permits all across the Country.

Except for the 1991 long combination vehicle freeze, there has been no significant change in Federal size and weight laws since 1982. However, there have been many changes in freight movement and enforcement capabilities.

In addition, there has been a tremendous movement in adoption of technology in industry and government, data availability, analytical capabilities and performance-based programs.

It is clear that we need a more comprehensive approach in the United States to truck size and weight policy, and we must gain a better understanding of the true impacts that truck size and weight have to all aspects of our transportation system.

We support the recommendation in TRB Special Report Number 267 which discusses the creation of a Commercial Traffic Effects Institute.

One of the actions we believe the CTEI would consider or could consider is the development of a framework for a federally-supervised, State-administered, performance-based oversize and overweight program for the operation of heavier and larger vehicles. In

our written testimony, we have provided more details and identified a TRB concept paper on this issue that could serve as a launching point.

With respect to a pilot study recommendation in TRB Report 267, we would support this concept, but a number of factors need to be considered. In our written testimony, we outline 18 points. In summary, it centers around a science-based study design, performance metrics and instrumentation to measure safety and infrastructure impacts, limitations on sections of road or other operational limitations, and adequate resources.

To summarize, we believe this approach needs to be more performance-based and scientific-based and ask you not to look at this as a short-term legislative fix. It needs to be studied more, and we need to look at how it is going to affect the safe operation of vehicles before we allow this to be higher.

CVSA is not necessarily against higher weights. We just want it to be done safely.

Thank you.

Mr. DEFAZIO. Thank you.

And our last would be Mr. Mike Smid, President and CEO, YRC North American Transportation.

Mr. SMID. Thank you, Mr. Chairman. Thank you, Members of Congress, for the opportunity to testify on this important issue.

I have submitted a written document, so we will stray away from the written and try to provide some information as it relates to the operation of this equipment, some of the statistical information that we have become aware of and certainly represent the ATA and YRCW in this proceeding.

I do represent YRCW as well. I manage a \$9 billion entity called YRC North America. The names you might mention are Yellow, Roadway, Holland, Reddaway, New Penn, Reimer, and Glen Moore.

In all, approximately 66,000 professionals are part of our company. They operate more than 130,000 pieces of equipment between 750 facilities, fixed facilities and fixed networks. We handle approximately 150,000 shipments a day.

On average, our employees have been with us for 20 years, 20 years plus. On average, they have driven more than one million miles without incident or accident. The turnover rate is in the area of 4 percent on an annual basis primarily due to retirement.

The business is primarily LTL consolidation of many shipments in order to create a load or in order to create movement across a geographic region.

We interface with all modes of transportation. It is not an either-or. We actually purchase more than 400 million miles a year of rail transportation where we put trailers on trains.

Our operating concern and our overall concern as an industry really fall in a couple of areas:

Economic, providing a competitive supply chain to compete in a world market;

Environmental, the issue of fuel and emissions;

The issue of safety, safety concerns regarding congestion and regarding safe operation of equipment;

Drivers, projections for drivers and available drivers as near as the next 5 years show a shortage of as many as 40,000 in order to keep the supply chain moving.

All other modes of transportation have advanced. Ships have become bigger. They haul more containers. Airplanes have become bigger. They haul more freight. Trains have created bigger or the railroads have developed larger rail cars, articulated flat cars to haul multiple containers in one group.

The current freeze threatens operation in a number of States. There are literally freeze issues that can require us to retain older equipment for a longer cycle because of some of the length issues in individual States, the issues that have been testified toward earlier in the State of Maine.

Some of the simple math that we have been involved with really shows that each time a long unit combination is created, it is half the number of trucks on the road. Each time or every two times a triple unit is created, it is one unit less on the highway.

YRC operates approximately 1.8 billion miles over this Nation's highways in the course of a year. We consume close to 300 million gallons of fuel.

We also, though, in the course of that, given the patchwork availability of LCV type regulations, operate approximately 35 million miles a year of longer combination vehicles, primarily triples. There are some longer doubles combinations as well.

In the course of that time frame, with that 35 million miles, there is a savings of almost 10 million gallons of fuel, 117,000 tons of carbon emissions and almost 20,000 individual trips that would have created another driver, another trip, another load on the highway.

The average fuel consumption for a set of triples is 5.07 miles per gallon. For a common unit or a current unit, 5.86, almost 30 percent or 50 percent more volume without the cost.

In our 3.5 years, the most current 3.5 years of history, accident rate or DOT reportable rate for all units, 0.463. Reportable rate for LCVs, 0.306, almost a 30 percent better record for longer combination vehicles.

There is a reason for that. These are drivers with the best records, additional training. The operations are on limited highways, very specific highways equipped and authorized for longer combination vehicle use.

Weather situations require elimination of longer combination vehicles. Not all carriers, not all drivers, not all equipment is qualified to be longer combination unit qualified. From a cost standpoint and infrastructure standpoint, longer units and not all routes have to be adjusted in order to account for it.

An approach that deals with proper routes, proper drivers, company responsibility, proper equipment and proper training can lead us to a more efficient transportation system. It can provide for stronger economic performance, create a better outlook through reduced fuel consumption, reduce congestion on our highways, and be a much safer operation in the long term.

Thank you.

Mr. DEFAZIO. Thank you. That concludes the testimony.

I guess I would just ask, and we have varying views on the panel here, for anybody to expand upon or discuss some of the issues that have been raised.

We have had issues of scuffing that were raised for a particular proposed axle configuration.

We have issues mentioned by this panel and the previous panel of increased stopping distances, safety concerns with the heavier trucks.

We have issues regarding design of on and off ramps, turning radius, and use on other than interstate highways.

Then we have the issues of cost, and Mr. Smid raised the issue in terms of you talked about lower shipping costs. We certainly want to be a competitive Nation and have lower shipping costs, particularly for things that are leaving the Country.

You stated the DOT report found bridge costs would more than double under the harmonized scenario, but shipper savings would total \$2 billion per year. I guess my question is—and it raises the whole infrastructure question—if heavier vehicles are allowed and there is more wear and tear, scuffing, bridge issues, whatever, how would that be paid for?

I do come from a State, the only State with the weight mile tax which I think is a very fair way of assessing costs and paying for needed infrastructure, but I know there is also extraordinary resistance to that. In fact, people have tried to preempt my State in the past.

So how would we pay for this shipper savings but increased cost to the public when we are already in deficit?

If anybody wants to address any of those issues, jump right in.

Mr. DONALDSON. I would be glad to jump in.

Chairman DeFazio, the Transportation of Tomorrow report was probably one of the most comprehensive and detailed reports I have ever seen on infrastructure impacts in the United States because of traffic, including heavy trucks, and the problem that we have in the United States of adequately funding our surface transportation infrastructure.

It is not an exaggeration to say that that report said that we are absolutely in a crisis. We have insufficient Federal funding. We have insufficient State funding. We are falling behind.

In terms of the issues that you ran through there, there is an enormous range of topics there that I couldn't possibly cover.

Mr. DEFAZIO. Well, why don't you just pick out one?

Mr. DONALDSON. But I would like to pick out one, and that has to do with an exchange that has gone on between the Committee Members and some of the panelists here involving why it is that heavy trucks can be so damaging to roads and bridges.

The answer, which I don't think has been brought out, is that both pavement damage and bridge damage are governed by what we call exponential formula. In respect to pavement, it is a formula which was derived from the 1962 AASHTO road test. It is what is known as the Fourth Power Law.

What it means is that when you take an axle, say at 20,000 pounds, and you just marginally increase the amount of weight that it carries—20,000 to 22,000 or 20,000 to 24,000—that arith-

metic increase is quite small, but the increase in the damage to pavement is exponential. It is tremendous.

If you go from a 20,000 to 24,000-pound axle, you have doubled damage to the pavement, and that has been pretty well verified through the years.

Bridges, bridges use what is known as the Minor Third Power Fatigue Damage Principle. What that means again is that there is an exponential effect as you increase truck weights.

Given the fact that recent studies, which Chairman Oberstar alluded to, conducted by TRB have cast great doubt on the tradition of the bridge formula allowing more weight to be carried by more axles being under the truck, it is probably even more dire now for us to control truck weights on our bridges because when you move from an 80,000 to 100,000 pound truck, even if you add an additional axle so that you are running a six-axle rig rather than a five-axle rig, you have dramatically increased bridge damage, and you have done it by the third power.

This is one of the reasons, among others, why we have had such a severe accelerated deterioration of bridge structures in the United States and, unfortunately, a few of those which have become fracture-critical which could reach what we call yield point and fail.

Mr. DEFAZIO. Okay. Mr. Carpenter?

Mr. CARPENTER. Yes, I would like to clarify a couple of points that I think are misunderstood here today.

On the issue of safety, the number one contributor to safety or accidents is total vehicle miles traveled. There is the strongest correlation in all of the studies that we have seen to date between the total of vehicle miles traveled and the number of accidents. So getting trucks off the road, and getting fewer vehicle miles traveled, is the number one thing that we can do as a Country to reduce accidents.

The other thing around this heavier weights doing more road damage is just simply not true. If you have an 80,000 pound truck with 18 wheels, you have 4,444 pounds of weight per tire.

If you have a 97,000 pound truck with 22 wheels, you have 4,409 pounds per tire. That truck is going to do less damage to the highway than that 80,000 pound vehicle. The key to that is adding that third axle increasing the weights.

The United States is the only industrialized country that I am aware of that has total gross vehicle weights under 95,000 pounds. That is a serious competitive issue for us, particularly on exports but also for our domestic traffic.

Mr. DEFAZIO. Okay. Anybody else?

Mr. FARRELL. Mr. Chair?

Mr. DEFAZIO. Mr. Farrell?

Mr. FARRELL. Yes, sir, I need to comment on this from the standpoint of being an everyday operator of a vehicle, and most of the testimony that I have heard here today is based on an ideal world. It is based on idealistic things that include logic and all that stuff. I am going to give you the real world part of it as best I can.

Mr. DEFAZIO. God forbid the real world should intrude upon hallowed halls here, but I would be happy to hear it.

Mr. FARRELL. These assumptions are made that every truck is running at 80,000 pounds now. Last week, I hauled a load from Kansas City to Spokane that weighed 12,000.

Probably 50 percent of the loads that we haul, we are ordered to have a 53-foot trailer with a capacity of 3,000 cubic feet, and they use 2,100 cubic feet.

Raising the weight limit is not going to reduce the amount of trucks on the road. You have to fill the capacity up that we have already, and we are not doing that as a Nation.

The other thing that is happening, when you get to the safety side of it in the everyday world, is I mentioned scuffing but also the safety aspect of handling a truck that is heavier in the back on the trailer than it is on the tractor.

Years ago, some of you will remember an outfit called Consolidated Freightways. I am from Montana, so we have a few mountain passes as you do in Oregon. Cabbage is one of them and Siskiyou and those.

Back in those days, when you had a single axle tractor pulling doubles that had a heavy weight on behind, in the wintertime when those tractors got to the bottom of the passes, they had a regular wrecker crew sitting there, waiting to pull them over the top because when they put chains on they couldn't move those tractors anyway. They did not have enough traction.

That is what you are creating by putting 51,000 pounds behind a 46,000 pound tractor.

Secondly, there is a phenomenon going around the Nation right now that they don't like compression brakes on trucks. So, at the bottom of a lot of hills, you will see a sign that says: Use of compression brakes prohibited, Ordinance Number 510 or whatever. That ordinance is disregarding the safety aspect of an engine brake on a large vehicle.

You are going to compound that by adding weight to a vehicle that the towns and cities are already telling us on the off-ramps and stuff, they don't want us using our compression brakes.

Compression brakes are an instant brake. They happen when you remove your foot from the throttle and, in the time that you move your foot from the throttle to the brake pedal, the impetus of that truck is already slowing down before you get to the brake pedal.

So, when you get off on an off-ramp and they tell you, you can't use the compression brake and you are adding 19,000 pounds to that tractor, you are creating a safety problem when you get off an off-ramp or when you get on an on-ramp.

Chairman Oberstar, you have that problem in the City of Minneapolis because a lot of those off-ramps are down off of the interstate. I have trucked into your city for 40 years. In the wintertime, it creates an impossible problem for a truck driver to try to make that stop.

So those are real day things. I can't talk about logic. Logic is logic.

Mr. DEFAZIO. I assume the objection to, we call them jake brakes, is the noise.

Mr. FARRELL. Yes.

Mr. DEFAZIO. Has anyone looked at a way to better muffle the noise?

Mr. FARRELL. Well, in most cases, if they leave the mufflers on the trucks. The noise that you are hearing is unmuffled trucks. They have taken the mufflers out.

Mr. DEFAZIO. To save fuel?

Mr. FARRELL. Yes, because it is supposed to save them a tenth of a mile or a half mile per gallon.

In my instance, if we want to talk about fuel and cost analysis, in my instance, since I started in this trucking business in 1976, my average miles per gallon per unit was around 4.5. Nowadays—and we haul mostly 80,000 pound loads—it is about 5.1 to 5.2.

We have withstood some substantial Federal increases in diesel fuel tax to compensate for things that happened in the 1970s.

If you go back and analyze, and I know it is politically incorrect or impossible. But if you take the standards that were imposed on the trucking industry and the standards that were imposed on the cars and the passenger cars, in 1976, we had like 13 miles per gallon on a gasoline car. Those standards are up closer to 20 now.

So you cut the gasoline tax for cars in half, and yet you have not improved the gasoline tax or the diesel tax for trucks. We are still paying the same that we did in 1980 or so.

Mr. DEFAZIO. Thank you for helping to support our infrastructure. If we had indexed the tax on the automobiles, we wouldn't be in the pickle we are in, in terms of lack of funding.

Mr. FARRELL. Absolutely.

Mr. DEFAZIO. Anybody else? Captain Harrison?

Mr. HARRISON. I am the only enforcement member here, and I think the only government representative left. One of the things that I want to bring to your attention is whether you keep the existing size and weight limits or you increase them, you have to have an effective enforcement program to keep people honest.

One of the problems that we have that I wanted to elaborate on a little is the Federal Highway Aid money can be used for infrastructure improvements as far as building weigh stations, lengthening ramps, installing scales, things of that nature, but that Federal Aid money cannot be used for salaries. I cannot be used for operational costs, even an example of a utility bill at a weigh station.

So we constantly get asked these questions from the public: Well, I go by the weigh station, and it seems to be closed all the time.

We don't have the adequate resources in some instances in our member jurisdictions to keep them open like they should be and also to patrol the side roads. As well, we do safety inspections at those weigh stations too. So it is a dual-pronged process. It is weight enforcement and safety.

But we have certain limitations on how we use the MCSAP money, the Motor Carrier Safety Assistance Program money, for size and weight. It is very limited how you use that for size and weight, and you can't use the Federal Aid money for salaries for weight inspectors.

So that may be something you would want to look at in reauthorization. It might help us out. Thank you.

Mr. DEFAZIO. That is a good suggestion. Thank you for that.

Mr. SMID. Could I jump in?

Mr. DEFAZIO. Mr. Smid?

Mr. SMID. Thank you, Mr. Chairman.

I think one of the items that gets overlooked in some of the discussion is in particular with the longer combination vehicles, it is not a situation where all highways, all roads, all bridges, all drivers, all trucks apply.

For the most part and in particular with longer combination vehicles, it is very specific routes that aid the transcontinental or inter-region movement of goods. There have to be highways that are configured and are designed and are more current in terms of that type of transportation.

Drivers have to have a different level of qualification. Equipment, including tractors, have to have different capabilities or different qualifications.

If we simply advocate raising the weight or raising the capability or quantity that may be pulled by an individual unit without requiring changes to that equipment, then in fact you do run into situations as was discussed earlier.

However, with the proper engineering of equipment, testing, re-testing, qualification of drivers, specific highways, understanding of the State as to which of those highways are critical in terms of infrastructure and critical in terms of supply chain type movement from a commerce standpoint, there can be a series of those types of regulation and accommodations that provide for an element of a happy medium in some of these discussions.

Mr. DEFAZIO. Okay. Thank you.

Anybody else who didn't respond? You don't have to, but okay, Mr. Spradling.

Mr. SPRADLING. If I could, Mr. Chairman, sitting here listening all morning to the weights that we are talking about, the 80,000, 100 plus, I am almost embarrassed when I talk about the 10,000 to 26,001—and let me emphasize almost.

Some of the weights we are talking about here, my combined weights of our trucks, we are talking about weighing less than the tractors that actually pull the trailers which some of the other gentlemen here have spoken of.

I think it is important that we understand Farm Bureau's position and that we feel it is very important that our farmers and ranchers have an opportunity to have a consistent weight limit across the United States to where when we are coming across State lines.

I live in northeast Oklahoma, and certainly we are bordered by Arkansas, Kansas and Missouri.

Our panhandle cohorts out there where they have certainly Kansas, Colorado, New Mexico and Texas that they have to deal with. Their markets may be just certainly across the State line, and they are backed up there with their backs against. It is further than 150 air miles to Oklahoma City.

They have no way legally to get, for them to hook up to that pickup that Congresswoman Fallin showed you and put their livestock in that trailer and legally get them to their markets. Certainly that is our concern here, that the reason we feel it is very

important that our American farmers have a uniform weight limit, and we are looking at the 26,001 pounds.

Thank you, sir.

Mr. DEFAZIO. Okay. Thank you.

One last quick comment, Mr. Donaldson

Mr. DONALDSON. Just I wanted to respond to both comments here, one on the LCVs and the other one on Captain Harrison's remarks about enforcement.

As I recall Mr. Paniati's testimony, it contained a figure of 1 percent of overweight trucks which, of course, is a figure that boggles the imagination.

I recall that Captain Harrison's testimony, if I remember correctly and he can correct me, the figure of overweight trucks that have been detected in the aggregate in the United States was 13.7 percent, something under 14 percent.

We all know that that is a dramatic underestimate of what is going on out there. Every good trucker who knows his routes knows how to take you from the border of a State to the other border of a State and never pass through a fixed weigh station. So that data comes preponderantly from fixed weigh stations; to a much lesser extent, from weigh in motion scales; and to a very small extent, from portable scales.

So we know that basically we have about one out of every three trucks running illegally overweight out on the road, and it is a serious enforcement problem. It is one that is being displaced more and more to our off-interstate lower class roads with their safety problems.

I brought two photographs with me today which I didn't have an opportunity to show with my oral statement. They are available if you want to see them. They are two pictures of two North Carolina highways with a very long truck which is dramatically off-track.

Mr. DEFAZIO. They were in your written testimony as I saw them previously.

Mr. DONALDSON. Right.

The other is the longer combination vehicle issue. Longer combination vehicles were top growing all the way through the eighties until the 1991 LCV freeze.

What, in fact, happened was not a rationale program of trying to make some evaluation of which roads they would be better on or worse and what would be the operational constraints, the driver training of which there was no requirements at all.

But what happened is that trucking interests went from State to State and where they could get a State to expand the operation of LCVs out of the type, the configuration, the weights of the amount of mileage that they were allowed on is why I referred to it earlier in my oral statement as being a spoils system. That spoils system was basically growing at a pace in an uncontrolled way, and the LCV freeze is what put an end to that.

So what we have out there right now is another crazy quilt, a patchwork quilt of operational practices which in many instances are not serving safety where we are allowing them to operate as of the 1991 freeze.

Thank you.

Mr. DEFAZIO. Okay. Thank you.

With that, I guess I will turn to Mr. Michaud.

Mr. MICHAUD. Thank you very much, Mr. Chairman.

This is very interesting. Mr. Farrell talked about the real world. I am not sure what world he lives in.

But this here, Mr. Chairman, is my operating license. I drove over 28 years, operating a clamp truck that loaded a lot of these trucks. I can assure you that by increasing the weight limit, you actually can reduce the number of trucks that are on the road, having done it all my adult life in the mill.

I was really interested in Mr. Carpenter's remarks about Alabama and being able to reduce the number of trucks. Those are staggering statistics.

If you're familiar with Maine, I worked in the paper industry in shipping, loading trucks. Have you done any analysis in other States as far as the number of trucks that could be taken off the road if the weight limits were increased to the 97,000 pounds?

Mr. CARPENTER. Yes. It is a similar proportion in all of the States where we operate our paper mills. In fact, it might be interesting to understand that in nearly every instance when we load a truckload of paper, whether it is cut-size on pallets or in rolls, we leave perhaps six to eight feet of that trailer empty in the back because we have already gotten to the legal gross limit.

The gentleman that was speaking earlier, there is a lot of inefficiency in the system today. Yes, people do need to load trucks more fully, but there are also a lot of lightweight commodities out there that are going to cube out before they weigh out.

The paper industry is one industry that weighs out before it cubes out. We need to be able to drive productivity by loading these vehicles full.

Mr. MICHAUD. My second question is I mentioned having loaded a lot of these trucks and knowing the six-axle versus the five-axle. We hear a lot about safety, and I am concerned about safety. That is why I think the weight limit in Maine should be increased because of safety reasons.

If a truck was properly retrofitted, retrofitted from a five-axle to a six-axle, when you look at the stopping, when you look at the damage to the roads, can you comment on that?

Mr. CARPENTER. Yes, absolutely.

Mr. MICHAUD. Is it safer if you retrofit?

Mr. CARPENTER. When you look at trucks carrying 97,000 pounds in that three-axle configuration that we were talking about, the braking distance is almost exactly the same as a two-axle 80,000 pound truck.

The point there is that a third axle not only distributes that weight more effectively. It also applies to the braking efficiency and gets that truck stopped just as quickly.

Most of the statistics that you have heard today in expressing concerns around stopping distance are applied when you put 100,000 pounds or 97,000 pounds on that five-axle truck, and of course that truck is going to take longer to stop.

Mr. MICHAUD. Thank you.

Mr. Smid, could you talk more?

You mentioned your association made a recommendation to allow States to authorize a six-axle and 97,000 pounds. Could you elaborate more on that?

Mr. SMID. Yes. The six-axle and 97,000 pound application really applies to very much the areas we have discussed already. First of all, we are not in favor of increasing the weight without adjustments to the equipment and the equipment requirements.

Secondly, the six-axle 97,000 pound configuration in particular and in specific regions that are more closely aligned with heavy, dense products, there was a number of discussions earlier regarding agriculture. There are a number of mining issues. There are a number of issues surrounding heavy metal type manufacturing and equipment manufacturing areas where that particular configuration would offer significant opportunity to become more efficient and spread that weight.

It also begins to enforce a situation where the equipment is properly designed for some of the weights that may be carried. I have heard a lot of discussion about overweight units and the potential to overload a unit. As configurations of equipment change to accommodate the 97,000 pound weight when, in fact, a good percentage of equipment is only laden with 30,000 to 40,000 pounds, it does create more insurance and a more creative spreading of the weight on the highway system.

Mr. MICHAUD. What about the costs on deterioration?

I read somewhere that there was a study done. If you look at the cost of a six-axle 97,000 pound and use that same footprint on the road system with an 80,000 pound versus a five-axle, it is my understanding that as far as on the road system, that it is not much difference as far as deterioration. Are you familiar with any study that has been done in that area?

Mr. SMID. There are a number of studies. I am familiar with the fact that that study is based on actually increasing or decreasing the pounds per square foot or pounds per square inch that come from compression of the highway.

I am also familiar with a study that begins to look at the impact of the longer combination vehicle on a bridge versus multiple vehicles and multiple power equipment in crossing that bridge.

Both of those indicate some potential for favorable results.

Mr. MICHAUD. Thank you.

Thank you very much, Mr. Chairman.

Mr. OBERSTAR. [Presiding.] Does the gentleman have any further questions? He is certainly welcome to continue.

Mr. MICHAUD. No. My concern, Mr. Chairman, is making sure that we compare apples to apples.

When you talk about safety issues, my big concern is, yes, you take that 80,000 pound vehicle with six axles and don't do anything to retrofit it, yes, there is a safety concern. But if you retrofit it properly, then that takes care of the safety as well as when you look at the fact that is getting more vehicles, trucks off the road.

With the increase in weight limit, you can get more trucks off the road. I have loaded many trucks that the back end, the way we distribute the load of paper, you can put a lot more on there. But you can't because of the weight limit in Maine. As you can see from the

map that is up there, that donut hole so to speak, we are limited to what we can do.

So I think that this important in that when we look at the overall policy on this, Mr. Chairman, I think we have to take everything into consideration because it is a convoluted system. It is a patchwork, and I am very concerned about the safety issue, having seen what is happening in Maine.

I know every State is different. We heard earlier today from Ms. Richardson about what is happening in L.A. County which I visited last week, and I have seen the concerns that she might have over there. But we have to look at this in an area that we can solve some of the problems that we currently have out there.

In Maine, we have lost over 23 percent of our manufacturing base alone with high diesel fuel. It is compounding that problem even more. We have to look at this in a comprehensive way.

I really appreciate your time, Mr. Chairman. I know that you are concerned as well about the safety issues, and I look forward to working with you as we move forward in this area.

It is not an easy area to really deal with and, as you well know, there is a lot of controversy out there. There is a lot emotion out there. I think we have to make sure that we look at the facts, and that is very important.

Put aside the emotion. Look at the facts, what is really, and I look forward to working with you, Mr. Chairman.

Mr. OBERSTAR. Thank you. The gentleman from Maine is a very thoughtful and very considerate Member of the Committee, and he devotes a great deal of time to our issues. I appreciate his participation.

Mr. Carpenter, you and other advocates for heavier, longer combination vehicles say the shift—

Mr. CARPENTER. Mr. Oberstar, let me make sure that we understand one thing. ASET and International Paper are not advocating longer vehicles. We are advocating heavier vehicles with the third trailer axle in the current length configuration.

Mr. OBERSTAR. Okay. I will amend my statement by limiting it to heavier vehicles.

Mr. CARPENTER. Thank you.

Mr. OBERSTAR. There are other advocates for longer combination vehicles.

Mr. CARPENTER. Yes.

Mr. OBERSTAR. They say that the shift in policy will result in fewer trucks on the roadway. How do we assure, how do you assure, what protections can there be put in place to ensure that there are fewer trucks as the result of such a shift?

Mr. CARPENTER. Well, in the context of economic growth, you really can't assure that.

Assuming that we all agree that economic growth is a good thing, we do want the truck traffic to increase. What we want to do is make sure that that truck traffic increases safely and efficiently. The only way that we know that that can happen is by making trucks more efficient and safer.

By doing that, you are going to stem the tide. Assuming economic growth continues, you are at least going to make sure that it is growing at a reasonable rate.

If we don't make a change in this next reauthorization process, what you are going to be faced with is the same old rules that we have today that everybody agrees are not working. You are going to keep all the heavier trucks on the secondary roads which is clearly less safe.

We have to make sure that we are doing the right things so that as the economy continues to grow, we are taking advantage of the productivity opportunities that every other industrialized country in the world is doing.

Mr. OBERSTAR. Well, China has allowed weights of up to 135,000 pounds on their roadways.

They are building a rival to our interstate highway system. In 1988, China had a 168 miles of interstate caliber freeway, and today they have 22,500 miles. In 10 years, they will have 55,000 miles.

They have reduced the travel time for trucks from Beijing to Hong Kong from 55 hours to 31 hours. Nowhere in America have we made that kind of reduction in travel time.

Mr. CARPENTER. Right. I have been to Shanghai.

Mr. OBERSTAR. Theirs is a new system, but they are building it. I have been on at least one 200-mile segment of their new interstate quality highway.

But they are already realizing those heavier trucks are destroying their road surface, and they are moving in the direction of limiting and reducing weight at least. I didn't see as many combination vehicles there as I have in the United States.

If your goal of having heavier trucks and those who advocate longer combination vehicles is that it will reduce the number of trucks, I suspect it is reducing the growth of trucks, but I would like to see some formula. I don't expect you to come up with it here, but I would like to see some formula by which you would abide and that could be enforced if there were such a move to heavier and longer vehicles.

Mr. CARPENTER. We could certainly do that, and it is really a function of two things: economic growth rates and then the adoption rates of six-axle truck configurations.

Because those won't be adopted immediately by all trucking companies if that was authorized, that is not going to happen overnight. It is going to take a while for trucking companies to make those investments and try those vehicles.

Mr. OBERSTAR. Mr. Smid, do you have a comment on that?

Mr. SMID. Yes, I do. In reality—and I gave the example—last year, we ran 35 million miles with longer combination vehicles. There were 20,000 times when 2 units got to the end of Interstate 80, or 3 units, they were combined into 2 units as LCVs and moved to destination.

The result of that was 10 million fewer tractor or power unit miles or 10 million gallons, actually, of fuel that we saved and nearly 117,000 tons of carbon emissions that were reduced. So the natural reduction the minute you combine the unit really regulates it.

Now the issue of how do you measure a latent piece of equipment, currently there are a number of measures that we go through with regard to our licensing, scaling and reporting that

have to record those types of issues, including the ton mile tax that has become more prevalent in some areas.

Mr. OBERSTAR. In the consideration of the current surface transportation law, we spent a good deal of time weighing the possibility of truck-only roadways. There was a proposal by our former Chairman, Mr. Young, on Interstate 80—you mentioned 80—to have a truck-only lane.

But it was to be a tolled facility, and the truckers really don't like tolls, and I don't like tolls. Toll is not a system. They are a fix here and a fix there, but they are not an integrated system of financing, long-term, our surface transportation.

In fact, I like to cite the very first toll. Well, the very first toll was imposed in India in 4000 B.C..

But there was one proposal by one of King Edward III's knights to build a bridge over the Thames River for carriages, and he granted authority to that knight to build this bridge in 1348 with the limitation that the toll should be removed when the cost therefore has been recovered. That toll was removed in 1748 by Parliament.

Once you put it on, they just don't like to come off. I am very skeptical about tolls.

But some method of paying for that heavier weight vehicle, Mr. Carpenter, you alluded to a willingness. Mr. Smid, not quite so forthcoming on that subject.

One of the options for financing the future of the surface transportation program would be, in addition to the Highway Trust Fund or as a substitute for the user fee, vehicle miles traveled to which I would add weight. What would be your reaction?

Mr. CARPENTER. Yes, I think it is fair to expect that a three-axle trailer that can carry up to 97,000 pounds would pay some sort of increased use fee. What that would look like in terms of licensing or fuel tax, you know there are lots of forms that Congress could use.

The important point there is it could afford to pay that because of the additional revenue that that asset is going to generate as long as that tax or use fee doesn't completely offset the productivity that vehicle will generate.

So, absolutely, we think that it is time to pay to play.

Mr. OBERSTAR. Mr. Smid?

Mr. SMID. Yes, Mr. Chairman. I think clearly there is an understanding that if there is a cost associated with change and assuming there is a benefit with the change, then that cost associated with it would have to be borne by the user.

Mr. OBERSTAR. Mr. Spradley, ag interests have generally been in favor. As I said, they were the most significant of the 14 separate requests we had for exemptions, for seasonal exemptions mostly for agricultural commodities.

I found forest products' interests in Minnesota that said, we will pay more. They didn't say how much more, but they will pay more.

What do you think?

Mr. SPRADLING. Certainly, the American Farm Bureau is in a position and has had policies that certainly we would not necessarily want to increase the costs for agriculture producers.

I really don't know how to answer that, Mr. Chairman, at this point.

Mr. OBERSTAR. If the heavier vehicle exacts a toll on the road surface that results in earlier deterioration; if we build a roadway for 25 or 30 years and it deteriorates in 15, and one truck of 80,000 pounds rolling over a roadway exacts more deterioration from that than 9,600 passenger vehicles, somebody should pay for that incremental cost of earlier deterioration or for building a better roadway that will last longer.

Mr. SPRADLING. All right. I understand your question a little better now. I thought maybe we were referring to the 26,001 pounds from the 10,001.

Mr. OBERSTAR. Oh, no, no. That is a separate issue. I still don't know how that came, but that is a commercial driver license issue and not a weight on the roadway issue.

Mr. SPRADLING. Well, it is the weight on the roadway issue that turns it into a commercial driver's license.

Mr. OBERSTAR. We are trying to figure out what the history was and how regulators came to that rather arbitrary weight delineation.

But on agricultural exemptions for weights in excess of 80,000 pounds, what do you think? You want to pass on that for the moment?

Mr. SPRADLING. I would, sir. Thank you.

Mr. OBERSTAR. All right. Well, you can submit in writing your thoughts.

As a good conservative organization, the Farm Bureau ought to be willing to pay for any increased cost that heavier weights exact on the roadway.

There is the weight to pavement effect, weight to bridge effect. I talked earlier about the bridge formula.

The State of California has an interesting vehicle that they use in different parts of the State to exact effect on roadway of varying loads imposed on that road. It is a very interesting vehicle. I have seen it in operation.

But there hasn't been really good data. I know the TRB study of six, seven years ago purported to say that heavier vehicles with more axles would distribute the weight better and have less effect on the road surface. I am not convinced.

I have read the study. I have talked to the members of the panel. I am not convinced it was a very definitive analysis, but I want to move from that to the safety issue.

Mr. Brezinsky, I thought you gave some very compelling and pertinent data about the stopping distance at 80,000 pounds at 55 miles an hour. It is 335 feet from your testimony. At 65 miles an hour, it is 525 feet.

At 60 miles an hour, vehicle is traveling 88 feet per second. That is a pretty substantial wait to stop at that speed.

As a driver, what gives you the greatest fear when you are out on the road at those speeds?

Mr. BREZINSKY. Somebody cutting me off, that I am going to hit them because it is really, really hard to stop these things when you are going.

You know 60 miles an hour isn't that fast. Like I said, our trucks are governed at 62. So we are not going as fast as some of the other trucks that are out there.

We have trucks that are out there that can do upwards of 75 miles an hour, and they do it out there. Interstate 44 through Oklahoma and Missouri, they are up. The speed limits are 75 miles an hour.

West Texas, the speed limits are 75 miles an hour. Of course, west Texas, they want the trucks to only do 70. You know it is even a lot harder for them.

But I would like to address this a little bit about the heavier trucks too. One thing they are not looking at and I do as a driver, and you will appreciate this, being from Minnesota, and the distinguished gentleman from Maine will appreciate that.

For the inclement weather, you are traveling on ice, and you are traveling on snow. I realize you are going to reduce your speed down to 30 to 35 miles an hour, but you have a lot more inertia weight pushing you when you add another 17,000 pounds to these things. They are hard enough to control now, and then you get into a combination vehicle.

I mostly drive the doubles. Our company does drive the triples as Mr. Smid had said out in the higher west like Colorado and Idaho and places like that. You know it is really tough to control that last trailer when you got that extra weight on there. It really is, and it is scary.

My whole thing is, when I look at this as an operator, my wife and my kids are out on these roads. So are yours and everybody else's. I don't want to hurt them.

I am very self-conscious out there when I am operating these vehicles. That is why I have almost two million miles without an accident on the street.

I have had one accident in our yard at 1.6 million miles, and that was because of an over-length vehicle. I tried to make the turn. I scraped one of the tractors in our yard, but as far as out on the street I have like 1.9 million miles without hitting anybody.

Mr. OBERSTAR. We are going to have more trucks on the road if you can find drivers for them. I think both Yellow and Mr. Carpenter and Mr. Farrell in their respective domains will testify to the difficulty of getting more drivers.

The freight rails don't have enough capacity to take trailers of the trucks and put them on the rails. They are trying to shift more of their container traffic to trucks. Trucks don't have the capacity to carry them.

We are at a gridlock in this Country, and it is just going to continue costing more for delivery of goods in this Country if we don't resolve these problems.

Now I don't want to see us get into a situation that Australia has. Have you seen video of the Australia truck trains?

Six trailers, it would scare the hell out of me, frankly. I saw this thing. I wouldn't want to be anywhere near this thing on the roadway. I gather from this presentation I saw that is all that is allowed on those roads.

Maybe somehow we have to build an alternative road system for trucks only and keep them, but eventually they have to get on the rest of the system.

Captain Harrison, you have a comment.

Mr. HARRISON. I am glad you brought up the issue of safety to discuss that. One thing that enforcement wants to make sure that is taken into consideration is the safety of these vehicles, and we believe there needs to be more data analysis as far as that is concerned.

We have asked. For example, we have asked the Motor Carrier Safety Administration for a data run to compare these statistics I cited earlier of the 13.7 percent violations, how those carriers that have been cited, how their safety record compares to other carriers, for example. Stopping distance is certainly a major issue.

One of the most important things I want to get across is that we need to put the same emphasis on safety as far as size and weight goes as you currently are putting on infrastructure protection. Traditionally, size and weight programs were geared only toward infrastructure protection.

We need to look hard at the safety aspect and do the necessary research and background checks to make sure as it carries the weight as far as the importance issue.

Mr. OBERSTAR. I want to understand. Is the Vehicle Safety Alliance, is that your version in Georgia of a highway patrol?

Mr. HARRISON. No. The Commercial Vehicle Safety Alliance is an association of all the enforcement agencies within North America that do truck safety and truck size and weight.

Mr. OBERSTAR. In Georgia, what is yours?

Mr. HARRISON. In Georgia, I work for the Department of Public Safety which includes the highway patrol and the size and weight people and the safety.

Mr. OBERSTAR. It includes the highway patrol, but it is not the highway patrol itself.

Mr. HARRISON. It is the parent agency of the highway patrol.

Mr. OBERSTAR. Okay. Good.

Our Minnesota State Patrol, I visit with quite regularly. It was in 1982 on the eve of our legislation to reauthorize the surface transportation program. I had an evening session with a large number of Minnesota Highway Patrol officers.

One came in about halfway through the meeting, and he said, I have just come from a tragic accident on the highway. He said, when you go back to Washington, I want you to advocate for that 55 mile an hour speed limit, which we were considering in Committee the next day, because it is at 80 miles an hour that we get the torn aortas and you can't put them together.

That was a very powerful message. I told that story in this Committee room the next day.

Chairman Jim Howard, whose portrait is of course in the next room, said: I have one opportunity in a career, and in this Committee, to save lives. At 55 miles an hour, we are going to save lives.

And we moved that legislation in Committee.

Now you are talking about 60, 62 miles an hour with electronic governors. What highway safety problems does the governor

present for you if you suddenly need a burst of energy to get around a problem and you don't have it, if everybody else is traveling in excess of that speed or most others?

Mr. BREZINSKY. Yes, it is a problem. When you only have 62 miles on a truck, you just kind of adjust your driving habits to what is going on with the traffic.

So if it comes to a point where I am coming up on somebody that is going through, I would say like what you were talking with the man from Oklahoma about, about the agriculture people that are out there. Sometimes you get them because they are pulling with a pickup truck, and they might have a bunch of steer on there, and they are not going to go that fast.

If somebody is coming by me, you just have to adjust. You have to slow down, so you don't have to gear up. But then you have to start gearing up again.

In my particular run right now, I have 27 traffic lights and a whole bunch of towns I have to go through in a 200-mile stretch of Oklahoma. I have a lot of gearing up to do, and I am sure it is planned pretty good on the fuel mileage on that. If you got to slow up and you got to start up again, to pull a heavier load, you are going to use more fuel.

It is going to take you more time to go there. We only have so many hours in the day that we are allowed to drive which is 11. Now my particular run, I only have 432 miles. I can make it there in 8 to 8.5 hours.

But you get in some of these other runs that are long, like when we used to run St. Louis. That was 622 miles, I believe that was. They only had 11 hours to get there. So, if you waste a lot of time getting through that, you are going to run out of time.

You have to adjust with the traffic. See, our company trains us. Every three years, we have to go through what is called the Smith System, and I think it is one of the things that really helped me get through what I have been through so far.

You just have to adjust with the traffic. You are constantly looking. You are constantly looking in front of you to see what is going on and constantly looking on the side of you to see what is going on.

Another thing, trying to get geared up on these highways. You are at 70 miles an hour in Texas, and you are trying to get on a ramp. A lot of those ramps are smaller even though it is a newer highway system. To try to get geared up with extra weight or extra length to try to fit in as people are zooming by you, you know at 70 miles an hour they are going to do 80, 85 because they always try to get away with an extra 10 miles an hour, and that is the way it is.

My wife being originally from Long Island, I will tell you that story. The Long Island Expressway is still 55 miles an hour. I was just there last week.

But they have a little thing out there. They say we are not going to increase the speed limit because you are going to go faster. So, if we have it at 55 and we give you 65, 70, we will still be okay. But it is still not good for a slow one to go up.

Now we can operate them safely at 62 which is fine, but you just have to adjust a lot more to what is going on there for these higher speeds.

Mr. OBERSTAR. Yes.

Mr. BREZINSKY. I did notice on those older ramps. I got to tell this. The friend that we visited for a wedding, we went down to Brooklyn to pick up a cake for his daughter, and I got to tell you, I can't see how I used to make those ramps with a 48-footer when I drove up there.

Mr. OBERSTAR. All those cloverleaf ramps, they were very attractive.

Mr. BREZINSKY. Yes, but they were short.

Mr. OBERSTAR. They were very cute.

Mr. BREZINSKY. Yes.

Mr. OBERSTAR. They were designed and built in the 50s and early 60s when the traffic moved much more slowly.

Mr. BREZINSKY. And to take a 53-footer there now, tough.

Mr. OBERSTAR. You need these diamond interchanges.

Mr. Donaldson, from the standpoint of the alliance that you speak for and for the many victims of car-truck crashes, your thoughts on the subject?

Mr. DONALDSON. On car-truck crashes?

Mr. OBERSTAR. Yes, and speeds and longer combination vehicles and the problems that places for safety on the roadway.

Mr. DONALDSON. There is no question that conflicts occur between cars and trucks. Cars are usually the overwhelming majority of the vehicles on the road.

There are a few facilities where trucks have reached numbers and percentage representation which is pretty astounding. I-81 down the spine of Virginia, if you travel that, one out of every two vehicles on the road now is a heavy truck. It is an interesting experience to be traveling down that road at 70 miles an hour and have a heavy truck in front of you, behind you and on either side of you.

Trucks and cars can get along pretty well as long as you have the right kind of facility and you segregate the vehicles. Some jurisdictions, as you know, have dedicated trucks to certain types of lanes, particularly further right lanes. This allows more free-flowing traffic with cars.

I do have to address an implication that has been around for years now that the great majority of crashes that occur out there between cars and trucks are somehow triggered by the car driver. That claim basically relies in one study by one gentleman who I have known for many years, and a few years ago he basically disavowed it in a public meeting and actually said he wished he had never written the paper.

So the claim that 70 or 75 percent of all crashes out there are caused or triggered by a car driver's behavior is certainly not true. It has never been demonstrated. It is not to say that cars and trucks don't have very different behavior in a high-speed traffic stream because they very often do, and the gentleman from Teamsters is aware of that.

Longer combination vehicles, I think I indicated before that the problem with LCVs, Mr. Chairman, is the fact that we ended up with this crazy quilt even with the freeze out there, and that crazy

quilt would have grown, and we would have more trucks out there on more lower class roads. We would have not have had a rationale scheme that would have controlled the use of LCVs.

Indeed, I think the problem right now with what we have now in the offing again with 97,000 pounds, bigger trucks, heavier trucks out there—and some of the configurations will be bigger—is once again the same problem where we don't have any ability to rationally control how they are used and where they go because the platform on which they operate now is the grandfather rights, the permitting practices, the self-quoted interpretations of what the States believe they have the legal privilege to do.

So we have no national uniformity at all not only in terms of safety but also in terms of infrastructure impacts. I can see that cycle repeating itself all over again.

Mr. OBERSTAR. Yes. Well, that study referred to it.

I do think, though, there is some merit in a refresher course for drivers when they go to renew their passenger vehicle driver's license. Just as truck drivers, Mr. Brezinsky said earlier, have to go through recurrent training, passenger vehicle drivers need to respect the truck on the roadway.

I have seen far too many situations of a person darting out ahead and diving in front of the truck and then slowing down and then wondering why the truck is getting so close to them. The truck can't slow down that fast. If they are so much in a hurry, then they ought to leave enough space between themselves and the truck.

There is shared responsibility in the highway safety issue.

Now, as we move into the authorization next year, we have to balance weights on road surface, on bridges.

We have 76,000 structurally deficient bridges in this Country. We have an equal number of functionally deficient bridges, a portfolio of 153,000 bridges in those two categories. Of that 76,000 structurally deficient, there are probably 2,600 to 2,700 that are critical bridges that need to be replaced. They are deteriorated beyond the ability to carry the designed load.

The growing number of vehicles we are going to have on our highways, trucks, and the inability of the rail system to expand fast enough to take some of that load off the roadways—it is going to be a big challenge for us to balance all these various requests.

So I think those that are advocating for heavier weights, the burden is on you to prove that it is going to reduce the number of vehicles on the roadway. Those who are advocating for longer combination vehicles and for maintaining the exemptions, the burden is on those advocates to prove that it is not going to deteriorate safety.

I am, frankly, in favor of removing those grandfather clauses, limiting our interstate and National Highway System to single vehicles, and other measures in the safety portion of our program to drive that 5,000 fatality number down, to take the 43,000 fatalities on our highways down, to take the 26 million accidents a year down substantially. If the European community can do it, we can do it too.

I recommend you all put your thinking caps on and give us your further thoughts on these issues that we have discussed at great length here today, and I thank you for your time and for your contributions.

The Committee is adjourned.
[Whereupon, at 1:47 p.m., the Subcommittee was adjourned.]

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House of Representatives
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AFFORDABLE MEDICINES TASK FORCE
Co-CHAIR

July 8, 2008

The Honorable Peter DeFazio
Chairman
Subcommittee on Highways and Transit
Committee on Transportation
B-370A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman DeFazio:

Please find enclosed a letter from the Bangor Region Chamber of Commerce that expresses support for legislation to increase the truck weight regulations on federal highways. I appreciate you holding this hearing today on this important topic and would further ask that you include this letter in the official record.

Sincerely,

Tom Allen
Member of Congress

THA:li
Enc: Letter from Bangor Region Chamber of Commerce
Enc: List of businesses represented by the Chamber



July 8, 2008

Honorable Tom Allen
House of Representatives
1127 Longworth House Office Building
Washington, D.C. 20515 - 1902

Dear Representative Allen

This letter is sent to you so that you can fully express to your colleagues the type of businesses negatively affected by the 80,000 pound weight restriction on Interstate 95. Please carry this letter to them with a plea to raise the weight limits and, at the same time, help to improve the economy in our state. The nation's increasing energy crisis is being felt particularly hard in the northern states. Maine is one of those states seeing a significant impact. This impact is being felt across commodity sectors as the majority of goods coming into Maine by trucks. As our trucking industries battle to stay viable, costs are passed along to Maine's businesses. Maine needs help. It will take an act of Congress to provide that help. Only Congress can pass a bill which allows for the temporary suspension of the truck weight limits when diesel fuel prices rise above \$3.50 per gallon. Such a bill is before them now.

Please forward this letter to the members of the Subcommittee on Highways and Transit as they have a hearing scheduled Wednesday. Let them know the breadth of the economic hardship this causes Maine's citizens. Tell them our businesses are closing. Maine's citizens are paying more for food here in Maine. Canadian trucks are by-passing us completely. Ask them, if they want to keep Maine at the bottom when States are rated by economic factors. Above all, ask them to help.

How will the raising of the 80,000 lb weight limit on Interstate 95 help? Simply it saves on fuel and driving time. For a vehicle traveling from Augusta to Houlton on I-95, the driving time is 3 hours. Federal law does not allow trucks over 80,000 lb. to follow this route. These trucks must exit the Maine Turnpike in Augusta, as it transitions into I-95, pushing them onto secondary roads. The required route increases the driving time to 4 hours and 39 minutes. It isn't the distance so much as it is the inability to drive at a steady consistent speed. The legal route goes thru towns, crosses railroad tracks, school zones, and restricted bridges causing the truck to stop and start. There is no other way to phrase it "The legal route is an expensive route".

I've attached a list of the Bangor Region Chamber of Commerce's members. I encourage you to share this list with your colleagues. They will see a list of national companies, regionally recognized businesses as well as Mom & Pop establishments. All of these businesses are bearing an undue burden as they pay more than other States to get their goods in and out of Maine. Remind them it will take an act of Congress!

Sincerely

Candace A. Guerette
Bangor Region Chamber of Commerce

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e-mail: chamber@bangorregion.com Web Site: www.bangorregion.com



Bangor Region Chamber of Commerce

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 Acadia Events
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 Acadia Trust NA
 Action Committee of 50
 Adams Real Estate
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 Allies Inc.
 Altrusa International, Inc. of Greater Bangor
 Amato's
 AME Management Group
 American Diabetes Association
 The American Folk Festival
 American Heart Association
 American Red Cross Blood Services
 American Red Cross - Pine Tree Chapter
 AMES A/E
 Anastasia International, Inc.
 Ann Marie's Kitchen
 Anthem Blue Cross and Blue Shield
 Antique Marketplace & Café
 A-1 Roofing and Painting Co.
 Applebee Enterprises Inc.
 Apria Healthcare
 Arbonne, Int'l
 Argyle Iron Works/Crockett Welding
 Art by Kathy Clegg
 Assist2Sell 1st Choice Realty
 Atlantic Awards, Inc.
 Atlantic Designs
 Atlantic Sports Group
 Auxilar, LLC
 Avalon Village
 Awards Signage & Trophies
 B & W Bookkeeping
 Bacon Printing Company
 Bagel Central
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 Balance Hair & Body
 Governor John Baldacci
 The Bangor Area Homeless Shelter
 Bangor Band
 Bangor Board of Realtors
 Bangor Bus Terminal
 Bangor Christian School
 Bangor Chrysler Dodge
 City of Bangor
 Bangor Daily News
 Bangor Federal Credit Union
 Bangor Financial Services
 Bangor Frameworks
 Bangor Gas Company, LLC
 Bangor Harbor Cruises
 Bangor Historic Raceway
 Bangor Housing Authority
 Bangor Humane Society
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 Bangor Hydro FCU
 Bangor Insurance Group
 Bangor Int'l Airport
 The Bangor Interpreting Agency
 Bangor Letter Shop & COLOR COPYCENTER
 Bangor Lodge of Elks
 Bangor Mall
 Bangor Millwork & Supply Inc.
 Bangor Motor Inn & Conference Center
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 Bangor Museum and Center for History
 Bangor News & Gifts
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 Bangor Paint & Wallpaper, Inc.
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 Bangor Symphony Orchestra
 Bangor Target Area Development Corp.
 Bangor Tennis & Recreation
 Bangor Theological Seminary
 Bangor Tire Company
 Bangor Travel Services
 Bangor Water District



Bangor Region Chamber of Commerce

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 Bar Harbor Bank & Trust
 Bar Harbor Chamber of Commerce
 Barresi Financial, Inc.
 Batteries Plus
 Bay Ferries
 Beal College
 W.A. Bean & Sons
 Beatham, Bernier, Seekins & Colpritt CPAs
 Behavioral Health Center
 Al Benner Homes, Inc.
 Bennett's Tire and Wheel
 Berry, Dunn, McNeil & Parker, C.P.A.
 The Best Western Black Bear Inn & Conference Center
 The Best Western Fort Knox Inn
 The Best Western White House Inn
 Better Body Massage
 Better Business Bureau of Maine
 Big Brothers Big Sisters of Eastern Maine
 Black Bear Business Builders
 Black Bear Medical North
 Black Beards U.S.A.
 Blackbear United Football Club
 D.M. Blakeman Insurance Agency
 Blue Hill Pyrotechnics & Limousine Service
 BlueStar Mortgage Company LLC
 Bonney Staffing Center
 H.O. Bouchard, Inc.
 BOULDERZ Poolz & Spaz
 Bowman Bros. Inc
 M. Ray Bradford Jr. Esq. PA
 N.H. Bragg & Sons
 Brantner, Thibodeau & Associates
 Brewer Automotive Components
 City of Brewer
 Brewer Eagles Club
 Brewer Federal Credit Union
 Brewer Rehab & Living Center
 Brewer School Department
 Broadway Dairy Queen
 Brogue Insurance & Financial Services, Inc.
 Bronson Audio Visual & Event Services
 Brookings-Smith
 Bruns Chiropractic Clinic
 DeeEtte C. Bruns, Licensed Massage Therapist
 Bucksport Bay Area Chamber of Commerce
 Bugaboo Creek
 Burger King / Northcountry Management
 The Byer Manufacturing Co.
 Camden National Bank
 Dick Campbell LLC
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 Captain Nick's
 Care & Comfort
 Carpenter Associates
 Carpet One of Bangor
 Casco Bay Energy Company, LLC
 Casella Waste Systems, Inc DBA Pine Tree Landfill
 Mary Cathcart
 Richard S. Cattelie, Inc.
 CB Richard Ellis/Boulos Property Management
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 Central Equipment Company & White Sign Div.
 Central Maine Moving & Storage
 Central Maine Wireless, LLC
 Certified Network Systems LLC
 C.E.S., Inc.
 Chadwick Dental
 Challenger Learning Center
 Chapel Hill Floral
 Charlotte White Center
 Choquette Financial Services, Inc.
 Cianbro Corporation
 Cigar & Smoke Shoppe
 Clear Channel Radio
 Coach House Restaurant
 Coca Cola Bottling Plant
 Coffee News USA, Inc.
 Coldwell Banker American Heritage Real Estate
 Commissioner David Cole
 Cole Land Transportation Museum
 S.W. Cole Engineering Inc.
 Collabric
 U.S. Senator Susan Collins
 Comfort Inn
 Commercial Delivery Systems
 Commercial Screenprint & Embroidery Inc.
 Commonwealth Financial Network
 Communications Technologies Inc.
 Community Care
 Community Crusade for Children, Inc.
 Community Health & Counseling Services
 Com - Nav, Inc. d/b/a Radio Telephone of Maine
 Computer Essentials
 Computer Services
 Concentra Medical Centers
 Concord Coach Lines
 Consumer Credit Counseling Services of Maine
 Corporate Express



Bangor Region Chamber of Commerce

Country Inn At The Mall
 Country Kennel
 Couri Foundation DBA Hammond Street Senior Center
 The CPA Solution, LLC
 Creative
 Creative Print Services
 Cross Insurance
 John T. Cyr & Sons, Inc.
 Daigle & Houghton
 Dale Carnegie Training of Maine
 Darling's
 DaVinci Signs LLC
 Days Inn
 Day's Jewelers
 D.C. Rentals
 Dead River Company - Bangor
 Dead River Company - Brewer
 Deane's Car Care
 Deighan Associates Inc.
 Dennis Paper & Foodservice
 Don Dickel Floor Corp.
 Dirigo Pines Retirement Community
 Discovery House Bangor
 Dorothea Dix Psychiatric Center
 DOC's Place
 Dogn'i Apparel
 Shaun N. Dowd, DMD
 Down East Toyota
 Down East Credit Union
 Downeast Capital, Inc.
 Downeast Mortgage
 G. Drake Masonry Inc.
 Daniel P. Duff & Associates, Inc.
 Dunnett Inc.
 Dysart's Restaurant
 E & R Weartech
 Eagle Crest, LLC d/b/a Riverview Motel
 Eagle Financial Strategies
 Eagle Security
 East Orrington Congregational Church
 East Side Rehab. & Living Center
 Eastern Agency on Aging
 Eastern Maine Community College
 Eastern Maine Development Corporation
 Eastern Maine Healthcare - Acadia Hospital
 Eastern Maine Healthcare - EMMC
 Eastern Maine Healthcare - Ross Care
 Eastern Maine Healthcare Systems
 Eaton Peabody
 Econo Lodge
 Town of Eddington
 Edward Jones Investments - Bangor
 A.G. Edwards & Sons Inc.
 Edwards, Faust & Smith, Certified Public Accountants
 Elite Auto, Inc.
 Ellis Commercial Management
 Ellsworth American, Inc. - Printing
 Ellsworth Area Chamber of Commerce
 W.S. Emerson Co. Inc.
 Employment 1
 Enterprise Rent A Car
 Epic Sports
 Epstein Commercial Real Estate
 Equipment Rental Service/Party Plus
 ERA Dawson-Bradford Co., Realtors
 EZ To Use Big Book
 Fairfield Inn by Marriott
 Fairmount Market
 FairPoint Communications
 Families And Children Together (FACT)
 Family Fun Bowling Center
 Farrell, Rosenblatt & Russell
 Farrington Financial Group
 FGS/CMT, Inc.
 Fiber-M Technologies, Inc.
 Fiddlehead Inn Bed & Breakfast
 Finish Professionals
 Fireside Inn & Suites
 First Horizon Home Loans
 R.M. Flagg
 Forest Society of Maine
 Forum Francophone des Affaires, FFA-USA
 R.H. Foster Energy, L.L.C.
 Four Directions Development Corp.
 Four Points by Sheraton Bangor Airport
 Fox & Ginn Movers
 Fox Run Furniture Galleries
 Frank's Bake Shop, Inc.
 Fransway Realty
 Freightliner of Maine Inc.
 Frost's Garage, Inc.
 Furbush-Roberts Printing Co.
 GAC Chemical Corp.
 Beth Gardner Insurance-State Farm
 Garelick Farms of Maine
 Gateway Title of Maine, Inc.
 Geaghan's Restaurant & Pub
 General Electric Co.
 Gentiva
 Genworth Financial -Travers Evans
 The Getchell Agency, Inc.
 Getchell Brothers, Inc.
 Gifford's Ice Cream
 Gilbert & Greif, PA



Bangor Region Chamber of Commerce

N.S. Giles Foundations Inc.
 Gilman Electrical Supply Co.
 Girl Scouts of Maine
 Gladjean Consulting, Inc.
 Town of Glenburn
 GMAC Mortgage
 Gold Star Cleaners
 Gold's Gym
 George Gonyar
 Good Samaritan Agency
 Good Shepherd Food-Bank
 Gossamer Press
 Governor's
 Grace Evangelical College & Seminary
 Granville Rental
 The Grasshopper Shop
 The Greater Bangor Convention & Visitors Bureau
 Greater Old Town Communities That Care
 Green Acres Kennel Shop
 Greenway Equipment Sales
 The Greenworks
 Gross, Minsky, & Mogul PA
 Groth & Associates
 The Ground Round
 Gunn's Sport Shop
 Haley's Tire & Service Center
 Hammond Lumber Company
 Hampden Business Association
 Hampden Floral
 Hampden Title LLC/McCue Law Office
 Town of Hampden
 Hampden-Gilpatrick Funeral Home
 Hanger Prosthetics/Orthotics
 Hannaford
 Hannaford Broadway
 Harley the Plumber Inc.
 Harmon AutoGlass DBA Portland Glass
 Alfred C. Haskell, Water Wells Inc.
 Haverlock, Estey & Curran, CPAs
 Hawkins Real Estate
 Hayes Unfinished Furniture
 Headlight Audio Visual, Inc.
 Health Benefits
 Healthcare Charities
 HealthWORKS
 Henry Associates Inc. DBA The Henry Bridal Boutique &
 Formal Wear
 Hermon Meadow Golf Club
 Town of Hermon
 Hewins Travel, LLC
 High Tide Coaching, LLC
 Martin & Gail Hipsky
 Richard Hogan Insurance - State Farm
 Town of Holden
 Holiday Inn - Odlin Road
 Hollywood Custom Rides
 Hollywood Slots at Bangor
 Home Health & Hospice of St. Joseph
 Hooper Appraisal Services
 Hotel Equities
 House of Hunan
 House Revivers Inc./Kelly Realty Management
 The Housing Foundation
 Howard Foundation
 Howard Johnson Inn
 Howard Tool Inc.
 HRH Northern New England
 Hughes Property Management
 Humana Market POINT
 Husson College
 IC Solutions, Inc.
 Industrial Metal Recycling
 Infinity Federal Credit Union
 Innovative Solutions Now, LLC
 Instant Title Service
 InterfaceFABRIC, Inc.
 Interloqui
 Investment Offices of Stephen O Meidahl
 J Group Advertising
 The Jackson Laboratory
 J.B. Parker's Cafe & Catering
 Jeff's Catering, Inc.
 Jenkins Beach/Cottage & Boat Rentals
 Jenkins' Professional Cleaning
 John Bapst Memorial High School
 Johnson Florist & Gift Shop, Inc.
 Johnstone Supply
 Jolain's Gourmet Catering
 Junior Achievement of Maine, Inc.
 Katahdin Area Council, Boy Scouts of America, Inc.
 Katahdin Area Chamber of Commerce
 Katahdin Trust Company
 KE Security
 Keep Bangor Beautiful
 Kelly Services
 Keniston Tile - Bangor
 Kentucky Fried Chicken-Broadway
 Kentucky Fried Chicken-Longview Drive
 Key Bank N.A.
 KidsPeace New England
 Kiley & Foley Funeral Service
 Kindred Healthcare
 Kleen Rite Cleaning & Restoration
 Knife Edge Productions
 Know Technology



Bangor Region Chamber of Commerce

Labor Ready Inc.
 Lamey Wellehan
 Andrew Landry, Esq.
 The Lane Construction Corp.
 Ellen M. Leach Memorial Home Corporation
 Catharine K. Lebowitz
 John W. Lefebvre & Associates, LLC
 Leighton & Longtin CPA
 Liberty Mutual
 Links Online Solutions
 Linnehan Family Business
 Literacy Volunteers of Bangor
 Little Angels Daycare & Preschool
 LL Bean
 Lawrence Lockman
 Logistics Management Systems
 Loiselle, Goodwin & Hinds
 Jennifer B. Londre
 Loon Hollow Cottages
 Lougee & Frederick's Inc.
 The Lucerne Inn
 Machias Savings Bank
 MacMillan Apartments
 The Mad Hatter
 Magazines, Inc.
 Magic With Alan
 Main 1 Travel
 Maine Air Museum/Maine Aviation Historical Society
 Maine Air National Guard
 Maine Audio Information and Reading Service
 The Maine Blood Center
 Maine Businesses for Social Responsibility
 Maine Center for Integrated Rehab
 Maine Center for Women, Work & Community
 Maine Commercial Realty
 Maine Community Foundation
 Maine Crafts Association
 Maine Dept. of Health & Human Services
 Maine Development Foundation
 Maine Discovery Museum
 Maine Distributors
 Maine Energy Inc.
 Maine Equipment & Party Rental
 Maine Ground Developers, Inc.
 Maine Indian Basketmakers Alliance
 Maine International Trade Center
 Maine Mental Health Connections, Inc.
 Maine Network for Health
 Maine Referral Network
 Maine Salt Company
 Maine Savings Federal Credit Union
 Maine School Administrative District #22
 Maine Staffing Group
 Maine State Appraisals, Inc.
 Maine State Chamber of Commerce
 Maine Test Borings, Inc.
 Maine Traditional Karate
 Maine Trailer, Inc.
 Maine Valve and Fitting Co.
 Maine Veterans' Home
 Mainebiz
 TheMaineEdge.com
 MAINE-Ly Titles Inc.
 Make-A-Wish Foundation of Maine
 Manpower
 MAPS Adoption & Humanitarian Aid
 March of Dimes Northern Division
 Margarita's Mexican Restaurant
 Marketing Media
 Marlene's Uniform Shop
 Martin's Point Healthcare
 Mathews Brothers Co.
 McDonald's Restaurants - Bega, Inc.
 McDonald's Restaurants / D & L Management Co.
 Emily McIntosh
 McLaughlin Seafood, Inc.
 Means Investment Co. Inc.
 Mega Life & Health
 Merrill Bank
 U.S. Congressman Michael H. Michaud
 Mid-Coast Fine Antiques of Maine
 Mid-Maine Communications
 Miguel's Mexican Restaurant
 Milford Motel - On the River
 Miller Drug
 John Miller
 Mind Body Medicine of Maine
 Modern Screenprint Inc.
 Moosehead Lake Region Chamber of Commerce
 Moosehead Marine Museum
 Moosehead Mortgage Company, LLC
 Morgan Hill Event Center
 Morgan Stanley
 Sandra A. Morin, Acct.
 Morita's School of Dance
 Motel 6
 The Mount Desert Island Biological Laboratory
 Mount Desert Spring Water
 Movie Gallery
 Moyse Environmental Services, Inc.
 Muddy Rudder
 Murphy's Therapeutic Massage
 Muscular Dystrophy Association
 My Gym Children's Fitness Center



Bangor Region Chamber of Commerce

National Able Network
 The National MS Society
 NAWBO - Bangor
 Neurology Associates of Eastern Maine, P.A.
 New England Communications
 New England Equipment Consulting & Management
 New England Health Search
 New England Home Health Care
 New England Outdoor Center
 New England School of Communications
 New Form Building Systems, Inc.
 New Moon/Red Martini
 Alicia J. Nichols Fundraising Counsel
 Nickerson & O'Day, Inc.
 Nicky's Cruisin' Diner
 Nonesuch Farm B & B
 Norm's Cleaning Service, Inc.
 Norris, Inc.
 North Country Rivers, Inc.
 Northeast Merchandising Corp.
 Northeast Occupational Exchange
 Northeast Oral & Maxillofacial Surgery Associates, P.A.
 Northeastern Log Homes, Inc.
 Northern Log Homes Inc.
 NORTHPOINT Financial Services
 Northstar Photography Inc.
 Northwestern Mutual Financial Network
 Norumbega Financial
 Noyes Construction
 Nurse Anesthesia of Maine, PLLC
 Nyle Corporation
 Oak Grove Spring Water Co., Inc.
 C.L. O'Brien, Jr & Associates
 Oce' Imagistics Inc
 Ofelia's Resale Shoppe/Arte Fino Gallery
 Office Depot # 2392
 OHI
 City of Old Town
 Old Town Museum
 Olive Garden Italian Restaurant
 Chris Olsen
 Oncology Support Foundation
 Open MRI of Bangor
 Optical Outlet
 Organized Solutions
 Oriental Jade Restaurant & Sampan Grill
 Town of Orono
 Town of Orrington
 The Overhead Door Company of Bangor, Inc.
 Oxford Networks
 PAGEmployment, Inc.
 Paine, Lynch & Harris
 Panda Garden
 Papa John's Pizza
 Parks Pond Campground
 Parkside Children's Learning Center
 Paul Bunyan Campground
 PBC Consulting, LLC
 F.A. Peabody - Hampden Division
 Sheila Pechinski
 PenBay Computer Systems, Inc.
 Penobscot Cleaning Services, Inc.
 Penobscot Community Health Center, Inc.
 Penobscot County TRIAD
 County of Penobscot
 Penobscot Energy Recovery Co
 Penobscot Eye Care
 Penobscot Green Clean
 Penobscot Job Corps Academy
 Penobscot Nation Boys & Girls Club
 Penobscot Theatre Company
 Penobscot Valley Country Club
 Penobscot Veterinary Services
 Penquis
 Pepsi Bottling Group
 PHD Consulting, Inc.
 Phenix Title Services LLC
 Phillips-Strickland House/Boyd Place
 Phoenix Employment & Rehabilitation Services
 Pike Industries
 Pine Tree Physical Therapy
 Pine Tree Waste Services, Inc.
 Pizzagalli Construction Company
 Pleasant Hill RV Park & Campground
 Plisga & Day Land Surveyors
 Plum Creek
 The Pool Shed
 Pottier's Transportation Inc.
 Prentiss & Carlisle Inc.
 Pre-Paid Legal Services, Inc. Ind. Assoc.
 Everett J. Prescott, Inc.
 Propertique, LLC
 Pro-Realty
 Protea
 Prudential Northeast Properties
 Prudential Northeast Properties
 Pumpkin Patch RV Resort
 Pushaw Lake Campground
 Qualey Granite & Stone Fabrication, LLC
 Quality Jewelers
 Quality Payroll Services
 Quality Tire & Service Center, Inc.
 Quantum Corral
 Quinn Agency



Bangor Region Chamber of Commerce

Quirk Auto Park
 Ramada Inn
 Ranger Inn
 Rape Response Services
 RBC Dain Rauscher
 Realty of Maine
 Records Management Center
 The Red Barn Campground
 RedWire Host
 RE/MAX Advantage Realty Group
 Residential Mortgage Services
 Rhoades Building Products
 River City Cinema
 Riverside Inn
 Robinson Ballet Company
 Rocky Knoll Country Club
 Rogan's Memorials
 Ronald McDonald House of Bangor, Inc.
 Roof Systems of Maine
 Rosen's
 Roy & Associates, CPAs PA
 Rudman & Winchell, LLC
 Safe Place Self Storage
 Saint John Board of Trade
 St. Joseph Healthcare
 Saliba's Rug and Upholstery Cleaners
 Saliba's Rug Sales, Inc.
 Salon 241
 Sam's Club
 Sandollar Spa & Pool
 Sargent Corporation
 Sargent, Tyler & West
 W. Tom Sawyer Jr.
 Scalable-IT Solutions
 SCORE
 Scotts LawnService
 Sea Dog Brewing Co.
 Seaboard Federal Credit Union
 Seaboard Security
 Seacoast Scaffold and Equipment Corp.
 Sebasticook Valley Healthcare
 Securitas Security Services, USA
 Senior League World Series
 Sephone Internet Solutions
 ServiceMaster Contract Services
 SERVPRO of Bangor/Ellsworth
 Seven Islands Land Company
 Shady Acres RV Park
 Shaw House
 Jonathan Shenkin, DDS
 The Sheridan Corporation
 Sierra Communications Inc.
 Louis Silver Construction Company
 Skowhegan Savings Bank
 Sleep Well, Inc.
 Smart EyeCare Center
 Smith's Ceramics
 U.S. Senator Olympia Snowe
 Snowman Printing & Stamps
 Lee Souweine, Jr. DMD MSD
 Spectacular Event Center
 Spectrum Medical Group, PA
 The Sports Arena
 Sprague's Nursery
 Larry Springer
 Spruce Run Association
 Stagecoach Express Catering
 Standard Electric Co.
 State Farm Insurance Co.
 State St. Subway
 Sterns Lumber Co. Inc.
 Stillwater Health Care
 Stor-More Self Storage & Shipping
 Studio 2000 Hair Design Inc.
 StuffTrakker.com
 Sullivan & Merritt Constructors
 Summit Environmental Consultants, Inc.
 Sunbury Village
 Sunrise Home & Hearth
 Super Shoes
 Superior Lines
 Sutherland Weston Marketing Communications
 Swett's Tire & Auto, Inc.
 Swish Maintenance
 Target Marketing of Maine
 Target Stores T1855
 Gerard Tassel
 Tastefully Simple
 Taylor Network Communications
 TBA Inc
 TC Hafford Basement Systems
 TD Banknorth - Exchange St.
 TD Banknorth - Union St.
 TD Banknorth - Wilson St.
 TDS Telecom
 Telford Aviation Inc.
 Tender Lawn Care
 Terelar Advertising Productions, LLC
 Thibodeau, Inc.
 1340 WNZS-AM
 Thistles Restaurant
 Thomas School of Dance
 Time Warner Cable
 Time Warner Cable Media Sales



Bangor Region Chamber of Commerce

TMATT Tax & Financial
 Top Hat II Dance Studio
 Tourism Saint John
 Town & Country Realtors
 Town & Country Realtors - Hampden
 Training & Development Corp.
 Transco Business Technologies
 Tripps Travel
 True North Home Inspections
 TrueNorth Home Systems
 Tuesday Forum
 Tyler Technologies
 UBS Financial Services Inc.
 Unicel
 UniFirst Corporation
 Union Street Athletics
 Unique Events
 Uniship Courier Services
 United Cerebral Palsy of Maine
 United Technologies Center
 United Way of Eastern Maine
 University College of Bangor
 University Credit Union
 University Inn/Academic Suites
 University of Maine
 University of Maine Alumni Assn.
 University of Maine System
 The UPS Store
 U.S. Cellular
 U.S. Postal Service - Bangor
 U.S. Small Business Administration
 Vacationland Village Inn & Suites
 Vafiades, Brontas & Kominsky, LLP
 VanceGray Wealth Management, Inc
 Vanidestine Chiropractic
 Varney Agency
 Varney - GMC - Isuzu
 Town of Veazie
 Verizon
 Verizon Wireless
 Verona Island Charter Services
 versionZero Design
 ViroQuest Software
 Voyager Networks of New England
 VP Promotions
 VVD Networks
 WABI-TV
 Wal-Mart - Bangor
 Wal-Mart - Brewer
 Ward Green Group
 The Warren Center for Communication & Learning
 Warren's Office Supplies
 Waste Management of Maine
 W.B. Mason
 WBRC Architects
 W.C. Weatherbee & Sons, Inc.
 The Weathervane Factory
 Weathervane Seafoods
 Webber Energy Fuels
 Webber Supply, Inc.
 Frank Webb's Bath Center
 Wells Fargo Home Mortgage
 Wellspring, Inc.
 Westgate Manor
 Paul G. White Co.
 Whittens 2-Way Service
 Willey Law Offices
 Wilson's Lawn Service, Snow Plowing
 Wings For Children & Families, Inc
 Winterport Winery/Pairings Inc.
 WKIT / WZON - The Zone Corporation
 WLBZ 2
 Wood Associates
 Woodard & Curran
 Woodlands Assisted Living of Brewer
 Work Opportunities Unlimited Inc.
 WorkSource Staffing Services
 WP Realty
 WQCB/WBZN/WFZZQ/WWMJ/WDEA
 WSI
 WWII-TV 7/ Fox 22
 Yachanin Building Construction
 YMCA of Old Town and Orono
 Edward M. Youngblood
 Young's Canvas Shop
 ZF Lemforder Corporation
 Zonta Club of Bangor

Subcommittee on Highways and Transit

**Hearing on “Truck Weights and Lengths: Assessing the Impact of
Existing Laws and Regulations”
Wednesday, July 9, 2008**

Statement – Congressman Jason Altmire (PA-04)

Thank you, Chairman DeFazio, for calling today’s hearing to examine the issue of truck weights and lengths and implications of increasing current standards. With more than 2.7 million large trucks operating on our nation’s roadways, it is important for this Committee to fully understand how current weight and length standards are affecting the industry and how possible increases in the standard could impact our nation’s roadways.

In 1956, the federal government authorized the Federal-Aid Highway Act, which established – for the first time - national truck weight and length standards. These standards, which were set at a maximum vehicle weight of 73,280 pounds and a maximum vehicle length of 96 inches, were meant to protect the investment made by the federal government in the interstate highway system.

Since 1956, a number of updates have been made to the national truck length and weight standards; however, each update continued to grandfather in previous state regulations - resulting in over 40 different combinations of the federal standards. Further, only 7 states currently apply the federal standards without modification.

It is critical for the Committee as it moves forward to hear from both sides on this issue, and carefully consider both the positive and negative aspects of any further changes to current standards.

Chairman DeFazio, thank you again for holding this hearing today. I look forward to hearing from each of our witnesses.

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DAN BOREN
2ND DISTRICT, OKLAHOMA

ASSISTANT DEMOCRATIC WHIP

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Congress of the United States
House of Representatives
Washington, DC 20515-3602

COMMITTEE ON ARMED FORCES
SUBCOMMITTEE ON AIR AND LAND FORCES
SUBCOMMITTEE ON READINESS

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

Statement for the Record

House Committee on Transportation and Infrastructure
Subcommittee on Highway and Transit
Hearing on
"Truck Weights and Lengths"

Hon. Dan Boren
Of Oklahoma
In the
U.S. House of Representatives
July 9, 2008

Dan Boren, Member of Congress

Mr. Chairman:

Chairman DeFazio, Ranking Member Duncan, and other respected Members of the Transportation and Infrastructure Committee, thank you for allowing me the opportunity to testify before you in support of truck weight reform as it relates to agriculture. I believe so strongly in the need for change I have introduced legislation, H.R. 3098, along with Representatives Aderholt and Fallin, which seeks to rectify this situation.

Farmers and ranchers transporting goods throughout this nation need the ability to conduct their business in a fair and efficient manner. Under the existing Federal Motor Carrier Safety Regulations, agricultural producers hauling their own grain or other agricultural commodities are forced to comply with many of the same regulatory requirements as individuals operating commercial motor vehicles year-round, even though the transportation of agricultural goods is seasonal and often occurs in close proximity to farm or ranch operations. In addition, these vehicles are often only small family farm trucks hauling one or two head of cattle. This unnecessary burden on our farmers and ranchers does nothing to protect the safety of our roads.

There is no reason that a farmer's vehicle should be considered "safe" in their own state, but "unsafe" when they cross the state line into a state with the same definition for a commercial motor carrier. My own state of Oklahoma borders six other states and our farmers often need to cross those state lines. This inconsistency is causing our farmers and ranchers undue inconvenience as they are pulled over on out of state highways for driving vehicles with the same

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CLAREMORE, OK 74017
(918) 341-9036
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McAlester
321 SOUTH THIRD, STE. 4
MCALISTER, OK 74501
(918) 423-5361
Fax: (918) 423-1940

Muskogee
431 W. BROADWAY
MUSKOGEE, OK 74401
(918) 697-2533
Fax: (918) 686-0128

weight as in-state vehicles already permitted on the roads without commercial driver's licenses (CDLs). I regularly hear from farmers and ranchers across my district who are already facing fines from these regulations that were never meant to apply to them. The legislation I have proposed along with my colleagues will provide the much needed uniformity between state and federal law.

In addition, it is absolutely imperative that you understand my concerns do not lie with the regulations associated with a commercial driver's license (CDL), but in the requirement for these farm vehicles to obtain a commercial driver's license at all. It is not necessary to have a CDL until a truck reaches a certain weight load. There is no reason a seasonal, short haul driver should be categorized in the same category as a long haul 18 wheeler.

Mr. Chairman, the safe and efficient transportation of agricultural commodities and goods to market is essential for producers and ultimately American consumers. It is important that we consider the regulations we impose on American farmers and make sure they are relative to the activities in which they are engaged. Now is the time to support our farmers who often travel across state lines in order to provide our citizens a safe, affordable and abundant food supply.

Thank you again for allowing me to opportunity to share my thoughts with you and for your careful consideration of this issue.



OPENING STATEMENT OF REP. STEVE COHEN

Transportation and Infrastructure Subcommittee on Highways and Transit

"Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations"

July 9, 2008

I am pleased to be here today to receive testimony from the Executive Director of the Federal Highway Administration as well as various state and local stakeholders within the trucking industry, including the Director of Transportation for International Paper in Memphis, Tom Carpenter, as we examine federal laws governing truck weights and lengths and the authority of states to issue permits to exempt trucks from these laws.

According to the Federal Motor Carrier Safety Administration data, there are nearly 700,000 motor carriers registered with the Department of Transportation. The current framework of laws and regulations governing minimum and maximum weights and lengths for trucks is a complex set of federal standards that apply to the Interstate Highway System and National Framework. While current federal law sets weight standard limits of 80,000 lbs., Canada has maximum limit of 96,000 lbs., ^{and} Mexico has a limit 97,000 lbs. A general freeze on the size and weight of carrier vehicles has been in place since the Intermodal Surface Transportation Efficiency Act of 1991 was signed into law.

Safety is certainly an important concern as we consider existing truck weight laws. However, in the face of rising fuel costs and increased congestion, we must also seriously consider whether or not it is viable, given technological innovations over the past decade, to safely increase weight standards for carrier trucks. Increasing U.S. standards in a safe and practical manner would have the safety benefit of decreasing the total amount of trucks needed on our highways as well as allow a more efficient utilization of our nation's motor carriers.

STATEMENT OF SENATOR SUSAN M. COLLINS
U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
“TRUCK WEIGHTS AND LENGTHS: ASSESSING THE IMPACTS OF EXISTING LAWS
AND REGULATIONS”
JULY 9, 2008

MR. CHAIRMAN, The skyrocketing price of diesel fuel is putting an increasing strain on our trucking industry. To illustrate the problem, consider this fact. In 1999, a Maine truck driver could purchase \$500 of diesel fuel and drive from Augusta, Maine, all the way to Albuquerque, New Mexico. Today, a driver who purchases \$500 of diesel and leaves Augusta would not even make it to Altoona, Pennsylvania, and because diesel prices continue to increase, the problem is only getting worse.

I recently met with Kurt Babineau, a small business owner and second generation logger and trucker from the Penobscot County town of West Enfield, Maine. Like so many of our truckers, Kurt has been struggling with the increasing costs of running his operation. All of the pulpwood his business produces is transported to Verso Paper in Jay, Maine, a 165-mile roundtrip. This would be a considerably shorter trip except that current federal law forbids trucks weighing more than 80,000 pounds from driving on Interstate 95 north of Augusta. Instead, these heavy trucks are forced off the modern four-lane, limited-access highway, and onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

This law not only increases the distance that trucks must travel, it increases their travel time and results in a higher consumption of diesel fuel. In fact, Kurt estimates that permitting his trucks to travel on all of Interstate 95 would save him 118 gallons of fuel each week. At approximately \$4.50 a gallon, and including savings from his drivers spending less time on the trip, he could save more than \$700 a week, and more than \$33,000 and 5,600 gallons of fuel each year. These savings would not only be beneficial to Kurt's bottom line, but also to his employees, his customers, and to our nation as we look for ways to decrease the overall fuel consumption.

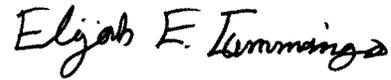
To help provide assistance to our truckers, I recently introduced the Commercial Truck Fuel Savings Demonstration Act, with my senior colleague Senator Olympia Snowe as the chief cosponsor. Our legislation would create a two-year pilot program that would permit trucks carrying up to 100,000 pounds to travel on the federal Interstate system whenever diesel prices are at or above \$3.50 a gallon.

Permitting trucks to carry up to 100,000 pounds on federal highways would lessen the fuel cost burden on truckers in three ways. First, raising the weight limit would allow more cargo to be put into each truck, thereby reducing the numbers of trucks needed to transport goods. Second, trucks carrying up to 100,000 pounds would no longer need to move off the main federal highways where trucks are limited at 80,000 pounds and take less direct routes on local roads requiring considerably more diesel and extended periods of idling during each trip.

Finally, trucks traveling on the interstate system would save on fuel costs due to the much superior road design of the interstate system as compared to the state and local roads.

Trucking is the cornerstone of our economy as most of our goods are transported by trucks at some point in the supply chain. Some independent truckers in Maine have already been forced out of business due to rising fuel costs. More businesses are facing a similar fate if relief is not provided. The Commercial Truck Fuel Savings Demonstration Act offers an immediate and cost effective way to help our nation's struggling trucking industry, and individual drivers like Kurt Babineau.

Thank you for the opportunity to submit my statement, which I hope will generate increased awareness of the need to address the problems facing the movement of freight by truck throughout the country.



Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

“Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations”

July 9, 2008
10:00 a.m.
2167 Rayburn House Office Building

Opening Statement of Congressman Elijah E. Cummings

Mr. Chairman:

Thank you for calling this important hearing to enable us to closely examine existing laws and regulations on truck weights and lengths.

The most important duty we have as members of the Transportation and Infrastructure Committee is to ensure that our nation’s highways are as safe as possible.

Unfortunately, this challenging task becomes even more difficult as we experience increasing congestion on our

highways and increasing signs of neglect across our nation's transportation infrastructure.

Included in this growing congestion are an increased number of trucks carrying goods across the nation.

According to the Federal Motor Carrier Safety Administration (FMCSA), there are nearly 700,000 motor carriers registered with the Department of Transportation.

Considering the number of commercial vehicles in operation in the United States, laws regulating weight and length have a significant impact on the condition of our highways and bridges, the safety of our constituents, and on interstate commerce.

Looking at safety, in 2006, nearly 5,000 people were killed in crashes involving large trucks, and an additional 106,000 people were injured. It is difficult to isolate the direct impacts on crash rates of truck size and weight factors; however, these factors surely contribute to the severity of accidents in some circumstances.

Increasing truck traffic also clearly affects our nation's infrastructure. A government study found that a single-semi truck can cause as much damage to roadway surfaces as 9,600 cars. As infrastructure maintenance needs increase, the impact of trucks rumbling across bridges and highways becomes even more significant.

Unfortunately, the laws that were adopted to protect roads and infrastructure from the damage caused by heavy trucks

are often confusing, as they tend to differ between state and federal highways. In fact, my home state, Maryland, received special permission in 1993 to allow higher weights than were originally allowed in earlier legislation.

It is imperative that we assess whether the current legal and regulatory regime is adequate to current trends and needs.

It is also critical that we ensure that current laws regulating the weights and lengths of our trucks are properly enforced in order maintain the safety of all motorists.

I look forward to the testimony of today's witnesses and I yield back the remainder of my time.

###

**Statement of the Honorable James P. McGovern
Committee on Transportation and Infrastructure
July 9, 2008**

As work begins on SAFETEA-LU authorization, so too begins another concerted effort to allow super-heavy, unsafe, and inefficient trucks on highways across the country.

Plans have been unveiled by some associations to raise the maximum weight of single tractor trailer trucks from 80,000 pounds to 97,000 pounds, allow the use of heavier double 33-foot trailers, and expand the use of longer combination vehicles (or LCVs – like super-heavy and super-long double and triple trailer trucks) in the west. Additionally, groups supporting increases in truck size and weight limits have visited House and Senate offices in recent weeks to lobby for an increase in maximum truck weights.

This committee and this body have debated this issue many times before and have nearly always voted against risking the safety of motorists and the pocketbooks of taxpayers by allowing trucks to get even dangerously larger than they are today.

What has changed since our last debate of truck size and weight? Not much, except that the country is even less supportive today to give additional subsidies for even heavier trucks.

The impacts of bigger trucks on motorists and taxpayers are well documented. As Chairman Oberstar said on the floor of the House in 2004 when debating SAFETEA-LU:

It simply comes down to this: heavier trucks are more dangerous. They are more costly to the Nation's highways. As truck weights increase, fatal accident rates go up, according to the University of Michigan's transportation research study.

Heavier tractor-trailers raise the center of gravity of the vehicle and its load, increasing rollovers. Heavier vehicles mean increasing speed differentials with other traffic. Increasing truck weights result in greater brake maintenance problems. Brakes are out of adjustment, trucks take longer to stop. It is just that simple.

I have studied this issue for many years. Heavier trucks are worse on the roadway, worse still on bridges, and are involved in a highly disproportionate greater number of accidents.

As the Chairman said, this issue has been studied for many years. The most thorough and authoritative examination of truck size and weight issues to date, the U.S. Department of Transportation's 2000 Truck Size and Weight Study, chronicled the safety issues surrounding bigger trucks. According to the DOT Study:

- LCVs could be expected to experience and 11 percent higher overall crash rate than single-trailer combinations;
- LCVs have poor stability and are significantly more likely to experience rearward amplification (the “crack the whip” effect) than singles;
- LCVs also have more axles and brakes, which increase the potential for brake maintenance problems;
- Adding weight to single trailer trucks increases the risk of an accident involving a fatality;
- Heavier singles have a higher risk of rollover; and
- Increasing truck weight is also likely to lead to brake maintenance problems and longer stopping distances.

As the Chairman said, bigger trucks are more dangerous. Nearly five thousand people die each year and another 100,000 are injured in crashes with heavy trucks. Allowing trucks to be even heavier is a dangerous proposition.

Additionally, allowing increases to truck size or weight would exacerbate existing transportation funding problems. As the committee is well aware, the Highway Trust Fund is facing a shortfall in 2009. While this shortfall has been linked to the increasing fuel efficiency of cars and a reduction in travel because of high gas prices, certainly the subsidy Congress has given the trucking industry has helped create this environment.

The fact of the matter is that heavy trucks on the road today do not pay their fair share. According to the Federal Highway Administration’s 2000 Highway Cost Allocation Study, the typical five-axle, 80,000-pound single tractor trailer on the road today only pays 80% of its highway maintenance costs. A long double registered at 129,000 pounds pays only 60% of its costs and a triple trailer truck registered at 110,000 pounds pays only 70%. In 2000, FHWA estimated that heavy trucks underpaid their share of highway costs by nearly \$1.9 billion.

This number does not include the underpayment of damage to state and local roads, which is even larger. And since road and bridge construction costs increase much faster than do diesel taxes and truck registration fees, the gap between heavy truck damage to our infrastructure and the user fees paid by the trucking industry continues to widen. While some groups lobbying for bigger trucks have said that they are willing to pay “some sort of additional user fee,” it would take a very large increase in trucking user fees to make up for existing underpayment, let alone the increased underpayment caused by even heavier and longer trucks on our roads.

The tragic collapse of the I-35W bridge in Minnesota last year focused the public’s attention on the state of our nation’s infrastructure. The fact of the matter is that the average age of U.S. bridges is 40 years, which means that they are nearing the end of their useful lives. The average bridge was built at a time when there was less than a third of the truck traffic that there is today and the truck weight limit was 73,280 pounds.

Proposals that suggest adding additional axles to the bigger truck configurations would minimize the additional damage these rigs would do to our infrastructure are unsound. While additional

axles would help mitigate additional damage to pavement, it would actually increase the damage to bridges dramatically.

This is why part of the trucking industry's proposal includes removing the weight cap on the Federal Bridge Formula. This formula exists to protect the integrity of our nation's bridges. Already, over 150,000 of the nearly 600,000 bridges in the U.S. are rated structurally deficient or functionally obsolete, including 20% of bridges on the National Highway System. That we would consider uncapping the bridge formula and allowing even heavier trucks on our bridges is unconscionable.

The dangers these trucks pose to safety and to our roads and bridges are also why truck drivers oppose any increase in truck weight or length. Both the International Brotherhood of Teamsters and the Owner-Operator Independent Drivers Association (OOIDA) are against allowing trucks to be bigger. Teamsters General President Jim Hoffa has called the idea of letting bigger trucks on the road, "crazy," and has been quoted in the press as saying that he, "can't imagine a worse time to promote this idea."

If truck drivers are unwilling to drive these trucks, why should we allow them on our roads?

Perhaps the most insulting part of the trucking industry's proposal, however, is that these ultra-heavy, dangerous trucks are being depicted as green. While I applaud efforts to decrease the emissions that lead to global climate change – such as a national speed limit for trucks and reducing the time trucks spend idling – I denounce the attempt to cast heavier, unsafe trucks as part of the solution to climate change.

A centerpiece of this new campaign is the assertion that bigger trucks will mean fewer trucks. Experience indicates this is false. Increases in truck size and weight are likely to accelerate growth in truck transportation. In 1982, Congress passed legislation that required all states to raise the maximum allowable Interstate weight limit to 80,000 pounds. Despite the increase in truck weight, the total number of miles traveled by combination trucks increased by 63 percent from 1980 to 1993, according to the Federal Highway Administration. In fact, the miles traveled by combination trucks and the number of trucks registered in the U.S. has gone up nearly every year since 1982.

Truck travel grows after an increase in truck size and weight because the bigger rigs divert freight from other transportation modes. As such, allowing heavier trucks would represent a fundamental strategic decision that would shape the future of freight transportation in the U.S. for years to come. I would contend that diverting freight away from our already overcrowded highways is a sound way to curb emissions that contribute to global climate change.

Allowing heavier and longer trucks will mean more trucks on the road, more fossil fuel burned, more of the emissions that contribute to climate change, and more highway congestion, not less.

I have reintroduced legislation, H.R. 3929, the Safe Highways and Infrastructure Preservation act (SHIPA), which extends the common-sense weight limits we already have on our Interstates to the entire National Highway System. The weight limit for nearly all portions of the NHS is 40

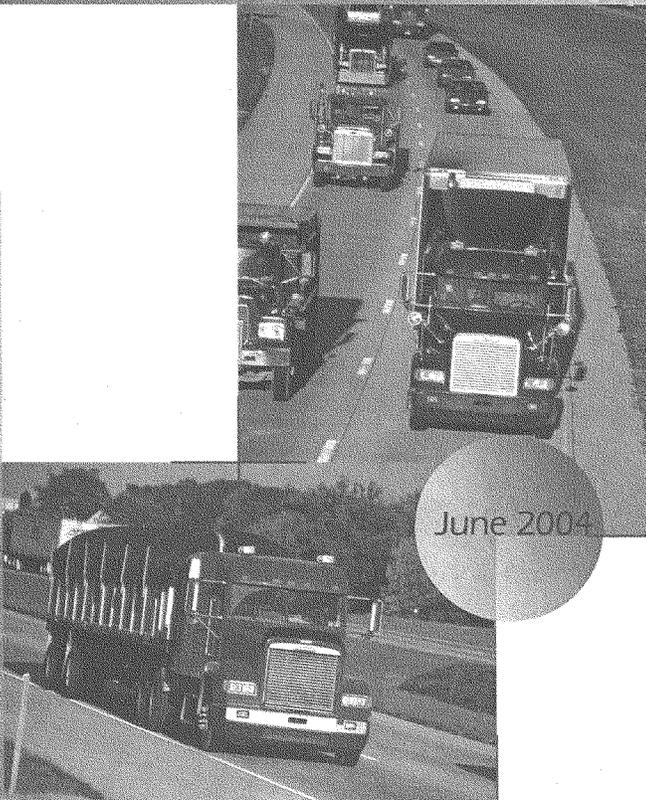
tons, but ineffective enforcement and state permits that allow trucks to exceed this amount severely undermine the regulation. In some instances, these permits allow trucks to double the limit. In fact, the year before the collapse of the bridge in Minneapolis, the state's department of transportation issued 48 overweight load permits with excesses up to 72 ½ tons.

In short, bigger trucks are more dangerous, which is why they are opposed by motorists and by truck drivers. Bigger trucks tear up our roads and bridges, which are already in disrepair. This additional damage would cost taxpayers billions of dollars just in repair costs. When you add in the cost of sitting in the congestion caused by the additional construction and repair, this number skyrockets even higher. Bigger trucks will also divert more freight to our highways causing more highway congestion, more fuel consumption, and more pollution.

Mr. Chairman and Members of the Committee, allowing trucks to get longer and heavier does not make any sense. I urge the Committee to oppose any increase in truck size or weight and to consider enactment of the Safe Highways and Infrastructure Preservation Act.

Study of Impacts
Caused by Exempting Currently
Non-exempt Maine Interstate Highways
From Federal Truck Weight Limits

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June 2004

Study of Impacts Caused by Exempting Currently Non-exempt Maine Interstate Highways from Federal Truck Weight Limits

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Introduction

The U.S. economy has become increasingly reliant on international trade. Transportation systems supporting efficient goods movement and roadway policies maximizing safe, efficient freight transportation are keys to U.S. competitiveness and job retention in an international environment. Since the implementation of the North America Free Trade Agreement (NAFTA),

Canada has assumed the role as the primary trading partner with the United States. **Exhibit 1** displays the growth in trade moving across the border between Maine and Canada. Based on figures for the first eleven months of 2003, imports from Canada to Maine remain just under \$2 billion, with about 60% of these goods moving by truck. Exports from Maine into Canada are worth about \$800 million, with nearly all of this trade moving by truck. Over 90 percent of all freight (by weight) originating in Maine is transported by truck, with 75 percent of originating truck flows moving 250 miles or less. While rail and water modes offer some alternatives, the nature and composition of Maine's regional economy requires heavy reliance on truck transport.

Exhibit 1: Maine Trade with Canada 1995- 2003

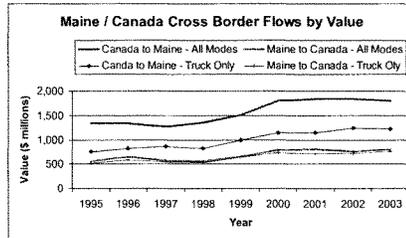


Exhibit 2: Truck Weight Limits in Maine

Maine allows gross vehicle weights (GVW) of up to 100,000 lbs. on a 6-x-axle tractor semi-trailer (TST) on state highways. As a result, heavy combination trucks that would otherwise be through traffic on the interstate system divert to state highways upon reaching the non-exempt portions of Maine's interstate highway system.

Commodity	Special	All Other
Single axle weight limit	24,200 lbs.	22,400 lbs.
Tandem axle weight limit		
5-axle combination	44,000 lbs.	38,000 lbs.
6-axle combination	44,000 lbs.	41,000 lbs.
Tri-axle weight limit		
5-axle combination	54,000 lbs.	48,000 lbs.
6-axle combination	54,000 lbs.	50,000 lbs.
Gross vehicle weight limit		
5-axle combination	88,000 lbs.	80,000 lbs.
6-axle combination	100,000 lbs.	100,000 lbs.

Weight laws applying to state highways in Maine are found in Title 29, Chapter 21 of State Statutes and are summarized in **Exhibit 2**. Maine's weight limit for a 5-axle TST combination depends upon whether the vehicle is carrying "special commodities" as defined in statute. Broadly, special commodities are stone and aggregate products, farm produce and wood products. Six-axle combination trucks may carry up to 100,000 pounds provided they have registered to carry higher weight loads.

Special Conditions of operation for 6- axle combination trucks:

- 1) Special commodity 6-axle combinations may register for 90,000 lbs. and are allowed a tolerance to 100,000 lbs.; all others must register for 100,000 lbs.
- 2) The distance between the extreme axles, excluding the steering axle, must be at least 32 feet if carrying "special commodities" and at least 36 feet for other commodities.
- 3) The distance between the steering axle and the first axle of the tandem must be at least 10 feet.



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In 1998, Congress provided an exemption from the federal gross weight limit on the Maine Turnpike and a portion of I-95 in Kittery. The remaining interstate routes in Maine remain subject to the federal GVW limit of 80,000.

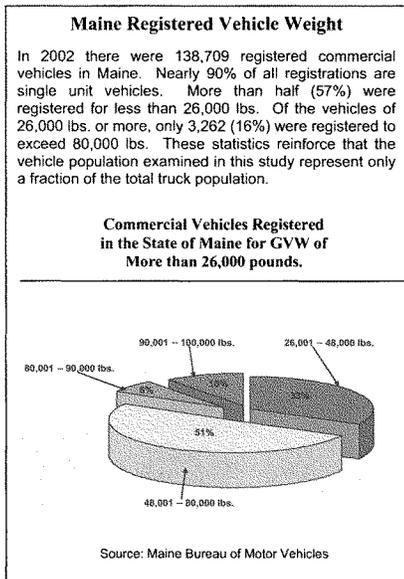
In 2002, the Maine Department of Transportation (MDOT) contracted with Wilbur Smith Associates to examine the impact a federal weight exemption on currently non-exempt portions of Maine's interstate system would have on safety, pavement and bridges. The study drew on numerous data sources to model how changes in weight policy would affect travel patterns of 5-axle and 6-axle TST trucks moving heavy commodities.

Data Sources

Numerous data sources were used to model how changes in weight policy would affect travel patterns of 5-axle and 6-axle TST trucks moving heavy commodities. Three principal data sources were used to understand existing truck traffic (non-exempt scenario) and estimate changes in truck flows if the current federal weight exemption were extended to all Maine interstate highways (study scenario):

1. **Weigh-in-motion (WIM) sites:** Data from ten WIM stations in Maine and two in New Hampshire were used to develop estimates of *Equivalent Standard Axle Loads* (ESAL) and for network calibration. Records for every vehicle with five or more axles were extracted, resulting in the analysis of more than 10.5 million records.
2. **Vehicle classification counts:** Truck count data was taken from 842 vehicle classification stations maintained by MDOT. Counts for 5- and 6-axle TST combination vehicles were used to establish truck volumes on the base network, and to calibrate the truck traffic model.
3. **TRANSEARCH commodity data:** TRANSEARCH data provides volume and value by individual commodity and mode of transport throughout the U.S. This is a proprietary database providing county-level freight flows by mode and commodity, and is considered the premier source for intercity and intra-city commodity flows.

These data were supplemented with information from motor vehicle registrations, interviews with trucking firms and city officials, and with information from weight enforcement officials.



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The top commodities after the filtering process are shown in the table of **Exhibit 3**. Several of these commodity groups were aggregated, and one (Secondary Traffic) was dropped from the analysis. More than 95% of Secondary Traffic moving in and through Maine is mixed commodities moving between warehouse facilities. Typically, mixed commodities “cube-out” (use available volume capacity) before “weighing-out” (use available payload).

Four primary commodity groups became the focus of the heavy truck flow modeling:

- Petroleum
- Wood & Paper
- Concrete and Stone
- Food, Farm & Fish Products

Together, these aggregated groups comprise more than 80% of the truck tonnage moving within Maine, or between and through Maine from other jurisdictions that allow vehicles in excess of 80,000 lbs. on their road systems. Flows were also examined at a detailed commodity level and filtered for “special commodities” that, under Maine weight laws qualify for a 10% weight bonus. **Exhibit 4** shows the special commodities selected from the database descriptions:

Exhibit 3: Top Commodity Tons

Commodity Group	Tons
Petroleum or Coal	21,051,444
Lumber or Wood	18,044,677
Clay, Concrete, Glass, Stone	7,233,870
Secondary Traffic	6,768,652
Food or Kindred	4,147,817
Pulp & Paper	2,611,756
Nonmetallic Minerals	1,572,526
Chemicals	1,129,204
Fabricated Metal	868,926
Farm Products	724,813

Exhibit 4: “Special Commodities” Extracted from TRANSEARCH

o Concrete Products	o Maine Products
o Portland Cement	o Fresh Fish or Whale Products
o Broken Stone or Riprap	o Frozen Fruit, Vegetables or Juice
o Gravel or Sand	o Frozen Specialties
o Dimension Stone, Quarry	o Ice, Natural or Manufactured
o Clay, Ceramic Minerals	o Forest Products
o Fertilizer Minerals – Crude	o Primary Forest Materials
o Misc. Non-metallic Minerals	o Lumber or Dimension Stock
o Clay, Brick or Tile	o Misc. Sawmill
o Ceramic Floor or Wall Tile	o Millwork
o Meat, Fresh or Chilled	o Plywood or Veneer
o Meat, Fresh Frozen	o Structural Wood Products
o Meat Products	o Treated Wood Products
o Dressed Poultry, Fresh	o Misc. Wood Products
o Dressed Poultry, Frozen	o Pulp or Pulp Mill Products
o Processed Poultry or Eggs	o Fiber, Paper or Pulp board
o Creamery Butter	o Pressed or Molded Pulp Products
o Ice Cream or Frozen Desserts	o Paper or Building Board
o Cheese or Special Dairy Products	o Ashes
o Processed Milk	o Metal Scrap or Tailings
o Processed Fish	o Paper Waste or Scrap

Exhibit 5 on the next page presents a flow diagram of the iterative process used to create the truck traffic model applied to the *Study Network*.



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Exhibit 5: Study Network Development Process*

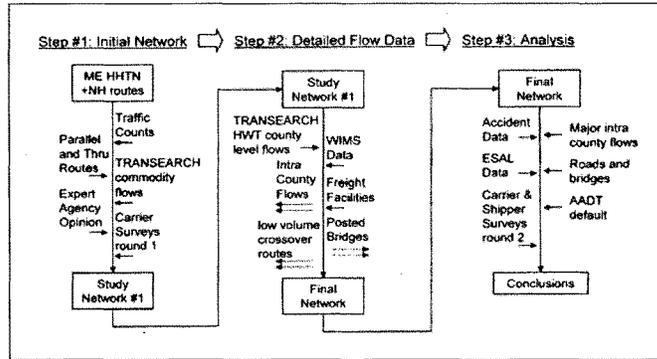
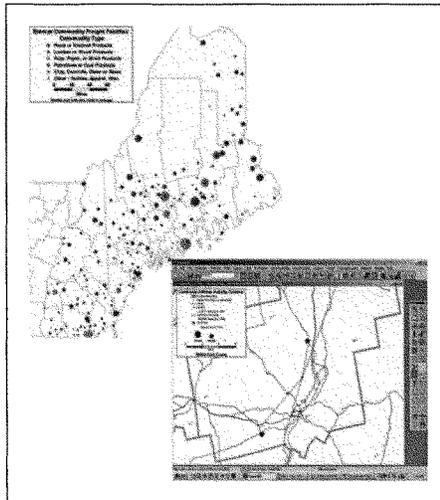


Exhibit 6: Heavy Commodity Freight Facilities

The commodity data purchased by MDOT included locations of major industrial facilities. The *Freight Locator Database* was used to identify facilities potentially receiving or producing products in exempt commodity groups (Exhibit 6). These facilities were added to the modeled traffic network as "centroids" for county level truck origins and destinations. A least travel time algorithm was applied to the data, and all truck flows were assigned to two sections of the Maine interstate system:

- I-95/Maine Turnpike
- Non-exempt Maine interstates

The network assignment algorithm was used to load all truck flows to the Maine interstate system and parallel routes were "turned-off." As a result, for any O/D pair requiring a north/south routing through Maine, interstate highways are treated as the only available routes.



* Diagram Abbreviations: HHTN = Heavy Haul Truck Network, AADT = Average Annual Daily Traffic



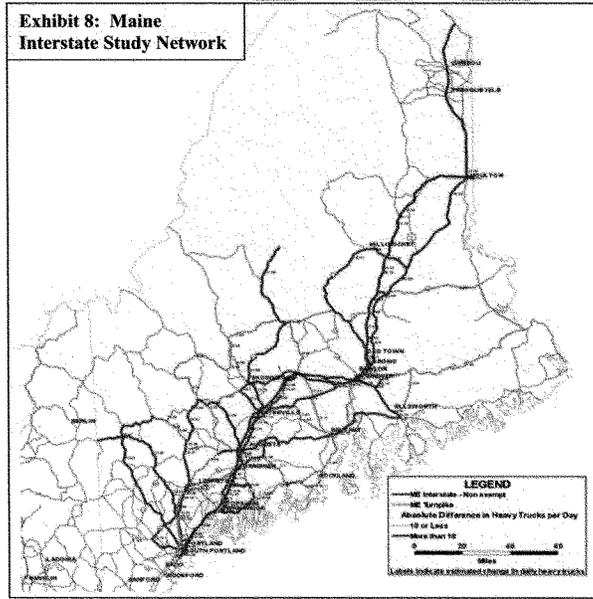
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Exhibit 7: Theoretical Truck Count Estimates

Commodity Group	Total Truck Tons	Theoretical 5-Axle TST Count	Theoretical 6-Axle TST Count
Petroleum or Coal	13,135,524	460,896	386,339
Lumber, Wood & Paper	7,117,718	249,744	209,345
Food & Fish Products	1,087,548	38,160	31,987
Stone & Concrete Prod.	1,179,226	41,376	34,683
Total	22,520,016	790,176	662,354

Extending an exemption from federal weight limits to currently non-exempt portions of the Maine interstate system is expected to *increase* 5- and 6-axle TST traffic on I-95. TST truck traffic is expected to *decrease* on state roads and the Maine Turnpike, particularly where it parallels I-95 between Augusta and Portland. Payloads for 5- and 6-axle TST trucks were applied to the commodity tonnages to estimate theoretical truck counts.** The derived truck counts that were later distributed across the study network are shown in Exhibit 7.

Exhibit 8 shows the study network used to analyze safety and infrastructure impacts that would result from a federal weight limit exemption on currently non-exempt Maine interstate highways.



** A sample of empty 6-axle TST vehicles weighed by the Maine State Police found a wide range of tare weights. The theoretical tare weights used are from the USDOT Comprehensive TS&W Study and phone calls to semi-trailer manufacturers. These tare weights also fell within the range of empty vehicle weights for 5- and 6-axle trucks detected at Maine WIM stations.



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Safety Analysis

“Geo-coded” crash data was available from the MDOT that could be used to analyze TST combination truck crashes by functional highway class in Maine. A previous study of truck size and weight noted a strong correlation between crash rates and functional highway class:

“Numerous analyses of crash data bases have noted that truck travel, as well as all vehicle travel, on lower standard roads (that is, undivided, higher speed limit roads with many intersections and entrances) significantly increases crash risks compared to travel on interstate and other high quality roadways. The majority of fatal crashes involving trucks occur on highways with lower standards.... The [fatal crash] involvement rate on rural interstate highways is 300 percent to 400 percent lower than it is on other rural roadway types and is generally the same for all vehicle types.”

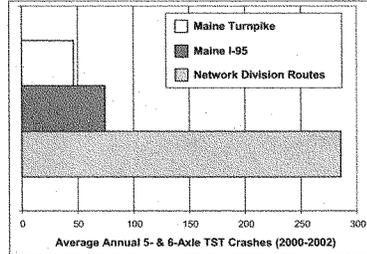
The geo-code crash analysis divided the 14,244 road segments of the study network into 3 groups of roadway facilities (each network segment was in one, and only one, group):

- *Non-Exempt Interstates*, controlled-access facilities expected to gain traffic in the scenario under study (i.e. exempt weights allowed on the interstate). 546 centerline miles (of two or more lanes, running in the same traffic direction).
- *Maine Turnpike*, controlled-access facilities. The northern parallel section of the Turnpike is expected to lose traffic in the study scenario. Crashes from the entire length of the facility - 242 centerline miles were included in the safety analysis.
- *Diversion Routes*, which constitute the rest of the *study network*, and which are expected to lose traffic, under an interstate exemption scenario - 4,538 centerline miles (primarily of two lanes, each running in opposite traffic directions).

Three years (2000–2002) of geo-coded crash data were filtered by recorded vehicle type to extract only crashes involving 5- or 6-axle TST trucks, with GVW registrations of 80,000 lbs. or more, and occurring on a facility in the study network. A total of 1,219 crashes from the three years of data passed both filters, constituting the crash sample.

Exhibit 9 shows the resulting annualized number of 5- and 6-axle TST crashes on the Maine Turnpike, non-exempt interstate, and study network diversion routes.

Exhibit 9: Annual Network TST Crashes



A process was then applied that attached TST average annual daily traffic (AADT) for road segments in the study network to crash data. The process allowed the study team to estimate “crash rates” expressed as TST crashes per “100 million vehicle miles traveled” (HMVMT) by type of highway facility in the study network.

[†] *Comprehensive Truck Size and Weight Study: Vol. III Scenario Analysis*, USDOT, Aug 2000. pp. VIII-3.



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Exhibit 10 shows crash rates for 5- and 6-axle TST combinations registered to carry 80,000 lbs. or more. On the Maine Turnpike the computed rate is 27 crashes/HMVMT. The comparable rate for non-exempt Maine interstate highways is 42 crashes/HMVMT. For all other study network routes the rate is 115 crashes/HMVMT.⁴

Exhibit 10: Study Network TST Crash Rates

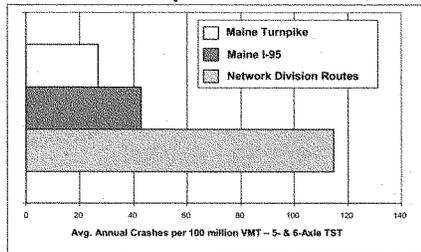
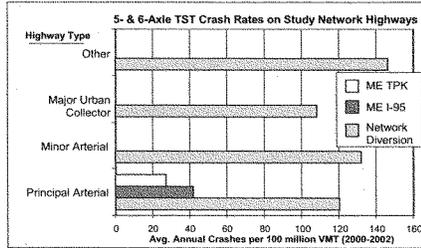


Exhibit 11 shows the crash rates for 5- and 6-axle TST combinations on study network facilities using federal definitions for highway functional class.

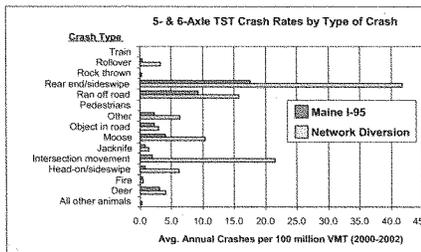
Exhibit 11: TST Crash Rate by Highway Class



The crash rate for 5- and 6-axle TST trucks of 27 crashes/HMVMT on the Maine Turnpike is of particular note, as it currently allows vehicles over 80,000 lbs. Crash rates on non-interstate facilities in the study network, including other principal arterials are at least four times higher than the crash rate on the Turnpike, and more than double the rate on the non-exempt interstate system.

Exhibit 12 displays the crash rates for 5- and 6-axle TST involvements, by type of crash, for non-exempt Maine interstate highways and all other functional highway classes in the diversion road set.

Exhibit 12: Study Network Crash Rates by Type



While diversion route crash rates are higher for all crash types, intersection movement, head-on sideswipe, and read-end sideswipe are all dramatically more prominent. Rear-end sideswipe crashes exhibit the highest crash by type rate for TST vehicles on non-exempt interstate facilities with a rate of 18-crashes/HMVMT. Nonetheless, the crash rate for rear-end sideswipe for non-interstate facilities is more than double, with a crash rate of 42 crashes/HMVMT.

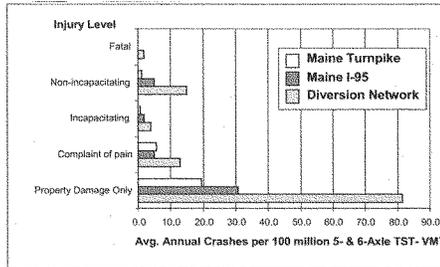
⁴Crash counts and rates are based upon vehicle involvement where each truck (meeting the filter criteria) was counted as one involvement. A collision involving two trucks thus yields two vehicle involvements.



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Exhibit 13 displays crash rates for the Maine Turnpike, non-exempt interstate highways and other functional highway classes combined for the study network by crash severity. The fatal crash rate of 0.2 crashes/HMVT on both the Maine Turnpike and non-exempt portions of the Maine interstate is not visible on the graphic. The fatal crash rate of 1.9 crashes/HMVT on the diversion road set is nearly 10 times the fatal crash rate on interstate facilities. Incapacitating injury crashes are nearly seven times more prevalent on diversion roadways than on the Turnpike portions of I-95 and more than twice as prevalent as on non-exempt portions of Maine's interstate highways.

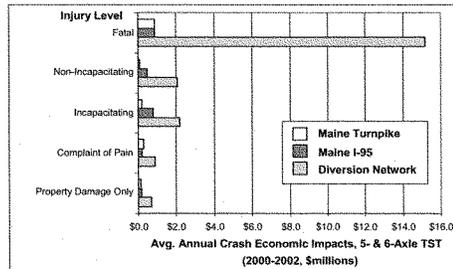
Exhibit 13: Study Network Crash Rate by Severity



The geo-code dataset supplied by MDOT also contained FHWA defined "economic impacts" associated with vehicle crashes⁵. Exhibit 14 shows the economic impacts associated with crashes by injury severity. The results are displayed for the three subsets of the study network.

Exhibit 14: Annual Economic Impact by Crash Severity

Fatal crashes involving 5- and 6-axle TST combinations on non-interstate facilities in the study network are estimated to carry an associated annual economic impact of \$15 million per year. The associated economic impact on all Maine interstate facilities (Turnpike and non-exempt combined) for TST fatal crashes is \$1.8 million per year.



Under the federal weight exemption scenario, it is estimated that non-exempt interstate highways would experience an increase of 3.8 crashes per year. The loss of traffic from other roadways in the study network would result in 0.7 fewer crashes per year on study portions of the Maine Turnpike, and 6.3 fewer crashes on non-interstate facilities.

The safety analysis indicates that if Congress were to extend the current weight exemption on the Maine Turnpike to all currently non-exempt interstate highways in Maine, the net impact to Maine would be a decrease of 3.2 crashes annually. The associated FHWA defined economic impacts would save \$356,000 per year.

⁵USDOT, FHWA Technical Advisory T7570.2 Motor Vehicle Accident Costs, October 31, 1994.



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Pavement Analysis

The State of Maine currently spends roughly \$50 million each year on pavement rehabilitation and preservation. From an operations and maintenance standpoint, vehicle axle loads and environment are the primary determinants of pavement wear. Changes to vehicle size and weight policy can substantially impact the costs for pavement maintenance and rehabilitation. The objective of the pavement analysis conducted for this study is to relate the impact from changes in axle loadings under the policy scenarios to reflect pavement damage in terms of potential state expenditures. The approach taken in this study uses pavement consumption factors referred to as Equivalent Single Axle Loads (ESAL) to estimate changes in pavement wear. (Note: An ESAL refers to the pavement consumption resulting from a single truck axle carrying 18,000 lbs.).

Using the data sources previously discussed, the study team calculated the incremental differences in truck volumes and associated ESAL loadings on the study network that were observed by model runs of both the base and study scenarios. As expected, if the federal weight exemption in force on the Maine Turnpike were extended to include currently non-exempt Maine interstate highways, 5- and 6-axle TST traffic on non-interstate highways and the Turnpike would decrease, while traffic on other interstate routes would increase. These changes are summarized by functional highway class in the table of Exhibit 15.

Exhibit 15: Summary Impacts to Maine Pavements for the Study Scenario**

Functional Highway Class	Change in Daily Truck Miles			Change in Daily ESAL Miles		
	5-Axle TST	6-Axle TST	Total 5- & 6-Axle TST	5-Axle TST	6-Axle TST	Total 5- & 6-Axle TST
Major/urban collector	-899	-4,497	-5,396	-3,481	-18,799	-22,280
Minor arterial	-458	-2,292	-2,750	-1,774	-9,579	-11,353
Other principal arterial	-2,219	-11,096	-13,315	-8,588	-46,380	-54,968
Principal arterial interstate	4,001	20,007	24,009	15,486	83,631	99,117

MDOT also provided historical cost details about their pavement resurfacing program, representing the *entire* mileage for each functional system. System-wide programmed pavement maintenance was used to develop *cost per ESAL-mile* normalized for each functional system element, which were then applied to the study network. It was assumed that historically pavement budgets would be programmed to system elements based on their need and that historically maintenance needs would be linked to the number of axle loads (expressed as ESALs) traveling over those systems. The historical budget data indicated shifts in expenditures overtime between functional highway systems. The levels of system allocation were used to develop a high and low cost impact range. The cost per ESAL-mile factors were applied to incremental ESAL loadings (positive or negative) to determine cost impacts for the study scenario. The pavement resurfacing cost impacts are summarized in Exhibit 16.

** The study scenario assumes a federal weight exemption on currently non-exempt portions of the interstate highway system in Maine. For this analysis "other freeways and expressways was grouped with other principal arterials.



**Study of Impacts Caused by Exempting Currently Non-exempt
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Exhibit 16: Cost Impacts to MDOT Resurfacing from Interstate Weight Exemption

Functional Highway Class	Change in Daily ESAL Mi.	'98-'05 MDOT Resurfacing Cost/Daily ESAL-Mile (Low)	'98-'05 MDOT Resurfacing Cost/Daily ESAL-Mile (High)	Change in MODT Resurfacing Program (Low)	Change in MODT Resurfacing Program (High)
Major/urban collector	-22,280	\$11.75	\$25.58	(\$261,890)	(\$569,853)
Minor arterial	-11,353	\$23.89	\$47.84	(\$271,207)	(\$543,109)
Other principal arterial	-54,968	\$19.29	\$27.07	(\$1,060,331)	(\$1,487,862)
Principal arterial interstate	99,117	\$5.97	\$9.58	\$591,542	\$949,635
Total Savings				(\$1,001,886)	(\$1,651,189)

It is estimated that if the current Turnpike Exemption were extended to all Maine interstate highways the policy would save the State of Maine between \$1.0 million and \$1.7 million in pavement rehabilitation costs each year.

Bridge Analysis

Bridges represent critical links and potential bottlenecks in highway transport systems for freight. The impacts of truck size and weight on bridge stress and fatigue remains one of the more controversial issues associated with truck regulatory policy, due to the complexity in analyzing a wide variety of structures and the high costs associated with bridge replacement. The current federal bridge formula also represents the limiting factor in current gross weight policy on the federal interstate highway system.

Bridge Impacts Analysis Methodology: Three loading cases were considered:

- Case 1: 80,000 lb. Truck, Base Loading
- Case 2: 88,000 Lb. Truck, 5-Axle Loading
- Case 3: 100,000 Lb. Truck, 6-Axle Loading

Cost impacts associated with a GVW policy change were analyzed from two perspectives:

1. The increase/decrease in normal wear and tear and its associated maintenance cost.
2. Long term effects of the loading with regards to fatigue of the bridge superstructure.

Two groups of bridges were analyzed in conducting the analysis, interstate bridges and non-interstate bridges. For each group of bridges, the study developed truck volumes by vehicle type, which apply for the three loading cases. Cost estimates were developed (in 2003 dollars) for two cost categories: 1) Periodic Maintenance and 2) Major Rehabilitation.

The list of bridges analyzed for the study scenario is shown in **Exhibit 17**. The bridges considered were defined by construction material, structural type, and relative span length. The maintenance cost analysis, was conducted for all structures with bridge decks. The longer term effects of exempt weight vehicles were studied by investigating the change in bridge fatigue life.



**Study of Impacts Caused by Exempting Currently Non-exempt
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Exhibit 17: Maine Bridge Inventory Analyzed for Weight Policy Change

BRIDGE NAME	TOWN NAME	BRIDGE NAME	TOWN NAME
CNR CROSSING	Portland	BARKER BROOK	Richmond
CONGRESS STREET	Portland	VAUGHN STREAM	Hallowell
FORE RIVER	Portland	NEW MILLS	Gardner
MEADER BROOK	Falmouth	BRIDGE STREET	Gardner
GILBERT SMALL	Windham	WATER STREET	Hallowell
COLLIER BROOK	Gray	GRIST MILL	Mt Vernon
FOREST LAKE BROOK	Gray	VILLAGE	Vienna
PLEASANT RIVER	Gray	BELGRADE LAKES	Belgrade
MIDDLE RANGE	Poland	WATER ST BR. UNDERPASS	Augusta
RTE 122/OLD HOTEL RD	Auburn	AUGUSTA MEMORIAL BRIDGE	Augusta
FOSTER BROOK	New Gloucester	FATHER JOHN J CURRAN	Augusta
RT #1 UNDERPASS	Brunswick	HARDY BROOK	Farmington
PAUL DAVIS MEMORIAL	Bath	MILL POND	Farmington
WEST APPROACH	Bath	PROCTOR BROOK	New Portland
CORBETT	Salem Twp	MAIN STREET	Nordmewock
WILD RIVER	Gilead	COLLEGE AVE CROSSING	Waterville
PEABODY SCHOOL	Gilead	WYMAN CROSSING UNDERPASS	Fairfield
CRYSTAL LAKE OUTLET	Harrison	MARGARET CHASE SMITH S	Skowhegan
HORRS	Waterford	MARGARET CHASE SMITH N	Skowhegan
PROSPECT AVE	Rumford	WOOLEN MILL	Skowhegan
MORSE	Rumford	MAIN ST BR.	Fairfield
CNRR	Mechanic Falls	CAIN	Clinton
MECHANIC FALLS	Mechanic Falls	PARKMAN RD / FERGUSON STR	Cambridge
SAW MILL	Paris	MAIN STREET	Newport
FROST	Rumford	CORNINA	Cornina
MILL POND	Salem Twp	GUILFORD MEMORIAL	Guilford
CITY FARM CULVERT	Lewiston	MAIN STREET	Canton
JAMES B. LONGLEY MEMORIAL	Auburn	LINCOLNVILLE BEACH	Lincolnville
PARSONS MILL	Auburn	STOCKTON SPRINGS UNDRPASS	Stockton Springs
IRON	Auburn	WARD	Newburgh
MAIN ST. BRIDGE	Auburn	TRN	Bangor
LOCUST ST BRIDGE	Lewiston	MCRR/1-395	Brewer
MAIN STREET	Lewiston	STATE ST.	Bangor
JEPSON BROOK	Lewiston	JOSHUA CHAMBERLAIN	Bangor
FAIRGROUNDS CROSSING	Lewiston	PENOBSCOT BRIDGE	Bangor
DILL	Lewiston	RED	Bangor
NO NAME BROOK CULVERT	Lewiston	MAIN STREET	Ellsworth
NEW OEGN CULVERT	Sabattus	SMITH BROOK	Lincoln
SABATTUS RIVER	Sabattus	JORDAN MILL	Macwahoc Pk
BRETTUNS POND	Livemore	MILL	Haynesville
FOSS	Leejs	HAYNESVILLE	Haynesville
RTE1 197	Litchfield	STONEY BROOK	Baileyville
POTTERS BROOK	Litchfield	B&ARR/US RTE 1 RRR#208-96	Presque Isle
PLEASANT POND	Richmond	CLARK	Presque Isle
FARNHAM BROOK	Pittsfield		



**Study of Impacts Caused by Exempting Currently Non-exempt
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The maintenance costs were calculated based on a five-year maintenance period. When annualized, extending a federal weight exemption to all currently non-exempt Maine interstates is expected to decrease annual maintenance expenditures \$335,398 per year.

Major Rehabilitation Costs: The costs for major rehabilitation were based on bridge area and the type of treatments considered included deck replacement; (joint and drainage system replacement), approach slab replacement, repainting, structural repair of corrosion/deterioration, and safety improvements. A major rehabilitation project as described would be necessary every 25 years on average. For purposes of this study, it is assumed that increasing truck weights would result in a second major rehabilitation project being performed on structures over 200 feet in total length. Only two structures fell into this category:

<u>Route #</u>	<u>Town</u>	<u>Bridge Name</u>	<u>Rehabilitation Cost</u>
U.S. 2	Gilead	Wild River	\$228,096
Route 108	Rumford	Morse	\$235,125
25 - Year Rehabilitation Cost Total			\$463,221

The total estimated rehabilitation cost for these two structures was \$463,221.00. Major rehabilitation costs were based on a 25-year period. Annualized cost for major rehabilitation on the two structures would be approximately \$18,500 per year.

The bridge analysis found that extending the federal weight exemption currently in place on the Maine Turnpike would result in annual bridge maintenance and rehabilitation savings of approximate of \$317,000 per year.

Impacts to Shippers and Carriers of Heavy Commodities

The consultant team also interviewed 15 companies in Maine that ship or haul heavy commodities, primarily timber, bulk liquids, stone and aggregates, garbage and heavy equipment. In addition to gaining information about preferred routes under various weight policy scenarios, the survey questionnaire also asked companies how they felt about the current federal weight policy on the interstate system in Maine.

Respondents believed that interstate facilities were the safest roadways as these highways are away from population concentrations, are multi-lane, well maintained, and enable overall less time on the roadway for the transportation of heavy or dangerous commodities:

"Safety is our biggest concern. The interstate, including the Maine and New Hampshire Turnpikes are the safest roads for heavy vehicle operations and petroleum transport."

On the whole there was considerable consternation regarding the inability to legally use the non-exempt portions of I-95 in Maine. The primary reasoning from the respondents was that "the interstates were built to carry heavier loads." Companies generally responded that the exemption on the Maine Turnpike saves time and money, observing that interstate highways are "built better." The general comment was that everyone wins; interstates are better able to handle heavy loads and easier to maintain. Respondents believed that weight enforcement is easier as well, noting that weigh-in-motion stations can be used more effectively on exempt interstate routes because they would be the routing of choice for all heavy haulers.

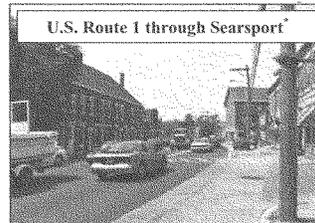


Study of Impacts Caused by Exempting Currently Non-exempt Maine Interstate Highways from Federal Truck Weight Limits

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Impacts to Communities

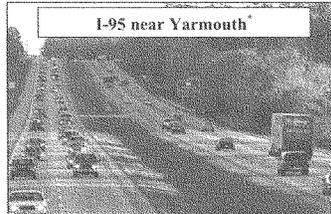
Thirteen city officials from seven towns in Maine were also contacted for their opinions about the federal weight policy on the interstate highway system in Maine. Questions focused on three areas, impacts of large trucks in the community, complaints to the town or city about large trucks, and anecdotal information about truck crashes in the community.



The issues raised by city officials centered on safety, traffic congestion, air and noise pollution, road maintenance, economic consequence to business, and disturbance of the pleasant village center ambience. Overall, impacts of large trucks are considered very significant. Every local official interviewed expressed strong personal and community support for allowing large, heavy trucks on the interstate system in Maine. One city manager said:

"I don't know a single local official [in Maine] who wouldn't want big trucks on the interstate."

Police chiefs contacted indicated that routing large trucks through downtowns created unnecessary safety hazards, especially when transporting hazardous materials. Alternate routes like U.S. 1 are heavily used by tourists and often bring traffic through historic city centers. Without exception, local officials expressed strong personal and community support for allowing large, heavy trucks on the interstate system in Maine.



Public Comments

During the month of February 2004, MDOT placed draft reports from the study on its web site. A press release also announced the availability of draft study report, and to provide notice of a public meeting on the study to be held on March 5th.

Public Meeting Response

Twenty-two people representing Maine towns and cities, industry, and the general public signed in at the public meeting held at MDOT headquarters in Augusta on March 5th. After a 45-minute presentation summarizing the study results, attendees were invited to comment. Of the eleven people commenting for the record at the public meeting, all spoke in support of the study findings, and further expressed support for extending the weight exemption on the Maine Turnpike to all interstate highways in Maine. Comments were provided by city officials, industry representatives, and the general public.

* Pictures courtesy of PACTS



Study of Impacts Caused by Exempting Currently Non-exempt Maine Interstate Highways from Federal Truck Weight Limits

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The primary points made by those speaking at the meeting included:

- Primary reasons for supporting an interstate weight exemption were to reduce truck traffic on secondary roads where school buses and tourists frequently encounter large trucks, reduce the number of truck trips and improve overall traffic safety in the state.
- City engineers commented that pavement costs for secondary roads may be understated. They pointed out that the study did not include local investments and that overall the level of public investments in secondary roads has been inadequate over the past decade or more. As a result secondary roads have continued to deteriorate over time.
- Heavy truck transport is important to Maine's ability to support NAFTA trade, but tourism is also very important. Many towns on the secondary road system are tourist destinations and having heavy trucks traveling through downtown areas is unnecessary.
- Several city officials indicated that they would have preferred to have the study address emissions, especially the impact of trucking idling in downtown areas.

Written Comments from the Public

In addition to the comments about the study received during the public meeting, MDOT also received 39 written comments by mail or email. Of these comments, 24 opposed increasing weight limits on the interstate system in Maine, 14 favored increasing the weight limit on Maine interstates, and one expressed no opinion but posed several questions about the study conclusions. Letters supporting the interstate weight exemption policy nearly all cited safety and noise concerns resulting from heavy trucks using the secondary road system.

Several comments opposing the Interstate exemption believed that all highways in Maine should be restricted to 80,000 lbs. One respondent suggested raising the Interstate weight limit, but lowering the weight limit on state highways. Several other respondents opposed raising the Interstate weight limit arguing that the exemption would increase diesel fuel consumption and harmful emissions. Sixteen of the 24 comments opposing the study findings were expressed using a form letter containing the following language:

"I have just been made aware of the Maine DOT's study on truck traffic on I-95. This report recommends increasing truck weights to 100,000 pounds on the balance of I-95. I oppose this for the following reasons:

- *100,000 pound trucks are more dangerous.*
- *100,000 pound trucks will still be operating on state highways. This is not going to solve Maine's problems of truck traffic on local roads.*
- *This is just another attempt to slowly ratchet up the truck weights to the even more dangerous Canadian weights of 110,000 pounds to support the NAFTA.*

I am opposed to efforts to expand the number of roads that allow more dangerous, heavier trucks."

The Towns of Bangor, Brewer, Corinna, Houlton, Lincoln, and Newport also sent letters or resolutions supporting the study findings and a weight exemption on Maine interstate highways.



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Maine Interstate Highways from Federal Truck Weight Limits**
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Issues for Future Consideration

During the study, several issues were discovered related to truck size and weight policy in Maine that merit additional investigation:

- The detailed analysis of WIM data indicate that some roadways experience significant populations of 5- and 6-axle vehicles exceeding legal weight limits. This study did not contemplate the infrastructure costs associated with illegal loads. However, future considerations of GVW policy in Maine should examine enforcement and permitting practices that discourage illegal loads.
- While the population of carriers interviewed was small, some companies reported using retrofitted trailers and walking-spring suspensions. Research on the interaction of commercial vehicles and pavements suggests that truck properties, such as number and location of axles, suspension type, and tire type, are important factors that influence the degree and magnitude of pavement wear. Extending Maine's current weight limits could be done using quid pro quo options that would sunset outdated equipment and provide greater control over the types of equipment used for high weight loads. A permit system is one option that would provide incrementally higher weight limits to equipment that has proven to provide better handling and incur less damage to road infrastructure. Examples of equipment options are:
 - 6-axle TST combinations, with fixed axles (no lift axles) and air-ride suspension.
 - On-board scales capable of providing individual or axle group loadings.
 - Load axles equipped with dual tires (no super singles).
 - Permit issuance could be made conditional upon receiving (and maintaining) a satisfactory safety rating from a Compliance Review within the past year.
 - Other advanced vehicle technologies such as collision avoidance sensors or on-board recorders for hours of service could also be contemplated.

Study Conclusions

Extending the federal truck weight exemption to include currently non-exempt interstate highways in Maine would divert 5- and 6-axle TST combinations over 80,000 lbs. from the some portions of the currently exempt Maine Turnpike and non-interstate highways. **Exhibit 18** summarizes the economic impacts that would result from the contemplated policy change.

Exhibit 18: Exemption Impact Summary

Impacts are rounded to nearest \$1,000	
Safety Economic Impacts	\$356,000
Pavement (Low)	\$1,002,000
Pavement (High)	\$1,651,000
Bridge	\$317,000
Annual Savings - Low	\$1,675,000
Annual Savings - High	\$2,324,000

The economic benefit to Maine resulting from exempting currently non-exempt interstate highways in Maine from federal truck weight limits is an estimated \$1.7 to \$2.3 million per year.





Highways and Transit Subcommittee
July 9, 2008
Rep. Candice S. Miller

Congresswoman Candice Miller
Weight Limits Deserve Thoughtful Consideration

Thank you, Mr. Chairman, for convening this hearing today. While this issue may not seem very interesting to a lot of people, we know that vehicle weight limits play an important role in the condition of our infrastructure.

In Michigan, we actually have the highest weight limits in the country at 164,000 pounds. We were grandfathered in when the rest of the interstate system went to 80,000 pounds. As a result we are fairly unique in the country when it comes to looking at this issue.

And because we are unlike many other states in this regard, it is something that has been examined at the state level from time to time. In fact about ten years ago, the Michigan House Transportation Committee convened a Subcommittee on Truck Weights. This Subcommittee received input from a variety of interests

including the Michigan DOT, the Michigan State Police, trucking groups, and safety groups. In particular, they received some very helpful research and analysis from the University of Michigan Transportation Research Institute. In short, the Subcommittee did not support legislative efforts to lower the truck weight limit to 80,000 pounds.

Because most trucks are used to move goods across state lines anyway, more than 85% of the trucks registered in Michigan do not exceed the 80,000 pound limit. In fact only 1% of the trucks in Michigan (about 1,000 trucks) are rated at the maximum 164,000 pounds.

That being said, the higher weight limits that we have in Michigan are very important to particular industries that we have like the domestic auto industry and related manufacturing activity. Agriculture, mining, and forestry are other industries that utilize these trucks from time to time. These trucks are very

important to efficient movement of goods throughout our state.

One of the key findings of this research, and something, I would urge the Subcommittee to note is that weight per axle is far more important to road damage than gross vehicle weight. As the University of Michigan Transportation Research Institute has noted, “The strongest influence on road damage is associated with the amount of load carried on the individual axles of a truck.”

In Michigan, we do allow trucks to weigh in at up to 164,000 pounds. However, we also require those trucks to have that weight spread over 11 axles. As a result, the weight per axle is 13,000 pounds. If you take an 80,000 pound truck and have the weight spread over 5 axles, the weight per axle is 17,000 pounds. One could argue that the trucks with the lower gross weight actually do more damage to our nation’s infrastructure.

We also need to think of other potential consequences of lowering weight limits. As the Michigan Department of Transportation has noted, this could very easily lead to more trucks on the road which means more congestion and probably more accidents. Costs to consumers would likely increase which hurts economic competitiveness. There would probably be more damage to roads meaning more costs to taxpayers. And of course the impacts on air quality would be harmful as well.

The trucking industry already makes significant contributions to the Highway Trust Fund. They pay 24.4 cents in federal tax on each gallon of diesel fuel. They pay a sales tax on the purchase of trucks and trailers. They even make contributions when they purchase tires for trucks and trailers. In a slowing economy with diesel at \$5.00 a gallon, we need to think long and hard before increasing costs on this industry.

I also think that we need to look at doing what we can to achieve better enforcement of weight limits. Trucks that are over the weight limit are going to do everything they can to avoid weigh stations. This can even include using unsafe routes to avoid detection.

The University of Michigan's Transportation Research Institute did a test on Interstate 94 by installing hidden scales on a bridge near a weight station. As the report of the Subcommittee on Truck Weights noted, "When the weigh station was closed for repairs, the weight of the heaviest trucks crossing the...scale increased by 30 to 40 percent."

I think by increasing enforcement and fines for violating weight limits, we can make great progress in ensuring we are doing everything we can to get the maximum life out of our infrastructure while not hampering economic activity.

Thank you, Mr. Chairman, and I look forward to hearing from our witnesses.

A handwritten signature in cursive script that reads "Harry E. Mitchell".

Statement of Rep. Harry Mitchell
House Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
7/9/08

Thank you, Mr. Chairman.

Today we will discuss the federal laws that specify the truck weights and lengths and examine the authority of States to distribute permits to exempt trucks from federal laws.

Federal laws establish minimum and maximum standards for truck weight and minimum standards for length.

These standards are critical since size and weight laws significantly impact the condition of highway infrastructure.

In Arizona, we face an additional issue of significant truck traffic coming across the U.S.-Mexico border. Every year, more than 6.5 million commercial vehicles pass through Arizona's international ports of entry, and we need to make sure they conform to American safety standards.

I look forward to hearing more from our witnesses on how truck size and weight laws impact our highway infrastructure.

I yield back.

PETER WELCH
At-Large, Vermont

COMMITTEE ON RULES

COMMITTEE ON
OVERSIGHT AND GOVERNMENT
REFORM

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House of Representatives
Washington, DC 20515-4501

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July 9, 2008

Chairman Peter Defazio
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
Rayburn House Office Building
Washington, DC 20515

Dear Chairman Defazio,

Thank you for your leadership and commitment to re-investing in our nations' infrastructure. I appreciate your willingness to hold the 'Truck Weights and Length: Assessing the Impacts of Existing Laws and Regulations' hearing in the Subcommittee on Highways and Transit. As you know, the subject of truck weights on interstates is complicated and one that is of great concern to many of my constituents. I have enclosed here several letters from Vermonters on both sides of the debate for submission on the record. I hope you will consider these various points of view as you work toward next year's transportation reauthorization bill.

Sincerely,



PETER WELCH
Member of Congress



*Village of Woodstock
Police Department*

802-457-4790

P. O. BOX 212 • WOODSTOCK, VERMONT 05091

June 19, 2008

The Honorable Peter Welch
U.S. House of Representatives
Washington, DC 20515

Dear Representative Welch,

Initially, I wish to apologize for not being at the meeting today in reference to the issue surrounding increasing the size of larger, heavier trucks on our Interstate Highway Systems. While I had made every effort to attend the flights that I had scheduled were delayed three (3) hours which resulted in my being unable to make a connecting flight into Washington.

It is my understanding that coming before you and the Honorable body is a proposal for consideration to increase the size and weight of large tractor trailers on the interstate highway system. While on the surface it may seem reasonable, I believe that "bigger is not always better." With this said I wanted to take a moment to explain the problem as I see it.

First, before you, some will argue that it seems logical to allow larger trucks, currently allowed on State Highways onto the Interstate Highways. However, what is not clear to some is in Vermont not all trucks are allowed to have excess weights on our state highways, only a few special vehicles. Currently the only trucks allowed to receive excess weights include those that carry special product distinctions (i.e. forest products, bulk milk and water, quarry products, and loads that by their very nature are indivisible). These fore mention trucks have special needs that require special consideration. These trucks, when given State of Vermont restrictions, have additional requirements that the average tractor trailer on the highway do not have. An example is, in order to have additional weights they need to assure an extra axle, to allow dispersant of weight on the roads and bridges. With extra axles comes additional brakes that allow for more safety in braking.

Aside from the above special category of truck, the average tractor trailer does not qualify for excess size and weight permits. In my opinion allowing an across the board increase, without restrictions for all trucks to increase size and weight would be detrimental to our State and Nation in respect to safety for all. While I understand the issues are far more complex, I also realize the importance of your time. I would like to offer my assistance in answering more questions to this important issue if you would like. I believe that the issues and effects are far broader than what I can say in this limited writing. I am in hopeful that together we will speak to the multitude of other negative effects that a bill to increase overall weights without restriction could have on our state and the communities that are not part of the interstate highway system.

In closing, I am available if I can be of any assistance on this or any other matter. As always, thank you for the valuable work you do for all of us.

Sincerely,

Byron Kelly
Chief of Police - Woodstock Vermont



RAILROAD ASSOCIATION OF VERMONT

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June 19, 2008

Congressman Peter Welch
1404 Longworth House Office Building
Washington, DC 20515

Re: Truck Size and Weight on Interstate Highway System

Congressman Welch:

I write on behalf of the Railroad Association of Vermont as its Corporate Secretary and public policy attorney. As you know from our years together at the State House, I have represented the Vermont rail industry since 1985. I am also a Director and Corporate Secretary of the Vermont Rail Advocacy Network, a Vermont not for profit corporation whose sole mission is to bring together individuals and businesses to inform the general public and public policy makers of the benefits of passenger and freight rail transportation.

It was brought to our attention recently that the trucking industry, and its shippers of heavy commodities, are again urging Members of Congress to further increase the weight limits on the Interstate Highway System, now because of the rising price of diesel fuel. We are aware of S.3059 introduced by Senator Susan Collins and co-sponsored by Senator Olympia Snowe on May 22. We are also aware that you may be considering introduction of a House Resolution of the same subject; hence, this communication to you, and our visit to the Capitol today, Thursday, June 19,¹ to meet with your staff. We will also be meeting with Senator Leahy and Sanders' staff on the same topic. Federal and state policy on truck size and weight was an on-going debate when I began representing the Railroad Association of Vermont and continues to this day. Many of our shippers are users of both highway and rail. We have asked for the opportunity to meet briefly with you, and with your staff members who advise you on transportation policy.

Vermont's railroads carry a variety of bulk commodities, among them petroleum products, agricultural commodities, road salt, cement and refined or processed minerals and stone such as calcium carbonate, to name a few. Many of our shippers also use truck transportation. So we understand both sides of the economic equation.

¹ Anthony Otis, Railroad Association of Vermont, Mary Anne Michaels, Chief Financial Officer, Vermont Rail System, Charles W. Moore, Member Governor's Rail Advisory Council, Chair Passenger Rail Sub-Committee, Byron Kelley, Chief of Police, Town of Woodstock, and Attorney Anthony Iarrapino, Conservation Law Foundation

Congressman Welch
June 19, 2008

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I also have in hand Vermont Legislative Resolution No. R-317 (JRS 39) dated March 11, 2008, a copy of a letter dated February 4, 2008, to the Vermont Congressional Delegation signed by the Vermont Secretaries of the Agency of Natural Resources; Transportation; and Agriculture Food and Markets asking the Vermont Congressional Delegation "...to review the need for an increase to gross truck weights on interstate highways in Vermont" and to support an increase to the higher weight on New Hampshire's Interstates.

In the balance of this letter, including secondary documents, I will set forth information about the cost, safety and environmental issues that distinguish rail transportation and heavy truck transportation that will assist you in your consideration of the on-going national transportation policy debate on heavy truck size and weight and the interests of Vermont.

The Railroad Association of Vermont opposes increasing truck size and weight on the Interstate Highway System. Our railroads are allied with the Vermont Coalition for Safe Roads whose participants include the environmental community, law enforcement organizations including sheriffs and municipal police chiefs, municipalities, health care organizations, and ambulance and fire departments that also oppose the increases.

Environmental Issues: Railroad transportation is energy efficient. The Association of American Railroads recently reported that in 2007 "...major freight railroads move a ton of freight an average of 436 miles on each gallon of fuel." Like other industries, rail has worked diligently to obtain fuel efficiencies, and here again AAR reports that since 1980 the Class I railroads have reduced fuel consumption by 48 billion gallons and CO₂ emissions by 338 million tons during that period. Comparison of heavy truck and rail transportation reveals that railroads are three or more times efficient than trucks. By way of example, if just ten percent of freight now moving by truck instead was shipped by rail, diesel fuel consumption would be reduced by a billion gallons annually.

Larger capacity trucks carrying heavier loads of hazardous material increase the risk of catastrophic injury to the environment from crash related spills.

In my biennial Legislative Railroad Association of Vermont Briefing Book, a concluding paragraph sums up the wide of range economic, environmental and intangible benefits from rail transportation as follows.

Because environmental quality is a core value in Vermont public policy, both passenger and freight rail transportation should be enhanced. Rail creates less pollution and is more fuel efficient than other modes of transportation. While highway congestion poses significant environmental quality problems, rail transportation reduces congestion thereby mitigating air pollution, noise and negative aesthetic impacts that threaten the rural character of the Vermont landscape and way of life, qualities that make Vermont an attractive and enjoyable place to live, work and visit.

Cost Allocation of Highway Construction and Maintenance: Preventing pavement damage and maintaining bridge integrity from heavy truck traffic is an important fiscal issue. We have all ridden on the many Interstate highways in more temperate states and experienced the significant pavement damage (ruts, cracking, potholes) caused by heavy truck traffic at current gross truck weights...all without the effects of a seasonal, continuous freeze-thaw cycle and heavy use of road salt as in the Northeast. New England's Interstate infrastructure is in great jeopardy from heavier truck weight limits due to harsh winter and spring weather conditions.

In a recent communication to the Congressional Delegation from the St. Lawrence and Atlantic Railroad, an RRAV member, which operates through the Northeast Kingdom, SLR cited a January, 2008 GAO report that

Congressman Welch
June 19, 2008

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heavy trucks pay for only 40% of the damage they inflict on the Interstate Highway Network. I am also forwarding that report wherein SLR calls your attention to page 16: "...according to DOT's most recent calculations, the revenues generated from federal fuel taxes levied on smaller trucks that weigh less than 25,000 pounds cover 150 percent of their cost impact, but larger trucks weighing over 100,000 pounds pay only 40 percent of their costs. From an economic standpoint, this relationship between revenue and cost distorts the competitive environment by making it appear that heavier trucks are a less expensive shipping method than they actually are, and puts other modes, such as rail and maritime, at a disadvantage."

Highway Safety: Bridge structures have received more critical attention recently since the Minneapolis bridge collapse; however, it was only a few years ago, it seems, when an I-95 bridge, a dozen or so miles west of New Haven, Connecticut, also collapsed. In short, increasing weight limits by 12.5% (90,000 lbs.) or 25% (100,000 lbs.) will accelerate the need for and require significantly higher costs to enhance the road structure and retrofit or replace bridge structures going forward.

As the nation "downsizes" motor vehicles of all types to obtain fuel efficiencies, heavier trucks pose a greater risk to the general motoring public. In SLR's communication, it directed your staff's attention to a May, 2008 press release from the Teamsters and the Owner-Operator Independent Drivers Association (copy attached). Heavier (and larger) trucks will make our Interstates less safe to the motoring public.

Competitive Economic Issues: Vermont's railroads are "classified" as short line railroads. Because Vermont is a small state, many of our rail customers also receive or ship commodities or finished goods by both modes. Historically our railroads have shipped products hundreds of miles to customers. In the present era, railroads now move commodities countrywide, and on to international routes. In that business environment, truck size and weight has an economic impact on Vermont railroads when it diverts freight from rail to road. In Southeastern Vermont, this was most evident a few years ago when the Green Mountain Railroad Reload Center in Rockingham was competing for bulk cement trucked out of Canada.

Vermont's railroads' economic viability will be compromised by any proposed policy change that increases gross truck weight and allows new access to the Interstate Highway System. Undoubtedly it will seriously impact our railroads' ability to provide efficient and economical freight services in Vermont. The Vermont Congressional Delegation has strongly supported enhancement of rail service in partnership with Vermont's railroads and state government. The proposal of 90,000-100,000 lb. gross truck weight is contrary to that decade-long initiative.

We are at the advent of a reawakening of freight rail service in Vermont with the explosion of the containerized shipping of goods in international and transcontinental trade. With considerable federal, state and railroad investment to upgrade infrastructure that facilitates single and double stack container traffic at increased weight tolerances, Vermont has the opportunity to handle "bridge traffic" throughout North America and to and from foreign countries overseas. This synergy utilizes the environmental, economic and safety advantages of rail transportation.

It is also important to consider a study entitled, Estimating the Competitive Effects of Larger Trucks on Rail Freight Traffic, Martland, Carl D., September 10, 2007. RRAV agrees that heavy trucks pose a serious risk for diversion of freight currently moving on short line and regional railroads to highway transportation. Please see the attached summary and full report of a September 10, 2007 diversion study conducted with a methodology developed by MIT; particularly see the "results" in the complete report, pages 7 - 11, discussing the impact on merchandise traffic. Mr. Martland found that an increase from 80,000 lb. to 97,000 lb. trucks could divert 44% of rail merchandise traffic to highway. Since most of the commodities handled by the short line and regional railroads in Vermont fall into the "merchandise" category (paper, building products, consumer goods,

Congressman Welch
June 19, 2008

Page 4

chemicals), this should be a special concern in Vermont. Please keep in mind, freight diverted from single rail car to the highways represents up to another three trucks added to road congestion and damage to the highway network.

During our meeting we are prepared to discuss the effect of New Hampshire's higher Interstate weight loads limit and Vermont trucking's concerns about temporary access to Vermont's Interstates for Vermont special trip permits at higher weights to bypass certain municipalities' downtowns. Copy attached of 2007 Vermont DMV Report of Overweight permits and a news account of a three-day truck safety check on I-91 near the border with Massachusetts. (Copy attached of Rutland Herald article.)

In closing I thank you, for the opportunity to put before you facts and analysis of the likely impact from a change of public policy on gross truck weight on the Interstate Highway System.



Anthony E. Otis

enc: Copy of report entitled "Estimating the Competitive Effects of Larger Trucks on Rail Freight Traffic"
Vermont Department of Motor Vehicle 2007 Truck Permit Report
Excerpts from 23 V.S.A. Chapter 13 §1392
Rutland Herald & Times Argus article dated June 7, 2008
Copy of May, 2008 press release from the Teamsters and the Owner-Operator Independent Drivers Association

cc: Mary Sprayregen
Mary Anne Michaels, Vermont Rail System
Charles W. Moore, Member Governor's Rail Advisory Council, Chair Passenger Rail Sub-Committee
Byron Kelley, Chief of Police, Town of Woodstock
Attorney Anthony Iarrapino, Conservation Law Foundation

Clarendon & Pittsford Railroad
Green Mountain Railroad Corporation
New England Central Rail
New Hampshire Central Railroad, Inc.
PanAm Railways
Providence & Worcester Railroad
St. Lawrence & Atlantic
Vermont Rail System
Washington County Railroad
Vermont Rail Advocacy Network



State of Vermont
Office of the Secretary
 103 South Main Street, Center Building
 Waterbury, VT 05671-0301

[phone] 802-241-3600
 [fax] 802-244-1102

Agency of Natural Resources

February 4, 2008

FEB 13 2008

The Honorable Senator Patrick J. Leahy
 433 Russell Senate Office Building
 United States Senate
 Washington, DC 20510

The Honorable Senator Bernard Sanders
 332 Dirksen Senate Office Building
 United States Senate
 Washington, DC 20510

The Honorable Peter F. Welch
 1404 Longworth House Office Building
 Washington, D.C. 20515-4501

Dear Senator Leahy, Senator Sanders and Congressman Welch:

We are writing to respectfully request that the Vermont Delegation review the need for an increase of gross vehicle weights on interstate highways in Vermont. Our interstate highways serve as major thoroughfares for the long-distance shipment of commodities for both intrastate and interstate commerce.

Interstate highways are built to the highest of safety standards. However, current law requires trucks carrying loads over 80,000 pounds to divert from interstate highways onto primary and secondary roads that pass through small Vermont communities. The only exception to this law is for haulers of water and milk, who may carry a maximum load of 90,000 pounds. Diverting trucks to secondary roads not only affects the quality of life within our historic villages, but places unnecessary wear and tear on local bridges and roads and threatens the environment.

From an environmental perspective, the current weight limits increase the number of commodity vehicles that transport goods through Vermont, thereby increasing the amount of greenhouse gases emitted into our atmosphere. Furthermore, Vermont's natural resources, particularly agriculture and timber, are vital components of its economy.

Like many other states, Vermont is currently undertaking efforts to combat climate change, and part of that effort involves the enhancement of our forest products industry.

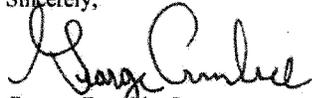


Vermont is positioning itself as a leader in carbon reduction and sustainability. Developing and investing in an industry based on renewable resources will be critical in curbing our use of greenhouse gases. Increasing gross vehicle weight limits will improve the industry's ability to compete on a national and global scale, allowing Vermont to develop and maintain a renewable resource-based economy that will reduce our carbon footprint.

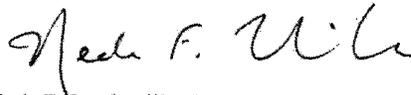
Congress recently authorized a 99,000-pound weight limitation for larger vehicles on the interstate highways in the state of New Hampshire. We urge you to do the same for Vermont, and establish a more equitable set of weight limitations as follows: 99,000 pounds for six-axle and greater truck-tractors, semi-trailer combinations, or truck-trailer combinations; 90,000 pounds for five-axle tractors or truck-trailer combinations; 69,000 pounds for four-axle trucks; and 60,000 pounds for three-axle trucks. This authorization would place Vermont's limits in line with all of its neighboring states as well as benefit Vermont's economy and environment.

Thank you for your attention to this matter, and we look forward to working with you. Should you or your staff have any questions, please do not hesitate to contact us.

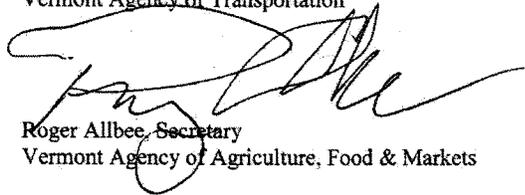
Sincerely,



George Cronbie, Secretary
Vermont Agency of Natural Resources



Neale F. Lunderville, Secretary
Vermont Agency of Transportation



Roger Allbee, Secretary
Vermont Agency of Agriculture, Food & Markets

JUL-09-2008 02:22 From:1 8026522497 To:12022256790 Page:1/2
 07/08/2008 13:43 8024858291 MILLER AND SMITH PAGE 01/02

MILLER & SMITH, LLP
 ATTORNEYS AT LAW
 88 N. MAIN STREET
 NORTHFIELD, VERMONT 05663

EDWARD A. MILLER, JR.
 WILLIAM S. SMITH, III

(802) 486-5396
 (802) 486-5397
 FAX: (802) 486-8291

July 8, 2008

Honorable Peter Welch
 30 Main Street, Suite 350
 Burlington, VT 05401

VIA FAX 802-652-2497

Re: Truck weights/interstate operation

Dear Peter:

As you know, I have represented the Vermont Truck and Bus Association for almost 30 years now, and have been involved in discussion of truck weights almost as long. You have also heard much of this debate in Montpelier while a member of our Senate Transportation Committee. As such, I'll give you the "short version" of the "trucks on the interstate" issue. Hopefully this perspective will be useful to you and to your fellow congressmen.

- 1) At its simplest, 90,000 lbs. of truck weight doesn't do any more damage to the road surface than 80,000 lbs, if an extra axle is added to spread out the weight. Do the math yourself: 90,000 divided by 6 axles = 15,000 lbs. per axle; 80,000 divided by 5 axles = 16,000 lbs. per axle. These calculations would suggest that a 6 axle, 90,000 lb. truck actually does less damage than the 80,000 lb., 5 axle truck which is permitted virtually everywhere in Vermont, including the interstate.
- 2) The interstate, rather than our U.S. and Vermont highways, is better constructed to handle additional weight. Keep in mind also that the Vermont legislature has approved 90,000 and 99,000 lb. loads, but they are not allowed on the interstate, because of federal restrictions. I would make the argument that less road damage would be done by operating these vehicles on the interstate than on state highways, thus saving Vermont taxpayers the cost of unnecessary repairs to state highways.
- 3) All of our surrounding states, and province of Quebec, by one means or another allow 90,000 lb. trucks on their roads. Massachusetts and New York allow them on their toll-roads. New Hampshire got special Congressional approval to operate heavier trucks on their interstates. Quebec, in general, allows heavier trucks on their roads. Vermont has turned out to be an "island" of lower truck weights. That's what's so frustrating about this debate. It's hard to believe all these other states and provinces are wrong on this issue.
- 4) Operating heavier trucks, to include interstate operation, is a question of economics as well as environment. Again, do the math. If a trucker can haul 90,000 lbs. instead of 80,000, not as many trips are involved. Not as much fuel is consumed. Not as much pollution occurs. In the days of \$5 per gallon diesel fuel, fewer trips and some economies of scale are most welcome.

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MILLER AND SMITH

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Honorable Peter Welch
July 8, 2008
Page 2

- 5) A "quiet enjoyment" argument applies to the operation of 90,000 lb. vehicles. Two years ago, I was asked to come to Burlington to meet with a citizens group who were very upset about the amount of truck traffic going up and down Route 7, right through residential streets of Burlington (Willard Street?). When I met with them, and told them that the heaviest of vehicles couldn't be operated on the "beltway" (from South Burlington around to Winooski) because of federal restrictions, they were amazed. I told them some portion of the truck traffic up and down Route 7 could be eliminated if those trucks were allowed to go on the interstate system. The peace and quiet of some Vermont communities is threatened simply because the heaviest of trucks have to roll through city streets instead of being out on the interstate. Something is wrong with that picture!
- 6) State officials, as well as the legislature, have endorsed higher weight limits on the interstate. I can tell you that passage of legislative Resolutions urging more truck weight anywhere isn't an easy task...until you really think about the present situation. It just doesn't make sense to keep heavier vehicles off the interstate, when a variety of factors favor its use by those vehicles. A Joint Resolution urging Congress to adopt higher weight limits on the interstate was passed by our legislature this past year, without objection or debate. Similarly, several Vermont agency and department heads, including Neale Landerhill of AOT, wrote a letter asking that more weight be allowed on the interstate. I believe you have both of these documents.

The people who have really looked at this issue have concluded that the best option available is to allow heavier trucks out on the interstate. Clearly those who have really thought about this, in the industry, in the administration, and in the legislature, believe that the heaviest trucks can and should be allowed to operate on our interstates. At the end of the day, everyone has come to the same conclusion. I hope we can convince Congress to allow heavier trucks on the interstate, even if permission is granted state by state.

Thanks very much for your on-going interest in this subject. It is appreciated.

It was nice seeing you in Montpelier last week. Have a great summer!

Very truly yours,

Edward A. Miller, Jr.

EAM/dmw

cc: Roland Bellavance, VTBA
Robert Sculley, VTBA
Senator Richard Mazza
Representative Richard Westman
Commissioner Bonnie Rutledge



TESTIMONY
Of
Vince Brezinsky

Before the

Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
United States House of Representatives

July 9, 2008

"Truck Weights and Lengths"
"Assessing the Impacts of Existing Laws and Regulations"

International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 624-8741

Mr. Chairman and Members of the Subcommittee:

My name is Vince Brezinsky. I have been a line-haul truck driver for approximately 31 years, having logged just short of 2 million miles driving a variety of commercial motor vehicles including doubles and triples. I have driven in various parts of the country including the northeast corridor and more recently, in the past twelve years, in the southwest, working for Roadway. In my current job, I drive the Dallas, Texas to Springfield, Missouri run of 432 miles. Out of the six trips I drive per week, four of those are usually driving doubles.

While I am a member of Teamsters Local Union 745 in Dallas, Texas, I am here today representing the 1.4 million members of the International Brotherhood of Teamsters, and in particular, the approximately 600,000 members who turn a key in their truck to start their day of work on America's interstates, state highways and city roads, delivering goods and services throughout the country. About 140,000 of those drivers operate tractor trailers with some driving doubles or triples. Only those drivers with the safest driving records are usually afforded the opportunity to drive doubles and triples. Of course there is a monetary advantage in doing so, but not all of our members want to drive these Longer Combination Vehicles (LCVs). Almost all Teamster members drive for companies in the Less-

than-Truckload (LTL) segment of the industry. By far, we have a very good safety record, and our Teamster members have the protection of the union in refusing to drive any vehicle that does not conform to current truck size and weight limitations.

The Teamsters Union sees no reason to increase truck size and weight, and we continue to support the freeze implemented by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). There are several reasons for this position, and I think it is important that you hear from a driver's perspective the unique challenges that operating these longer and heavier vehicles present.

There is no question that greater alertness is required in driving these vehicles because there is less margin of error. Greater stopping distances and longer acceleration periods to merge with oncoming traffic require a driver to be much more forward thinking in his driving habits. According to the National Safety Council's Defensive Driving Course for Professional Truck Drivers, the total stopping distance for an 80,000 lb. truck traveling at 55mph is 335 feet compared to 225 feet for a passenger car. At 65mph, that stopping distance for a truck increases to 525 feet versus 316 feet for an automobile. As you could imagine, it is extremely difficult to judge those distances in congested traffic. It is also extremely difficult now to get a

tractor trailer up to highway speed in the merge lanes that currently exist. It would be even more difficult to perform that feat with a heavier and/or longer truck.

Leaving a highway onto a cloverleaf or exit ramp presents its own set of challenges, as most ramps are not built for LCVs. Trailers are too long to make the kind of tight turns required, and I'm sure the Subcommittee members have seen the tire marks on the jersey barriers of the exit ramps. Recently, I was on vacation in Long Island, NY. I accompanied a friend on an errand to Brooklyn and noticed how short the ramps were. I thought to myself how I used to make these turns with a 48-foot trailer, which was the longest I pulled back then, let alone the 53-foot trailers I now pull in the west and Midwest. My tandems would be so far forward to make the turn that the rear overhang of the trailer would be an added hazard that I would have to worry about, especially when negotiating a right hand turn in city operations. This is probably why you still can't take 53-foot trailers more than a mile off a four-lane highway in several states in the northeast. The truth is that our current highway system is not built for longer and heavier trucks, and a major investment in our infrastructure would be necessary to create the safe environment in which to operate these vehicles on the entire interstate system.

Another challenge to drivers is keeping track of automobiles traveling along side our rigs. The “No-Zone” area – that area where a car is not in sight of the truck driver’s side view mirrors – is substantially increased with longer combination vehicles. I drive a 62mph unit in a 70 to 75mph speed limit area, and sometimes the impatience of smaller, faster vehicles also causes problems. As I try to overtake a slower vehicle and get a safe distance from that vehicle to return to the slow lane, these vehicles try to get around your right hand side before I can maneuver back. The longer the vehicle, the more impatient they get. My company retrains us every three years using the Smith System of Driving to try and help us meet some of these challenges, such as checking the mirrors every 3 to 5 seconds.

Beyond the problems with operating heavier and longer trucks, consideration must to given to the current state of our highways and the potential damage that may occur. The American Society of Civil Engineers (ASCE) estimates that the U.S. needs \$1.6 trillion over the next 5 years to bring our nation’s infrastructure up to good condition. We are facing a \$3.8 billion shortfall in the Highway Trust Fund for 2009. A third of our major roads are in poor condition, and at least a quarter of America’s bridges are obsolete.

As recently as two weeks ago, emergency road construction had to be performed on one of the I-30 bridges in Dallas, TX due to a hole opening up. You could see right through to the highway below. In west Texas on some areas of I-20, road construction crews are constantly repairing the highway due to tire ruts in the road from eighteen-wheelers. It is very difficult to control my truck, especially double trailers, when the road surface is dry, let alone when it rains or with some of the high cross winds that you experience in west Texas. With hardly any scale houses in all of west Texas, and generally not open if you happen upon one, I'm sure there are enough overweight vehicles adding to the problem. I believe Texas is one of the states mentioned for a pilot program, and I don't believe the additional weight on trucks will be scrutinized as it should be. Even a fairly reputable company like mine has, on occasion, tried to get me to pull overweight units, which I refused to do. Their opinion was that there were no scales between here and there.

The National Surface Transportation Policy and Revenue Study Commission: Transportation for Tomorrow, December 2007, cites heavy trucks as a major source of highway and bridge damage. The report indicates that U.S. highways are "buckling" under levels of demand unforeseen by the engineers who designed them, and the federal government

is underfunding bridges by 40 percent of what is needed. In a road test conducted by the American Association of State Highway Officials, it was established that it takes 9,600 cars to cause the road damage caused by one fully loaded 80,000-pound truck.

For those that claim an increase in truck size and weight will mean fewer trucks, fewer trips and fewer miles traveled on our highways, history does not bear that out. According the Federal Motor Carrier Safety Administration (FMCSA), over the past twenty years (from 1986 to 2006), there has been a 49 percent increase in registered large trucks and a 76 percent increase in miles traveled by large trucks. Trips continue to increase because of just-in-time delivery, and the number of trucks on U.S. highways has steadily increased, even after increases in both the size and weight of large trucks. Further increases could actually lead to even more truck traffic as lower shipping rates due to increased sizes and weights could result in diverting freight from other modes of transportation. That might sound good for increasing Teamster Union membership, but let me tell you, our highways are overused and heavily congested, resulting in constant delays and longer travel times.

I would like to address the saving fuel myth of heavier trucks. As a truck gets heavier, MORE FUEL is used. Heavier loads require greater

horsepower, and the low sulfur fuel in use today doesn't provide the same pulling power or takeoff power in today's truck engines. On some of the newer tractors, the computer can sense the need for more horsepower, and more fuel is used in order to get it. I believe all model year 2008 tractors and higher have to use a low sulfur fuel, which gives even a lower fuel mileage rating than 2007 and lower models. So increasing the weight will result in even more fuel usage.

While the Teamsters Union is opposed to allowing Mexican trucks to travel beyond the commercial zones until all U.S. vehicle and driver safety standards can be met, we have great concern over what an increase in U.S. truck size and weight would mean for both Canadian and Mexican trucks operating in the U.S. Currently, both Mexico and Canada permit heavier trucks. The Canadian government does not regulate truck size and weight, leaving it to the provinces. As a result, the weight limit on trucks in Canada is generally 137,850 pounds, which is 70 percent heavier than the U.S. limit of 80,000 on the Interstate highways. In Mexico, the federal government sets the standard – 106,900 pounds – but there is little or no enforcement by the Mexican government. I have had some problems with overloaded trailers coming from Mexico to our Laredo terminal. I had a load of tire tread for recapping going to Abilene, TX weighing in at 85,000 gross, 5,000

overweight, and a 28' trailer with 35,000 pounds on it when 25,000 would be the limit. The company had to spend time and money in order to correct a problem that should have been taken care of at the border crossing. It makes me wonder how many other units are going north undetected. The only checks against these heavier trucks traveling into the U.S. are the weigh-in-motion scales at the U.S. border crossings. Strict inspections and enforcement must continue at both borders so that heavier foreign trucks do not add to the burden of repairing and rebuilding our infrastructure.

According the Federal Highway Administration (FHA), in 2002, trucks carried 797 million tons of international shipments, worth about \$1.2 trillion. By 2035, that number increases to 2.1 billion tons of international freight valued at about \$6.2 billion. A 1998 FHA study warned that increased NAFTA truck traffic would endanger Minnesota bridges along I-35, which has become a major north-south international trade route. Before its collapse, overweight trucks carried loads of up to 136,000 pounds on the I-35W Bridge. It is estimated that the bridge carried 144,000 vehicles per day, including 4,760 commercial trucks. We need to continue to insist that Canadian and Mexican trucks adhere to our size and weight standards when traveling in the U.S. and make sure that the proper inspection and enforcement mechanisms are in place.

In summary, the Teamsters Union opposes any changes in the current truck size and weight regime. There is no logical reason to entertain an increase in either truck size or weight. The FMCSA has done an inadequate job of enforcing current weight limits on our highways. There is strong evidence that most bridge and road damage is caused by heavy trucks. There are real safety, highway design and operating issues involved in expanding the use of heavier trucks and double and triple trailers on the National Network. Any projected gains in productivity may prove to be negligible. And finally, the states and the federal government lack the funds needed to properly repair, maintain and expand our infrastructure to meet growing transportation needs, let alone build out the reinforced infrastructure necessary to operate longer and heavier vehicles on the current system.

Mr. Chairman, that concludes my testimony and I am happy to answer any questions.



**Testimony of Mr. Tom Carpenter
Director of Transportation
International Paper**

**Before the House Subcommittee on
Highways and Transit**

**US House of Representatives
Wednesday, July 9, 2008**

Mr. Tom Carpenter
Director of Transportation
International Paper
6400 Poplar Ave.
Memphis, TN 38197
Phone: 901-419-7385

International Paper Testimony
Wednesday, July 9, 2008

Mr. Chairman and members of the Subcommittee, my name is Tom Carpenter and I am currently the Director of Transportation for International Paper, based in our headquarters in Memphis, Tennessee. Thank you for the opportunity to speak to the subcommittee on the important issue of truck weight.

International Paper Company is a global paper and packaging company that is complemented by an extensive North American merchant distribution system. International Paper operates 16 pulp, paper and packaging mills and 85 converting and packaging plants in the United States. We distribute printing, packaging, graphic arts, maintenance and industrial products through more than 273 distribution branches located primarily throughout North America. As of Dec. 31, 2007, we had approximately 51,500 employees, 33,100 of whom were located in the United States.

International Paper had sales in 2007 of \$22 billion and for 2008 is ranked No. 114 among Fortune 500 companies. In 2007 the company was also named No. 1 in the forest products sector for the fifth consecutive year on Fortune magazine's Most Admired Companies list. The company has 49 facilities that are certified or recommended for certification in OSHA's Voluntary Protection Program, the U.S. government's elite safety program. International Paper is committed to environmental stewardship and is engaged in partnerships with the U.S. Environmental Protection Agency, state agencies and non-governmental organizations throughout the world.

In 2008, International Paper will spend well over \$1 billion on freight transportation. This expenditure includes about 600,000 truckload and intermodal shipments, over 100,000 rail car shipments, and over 100,000 containerized export shipments.

My experience in transportation and logistics management spans about 23 years since graduating from the University of Tennessee with a bachelor's degree in transportation and logistics management. Since then, I have worked for an intermodal transportation company, and three different companies involved in the forest products, building products and paper and packaging businesses. I also hold an MBA in International Business from Georgia State University. As a result, I have developed an expertise in global transportation, logistics, and supply chain management. In my current role, I have overall responsibility for International Paper's transportation operations throughout North America. I am frequent speaker and guest lecturer at business seminars, industry association meetings, and also colleges and universities on the topic of supply chain management, integrated logistics, and corporate transportation.

International Paper is here today not only on our own company's behalf, but also on behalf of the coalition Americans for Safe and Efficient Transportation – or ASET. The ASET coalition is made up of shippers, motor carriers and manufacturers, as well as state and national associations all dedicated to finding safe and more productive ways to move freight. ASET has long sought authority to give six-axle single-trailer vehicles access to Interstate

International Paper Testimony
Wednesday, July 9, 2008

highways for loads up to 97,000 lbs. This configuration is not new nor is it unusual. In fact, nearly every industrialized country in the world utilizes six-axle single-trailer trucks over 95,000 pounds on their highways. In the U.S., many states such as Michigan and several western states operate these vehicles now due to grandfather clauses that allow operations on both local and federal highways.

There are many reasons why there is a need now to begin to lift the federal freeze on truck weights. I would like to list some of the realities that both shippers and carriers face in today's environment that have hurt our productivity and ability to move freight:

- Diesel fuel costs have skyrocketed, making it more costly than ever to move freight. This is putting many truck companies out of business.
- Congestion has tripled since 1982 and will only worsen in coming years. With our heightened focus on homeland security, our ports and border crossings are more crowded than ever, which directly affects the shipment of goods.
- There are now more stringent truck engine emissions standards.
- The supply of qualified drivers has tightened and the average age of truck drivers is nearly 50. That means in the next decade there will be a major problem filling not only existing jobs but those that will be needed in an ever-growing economy.
- Insurance premiums have risen for the trucking industry and...
- Changes in drivers' hours-of-service continue to be challenging.

All of these complex issues are interrelated and Congress needs to recognize there will be no quick fix. While congestion and engine emissions standards may not seem at first glance as if they would affect each other, they all result in a net productivity loss for any company that moves freight in this country. While the trucking industry faces steadily escalating costs, inevitably these costs are borne by consumers. More money for diesel fuel combined with congestion and a shortage of drivers ultimately leads to higher costs for products once they hit the store shelves.

This is why we are supporting an effort to couple improvements in trucking efficiency through higher weight limits, with improvements to the safety of the truck fleet through the addition of a third trailer axle on single trailer vehicles. We feel that allowing six-axle vehicles the ability to carry heavier loads will improve industry efficiency, reduce fuel use and carbon emissions, and reduce the total amount of weight carried on our highways by reducing the number of trucks needed to carry a fixed amount of goods. All of this serves to reduce the total vehicle miles traveled by trucks which should serve to reduce the number of highway accidents.

Let me give you a specific example of how we think raising the weight limit in tandem with the addition of a third axle will be a win/win for shippers, truckers and the commuting public.

International Paper Testimony
Wednesday, July 9, 2008

Taking just one of our mills in Alabama as a hypothetical example, we ran some numbers we think should be compelling to this committee. Each week, we send almost 600 fully loaded trucks from Courtland, Alabama via our nation's interstate system either to or through major metropolitan areas like Nashville, Tennessee, Birmingham, Alabama and Atlanta, Georgia. The trucks weigh 35,000 lbs. empty and can carry up to 45,000 lbs. of paper before hitting the 80,000 lb. weight limit. If the weight limit was increased to 97,000 lbs. we could increase the weight of the cargo on each truck from 45,000 lbs. to almost 60,000 lbs. IP could then transport the 27 million pounds of paper it ships from Courtland, Ala. to customers each week on 450 trucks instead of 600. On average, these truckload shipments travel 628 miles to their respective destinations.

Here is why this is critically important: 150 fewer trucks on the road driving the 628 miles one-way results in a reduction of 94,200 vehicle miles traveled each week. With fuel today costing \$.77 per mile, the fuel savings would be close to \$73,000 per week, with a reduction in CO2 emissions each week of 130,000 lbs. Perhaps most startling is the total weight reduction achieved each week on the roads and bridges between Courtland and these destinations of 5,250,000 lbs. per week.

I am not an engineer, but it seems clear to me that if we are taking more than 5 million lbs. per week off the roads and bridges surrounding just one of our 16 mills, that this has to be of long term benefit to our infrastructure. I believe passenger car commuters would welcome this reduction in the number of trucks on the road. If one company could achieve these kinds of reductions, imagine the impact of this economy-wide.

International Paper is confident this proposal will improve truck safety. IP has a long history of being a leader in employee safety and we would not be supporting this issue without being firmly convinced it is a positive move for all concerned. Congress has looked into this issue in the past and commissioned studies both by the Department of Transportation as well as the Transportation Research Board (TRB) and both studies concluded that accidents would decrease if there was a reduction in vehicle-miles-traveled (VMT) for large trucks with six axles. Simply put, the TRB Study stated that there was, and I quote, "slight or no relationship between weight and fatal accident involvement rate for large trucks... (which is) evidence that severity (of crashes between cars and trucks) is not sensitive to weight." Most importantly, the TRB declared that, and I quote again, "Accident losses were projected to decline because the reduction in truck VMT would more than offset any greater risk per mile of travel of the new trucks compared with the vehicles replaced."

One more point about truck safety. The Department of Transportation found a direct correlation between two factors involving truck accidents with the driving public. The first and most important was that the longer a truck is on the road the more likely it is to have an accident. Therefore, lowering truck VMT is the greatest way to reduce accidents. The other factor was that the vast majority of truck accidents occur on non-Interstate highways which means that the safest routes for large trucks are the roads and bridges that were designed for them – federal ones. This is an important point because of the vast state variances already on

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the books for either grandfathered rights or special permitting in nearly every state, often for trucks weighing in excess of 80,000 lbs. The unintended affect of these regulations means that the heaviest trucks are often permitted on secondary roads through small towns because the federal freeze prohibits them from utilizing the Interstate system.

Another key reason for the need to lift the freeze on truck weights is our dependence on fossil fuels and the greenhouse gases that are emitted into the air from trucks. Simply put, if you could cut the number of trucks on the road there would be a corresponding reduction in emissions. When the DOT looked at this issue – they looked at our 97,000 lb. proposal and found it would reduce truck VMT by 11% and fuel usage by 6%. That would mean annual savings of approximately 1.9 billion gallons of diesel fuel resulting in a decrease of 6.5 million tons of criteria pollutants emitted into the atmosphere each year. Using the EPA calculation of 22.2 lbs. of CO₂ emitted for every gallon of diesel, improving truck weight limits would reduce some 42 billion lbs. of CO₂ emissions on an annual basis. This is a great step forward for both energy security and greenhouse gas reduction.

One final point I'd like to make about the reasons for increasing truck weights is international competition. Recently the Premier of New Brunswick, Canada was in Washington, DC and one of the key topics he discussed with members of Congress was truck weights. Even though Canada operates over 95,000 lbs. on six axles, they are not in favor of having this so-called advantage over the U.S. The reason is that it is counter-productive to the free flow of goods between our two countries. Canada is by far the largest trading partner with the U.S. and their heavy trucks often hit the U.S. border and then must break apart their shipments into lighter loads so that they can get on our federal highways. Likewise, U.S. trucks traveling to Canada are less efficient than their Canadian counterparts.

I believe I've covered the safety issues but let me add that as part of the DOT study, they operated a six-axle 97,000 lb. vehicle and compared it to the 80,000 lbs. five-axle one and their safety statistics were almost identical. With infrastructure, we are all well aware that our federal roads and bridges are deteriorating and are in need of repair. That being said, part of the DOT study looked at the footprint of a tractor-trailer and found that in fact a 97,000 lb. six-axle vehicle has a softer footprint across the whole vehicle than an 80,000 lb. five-axle one. The bridge wear and tear would be increased slightly per truck, but that should be offset by the vast number of trucks coming off of the road, which I mentioned in our example of International Paper's trips from our paper mill in Courtland, Alabama.

However, because we recognize the need to improve our transportation infrastructure, particularly in bridge reinforcements, IP along with the ASET coalition, would be willing to support an increase in the highway user fee tax for six axle trucks seeking to carry the heavier loads. We recognize that it is time to "pay to play" and we are prepared to do so.

The U.S. DOT predicts that freight moved on trucks will nearly double in the next 20 years. This is without any increases to truck size and weight. How will our congested highways handle this traffic? It is unrealistic to think that within a few years thousands of new miles of

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federal highways will be built or that somehow we won't need trucks nearly as much to deliver freight. Trucking will continue to carry the vast amount of freight in this country and we should continue to work to see that this important mode of transportation operates as efficiently as possible.

The example of nearly every industrialized country in the world operating heavier, six axle trucks ought to be instructive. We do not believe that England, Canada, Sweden, let alone the states of Michigan, Montana, and Utah are risking the lives of their citizens with six-axle trucks. When you consider the safety statistics of those countries or states that have operated these trucks for years, you will find that they have not suffered relative to states in our country that do not have access to these higher weight limits.

Mr. Chairman and members of the committee, our goal is to improve trucking efficiency and create a safer highway transportation system at the same time. We are willing to work with the members of this committee on any reasonable proposal to advance this issue. While we believe there is an urgent need to act on this issue today, we would certainly be willing to discuss any number of ways to phase in the effort, or provide additional testing through the implementation of pilot programs. We stand ready to assist you in this effort in any way we can.

I appreciate this opportunity to share my views and I would welcome any questions this committee may have. Thank you.

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Testimony of

David A. Cole

Commissioner, Maine Department of Transportation

On

Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations

Before

**U.S. House of Representatives Subcommittee on Highways and Transit,
Committee on Transportation and Infrastructure**

Wednesday, June 9, 2008

Introduction:

Chairman DeFazio, Ranking Member Duncan and Members of the Committee, I am David Cole, Commissioner of the Maine Department of Transportation (MaineDOT). Thank you for the invitation to speak today on an issue of significant importance to Maine and our neighboring states and provinces – the impacts of existing laws and regulations related to truck weight and length. This is an issue that has been a focus-area for members of Maine’s congressional delegation for many years and one that has the potential to have significant positive impact on highway safety – air quality - and our economy.

It’s important to note that although I do serve as Chair of the AASHTO Special Committee on Intermodal Transportation and Economic Expansion, my testimony is offered today on behalf of Governor John Baldacci and the Maine Department of Transportation. They do not reflect any policy decisions of the AASHTO Board of Directors.

Background:

The State of Maine has 22,783 miles of public road of which 8,547 miles are state owned. In Maine, 6-axle combination vehicles are allowed to have a gross vehicle weight (GVW) up to 100,000 pounds on all roads, except for the non-exempt portions of the Interstate System, subject to bridge and road restrictions. On those portions of Interstate 95 from the New Hampshire State line to the northern terminus of the Maine Turnpike, (operated by an independent Authority and built with toll dollars prior to the federal interstate program) the maximum GVW is 80,000 on a minimum of 5-axles. This means that over 20,000 miles of Maine’s roads, which are primarily secondary roads, allow 100K six-axle vehicles, while 110 miles of Maine’s entire 360 mile Interstate System allows a maximum of 80,000 pound GVW. In addition, the total number of bridges on Maine’s entire Interstate System, including the Maine Turnpike, is 344, compared to 2,722 bridges on the remainder of the system.

Under today's restrictions, all of Maine's Interstate highways except for the Maine Turnpike and I-95 in Kittery are subject to federal truck weight limits that are lower than those allowed on the vast majority of Maine highways. As a result, heavier trucks must divert from Interstate highways to state primary and secondary roads that pass through a number of Maine towns and villages. The impacts include less efficient movement of freight that burns more diesel – negatively affecting air quality, the cost to shippers making them less competitive, and the sustainability of our highways and bridges. Most importantly, it has been demonstrated that it unnecessarily makes our communities less safe. The state has two possible options for mitigating these impacts:

- 1) Congressional action to exempt the remainder of Maine's Interstate from federal weight limit, thereby allowing higher state truck weight limits on the remainder of Maine's Interstate System; or,
- 2) Reducing the state weight limit on state jurisdiction roads, thereby removing the need for truck diversion.

In 2002, the Maine Department of Transportation (MDOT) contracted with Wilbur Smith Associates to examine the impact that a federal weight exemption on currently non-exempt portions of Maine's Interstate System would have on safety, pavement and bridges. My comments summarize the safety, economic, environmental and infrastructure costs and benefits of the two options presented above.

SAFETY

According to a recent MaineDOT study, federal exemption legislation would reduce Maine's crash rate by more than three crashes each year by shifting heavy truck traffic to safer roadways.¹

- The study noted that the crash-rate experience of 5- and 6-axle combination trucks was seven to ten times higher on Maine's non-Interstate highways than on the Maine Turnpike, which is currently exempted from federal weight limits.
- The study noted that this experience is consistent with national findings that rural Interstate highways are three or four times safer than rural secondary roads.
- A federal truck weight exemption would remove an estimated 7.8 million loaded truck-miles of travel from Maine's primary and secondary road system each year, diverting the traffic to the safer Interstate Highway system. Fewer trucks mean reduced exposure to crash situations, resulting in safer highways for all users.
- Allowing heavier trucks to use the Interstate would also reduce overall travel time, thereby saving driver hours and reducing the tired trucker problem.

ECONOMY

Maine's businesses are at a competitive disadvantage with businesses in surrounding jurisdictions due to the current lower weight limits on Maine's Interstate system. Enacting a federal truck weight exemption would help Maine's businesses level the playing field, by reducing overall transportation costs.

- Allowing the use of loaded 6 axle combination trucks on the Interstate would increase payloads by nearly 40 percent over that carried by the 5 axle combination truck, thereby reducing the number of trucks needed to transport given levels of commodity and reducing the overall impact on Maine's transportation infrastructure.

¹ Wilbur Smith Associates; "Final Report; Study of the Impacts Caused by Exempting the Maine Turnpike and the New Hampshire Turnpike from Federal Truck Weight Limits"; June 2004.

- A federal truck weight exemption would reduce the amount of fuel required to transport a given volume of load in Maine by approximately 6 percent.
- A federal truck weight exemption would enhance the trade corridor between Canada and the northeastern U.S. by eliminating the current 200 mile truck weight limit “gap” that exists along non-exempt portions of Maine’s Interstate system.
- The federal truck weight exemption would lower transportation costs by decreasing truck mileage, fuel usage and reduce dependence on foreign oil, resulting in cost savings for consumers; especially those challenged by higher inflation in the states most impoverished rural areas.

INFRASTRUCTURE

The current disparity in truck weight limits often forces heavier weight trucks onto the state’s primary and secondary highway systems, which are not built to the same structural standards as the Interstate highway system. According to the U.S. DOT’s Comprehensive Truck Size and Weight Study, the load equivalency factor of a 6-axle 97,000 pound combination truck compared to a 5-axle 80,000 pound combination truck is less due to the advantage of adding an additional axle to offset the weight increase and the reduced number of trips required by the loaded vehicle to transport a given load.

- MaineDOT study findings indicate that an Interstate truck weight exemption would save the state of Maine between \$1.3 million and \$2 million annually in bridge and pavement costs.
- A companion MaineDOT study of the currently exempted Maine Turnpike estimated that the federal truck weight exemption on that highway, which allows higher state weight limits, saves the state between \$2.1 and \$3.2 million annually in bridge and pavement costs.²
- Lowering the state truck weight limit would reduce the per vehicle infrastructure impacts. However, the increased number of loaded trucks at the federal gross vehicle weight limit of 80,000 pounds would more than offset any gain from having lighter vehicles. Actually this configuration does more net damage to the system due to the number of trips necessary to move an equivalent load.

ENVIRONMENTAL

The federal truck weight exemption would also reduce Maine’s and the nation’s dependence on foreign oil by eliminating the need to divert to less direct routes and increasing payload capacities, thereby reducing the number of truck miles traveled. Fewer trucks on the road result in lower emissions - a direct environmental benefit.

CONCLUSION

A federal truck weight exemption for the remainder of Maine’s Interstate system will significantly improve overall roadway safety and the economic competitiveness of Maine’s businesses, while reducing fuel and infrastructure costs and environmental impacts. It is a no-cost opportunity that benefits not only the state of Maine, but also the northeastern U.S. and eastern Canada.

In summary – enabling this waiver will make Maine highways safer and makes economic, environmental and common sense.

² Wilbur Smith Associates; “Final Report; Study of the Impacts Caused by Exempting the Maine Turnpike and the New Hampshire Turnpike from Federal Truck Weight Limits”; June 2004.



**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**

***Increasing Truck Sizes and Weights
Threatens Safety and U.S. Highways and Bridges***

**Statement of Gerald A. Donaldson, Ph.D.
Senior Research Director
Advocates for Highway and Auto Safety**

Oversight Hearing on

**Truck Weights and Lengths:
Assessing the Impacts of Existing Laws and Regulations**

Before the

Subcommittee on Highways and Transit

House Committee on Transportation and Infrastructure

July 9, 2008

Introduction

Good morning, Mr. Chairman and members of the Subcommittee on Highways and Transit. I am Gerald A. Donaldson, Ph.D., Senior Research Director for Advocates for Highway and Auto Safety (Advocates). Founded in 1989, Advocates is an alliance of consumer, health and safety organizations, and insurance companies and associations working together to make our roads and highways safer. Advocates encourages the adoption of federal and state laws, policies, programs, and regulations that save lives and reduce injuries in motor vehicle crashes on our nation's highways. Advocates has had a long involvement in highway and traffic safety issues including the dangers posed by commercial motor vehicle (truck and bus) operations on our nation's roadways.

We commend the Committee and Subcommittee chairs and ranking members for confronting the increasing pressure to lift big truck size and weight limits yet again on the nation's highways. Throughout the past 50 years, trucking interests have relentlessly sought increases in truck sizes and weights. They largely have been successful. The result has been a growing list of numerous exemptions from existing truck size and weight regulations granted at both the state and the federal levels of government. These wide-ranging exemptions have been granted to the detriment of public safety and at the risk of increased bridge and pavement damage while imposing unfair, staggering costs on U.S. taxpayers for severe truck crashes and roadway damage. I am attaching a brief history of the major pieces of federal legislation to my testimony for inclusion in the record of this hearing.

The hearing being held today by this Subcommittee could not be more timely. While this hearing is being conducted, massive efforts by the nation's trucking industry are underway to ratchet up truck sizes and weights throughout the U.S. by using different strategies in several states while also attempting to persuade Congress to grant more exemptions. Using a divide-and-conquer approach, trucking interests first pursue size and weight increases in a few states and place pressure on neighboring states to conform to these higher limits in order to compete for transportation business and aid special interests. Eventually, the trucking industry invokes the higher limits adopted in many states to urge Congress to adopt a higher, uniform federal requirement for truck sizes and weights that compels reluctant states to raise truck sizes and weights on federally assisted highways. A new round of this saga of "ratcheting" is already underway in several states.

The adverse impact of these efforts, if successful, would be enormous. More lives would be lost in large truck crashes, more highways would be damaged, and more bridges would be placed at increased risk of catastrophic failure. Congress may well be asked in the next reauthorization legislation to allow higher sizes and weights, including thawing the 1991 Longer Combination Vehicle (LCV) freeze, at a time when the amount of the underpayment by heavy trucks to cover the cost of their destruction of lives and highway infrastructure is unprecedented. In addition to the loss of nearly 5,000 lives each year in truck-involved crashes, bigger and heavier trucks would only compound an already rapidly mounting federal and state infrastructure crisis in both highway funding and highway serviceability. Allowing greater numbers of bigger, heavier trucks on more U.S. highways would further expand the already enormous backlog of highway and

bridge infrastructure needs. This further blow delivered to our nation's roads and bridges would come at a time when both state and federal reports show that highway funding is not only insufficient but also declining.

Deaths In Big Truck Crashes Continue to Mount

It should come as no surprise that, by overwhelming margins, the American public has long opposed increases in the size and weight of large trucks. In poll after poll, the public has consistently and emphatically expressed the view that sharing the road with big trucks is unsafe. In a poll conducted earlier this year, two-thirds of the public, by a margin of 66 to 16 percent, oppose efforts to have Congress allow trucks that would carry heavier loads on U.S. highways.¹ An even larger majority of Americans, 82 percent (more than a 4-to-1 margin), believe that multi-trailer LCVs are more dangerous than trucks pulling a single trailer.

The consistently wide and deep opposition by the American public and state authorities to bigger, heavier trucks is based on their realistic fears over the safety consequences that tragically are in evidence every day on our nation's roadways. Although big trucks are only 3 percent of U.S. registered vehicles, they are dramatically over-represented in fatal crashes. Despite their small presence in the traffic stream, big, heavy trucks each year are responsible for 12 to 13 percent of all motor vehicle crash deaths.

Even more frightening is the disproportionate fatal consequences for the occupants of a passenger motor vehicle involved in a fatal crash with a big truck. When a car has a crash with a big, heavy truck, *98 percent of the people who die are in the small passenger vehicle.*²

Since 1982, the year in which Congress passed the Surface Transportation Assistance Act (STAA) a total of *126,107 people have been killed in large truck crashes.*³ The STAA pre-empted the states' control not only over their Interstate highways, but also, in an unparalleled legislative action, compelled the states to accept much longer, wider, heavier trucks on hundreds of thousands of miles of their state roads.

In 2006 alone, 4,995 people died in large truck crashes, more than the annual number of deaths in 1991 and 1992, and about the same number that died in large truck crashes in 1995. It is clear that we have made no progress whatever in significantly reducing the actual number of deaths produced by large truck crashes. And it is equally clear that a large part of the reason is the increased numbers of longer, wider, heavier

¹ Lake Research Partners national survey, released May 14, 2008, prepared for Advocates for Highway and Auto Safety, Public Citizen and the Truck Safety Coalition, a partnership of Citizens for Reliable and Safe Highways and Parents Against Tired Truckers.

² *Fatality Facts 2004*, Insurance Institute for Highway Safety.

³ Fatality Analysis Reporting System (FARS), 1982-2006, National Highway Traffic Safety Administration (NHTSA).

trucks, sometimes pulling two and even three trailers behind a tractor, operating on more and more miles of highways, both on and off the U.S. Interstate system.

Bigger, Heavier, Longer Trucks Are More Dangerous

There are many aspects of heavier, bigger trucks that make them more dangerous. For example, a 100,000-pound truck takes 25 percent longer to stop than an 80,000-pound truck. A 120,000 pound truck can travel as much as 50 percent further before stopping than an 80,000 pound truck, especially if these heavy trucks have unadjusted brakes. Federal standards require passenger cars to stop in 215 feet, but big tractor-trailers are allowed to take up to 355 feet in which to come to a stop, the length of a football field. Where a fully loaded big rig at the current maximum weight of 80,000 pounds is required to come to a stop in 355 feet, a 100,000 pound truck would take 444 feet and a 120,000 pound truck would take 533 feet to stop. Even these stopping distances are unrealistic in trucks that do not have well maintained brakes. Truck inspections often find up to one-third of all trucks with out-of-adjustment brakes, the most frequent citation by enforcement authorities for placing a large truck out of service.⁴

Over the years, many studies have been conducted showing the dangers of bigger, heavier trucks. Those studies, including Working Papers authored for the Federal Highway Administration (FHWA)⁵ show repeatedly that adding more weight to big trucks results in longer stopping distances, reduced margins of safe maneuverability at high speeds, more loss of control crashes, and increased risk of rollovers. Adding multiple trailers behind a tractor further increases the risk of crashes by promoting even more instability in these big double- and triple-trailer rigs, including increased high- and low-speed offtracking into opposing traffic lanes and major reductions in a commercial driver's ability to control double- and triple-trailer combinations.

Studies also clearly show the increased crash risk and crash severity produced by the use of longer, heavier trucks. Some of these studies show the increased risk of crashes as rigs get longer because the increased length of combination trucks using tractors to pull longer semi-trailers or multiple trailing units causes more offtracking across road edgelines and centerlines. These longer rigs also swing entirely into opposing lanes to make right-angle turns.⁶

Heavier trucks also are increasingly likely to create impediments in the traffic stream because they operate more slowly while climbing grades. This promotes motorists attempting to pass these long vehicles, a risky action especially when a car must accelerate to get past a truck that can be as much as 120 feet long.

⁴ See, for example, *Study of the Braking Performance of Heavy U.S. Vehicles*, National Highway Traffic Safety Administration, 1987.

⁵ *Comprehensive Truck Size and Weight Study*, U.S. DOT, 2000. The Working Papers were authored in 1995 and are available on the FHWA web site, <http://www.fhwa.gov>.

⁶ See, Working Paper No. 5, *Comprehensive Truck Size and Weight Study*, U.S. Department of Transportation, 1995.

Extra-heavy trucks often have other serious safety deficiencies. They accelerate more slowly and are unable to make a safe maneuver to enter a traffic stream from departure points of exit ramps. In many cases, this is due to thousands of merger lanes throughout the U.S. that are built to substandard lengths for making high-speed entries into mainline traffic. In numerous cases, these merger lanes are even too short for safe passenger vehicle merging maneuvers in high-speed, congested traffic conditions.

Similarly, deceleration lanes are often highly dangerous for overweight trucks to safely negotiate because of the considerable difference between mainline travel speeds, often in excess of 70 miles-per-hour, and the safe speed for entering an exit ramp that is frequently as much as 50 miles-per-hour lower than mainline vehicle speeds. The result is an extremely high rate of large, heavy trucks rolling over on these ramps.⁷ In addition, many on- and off-ramps on freeways and expressways are elevated and bordered by bridge parapets. In numerous cases, these ramps are too narrow and have curve radii that are too short to accommodate the offtracking of very long combination trucks. Many extra-long trucks are simply unable to use these ramps.

Longer, heavier trucks often have additional axles that require more frequent maintenance. The Commercial Vehicle Safety Alliance (CVSA) regularly finds about one-third of all trucks inspected during its annual Roadcheck to have faulty brakes that require enforcement officers to issue Out of Service Orders (OOS) to the drivers and motor carriers until the vehicle is properly repaired. In fact, Roadcheck 2008, just conducted, found that 52.6 percent of all commercial motor vehicle defects resulting in OOS Orders were faulty brakes.⁸ The U.S. Department of Transportation (DOT) has stated its concern in several studies about the increased chances of finding poor brakes on bigger trucks with more axles.⁹

Heavier trucks also have a higher risk of rollovers as they add more weight on the same number of axles, often surpassing gross vehicle weights of 80,000 pounds by wide margins. Many hundreds of thousands of trips by legal and illegal overweight trucks throughout the U.S. every day raise the chances of rollover crashes because standard "18-wheelers" are transporting loads that result in the rig far exceeding the maximum federal gross weight limit. When those loads also involve cargo that can easily shift, such as various types of liquids in cargo tanks, extra-heavy trucks become extremely unstable in

⁷ See, for example, R.D. Ervin, *et al.*, *Influence of Size and Weight Variables on the Stability and Control Properties of Heavy Trucks*, University of Michigan Transportation Research Institute, FHWA Report No. FHWA/RD-83/029, July 1986.

⁸ See, http://www.occupationalhazards.com/Classes/Article/ArticleDraw_P.aspx, a summary of the initial figures for Roadcheck 2008.

⁹ See, for example, the Comprehensive Truck Size and Weight Study, U.S. Department of Transportation, 2000, *op. cit.*, and "Study of the Braking Performance of Heavy U.S. Vehicles," *op. cit.*

emergency steering maneuvers or when rapid deceleration is required to negotiate a sharp curve.¹⁰

When longer, heavier trucks are LCVs, that is, tractors pulling multiple trailing units, such as big Triples, Rocky Mountain Doubles, and Turnpike Doubles, safety problems are further magnified by the swaying and increased low- and high-speed offtracking of these very long combination rigs. Even the U.S. DOT in its *Comprehensive Truck Size and Weight Study* found that if LCVs increased their operations nationwide, they would suffer an 11 percent higher overall fatal crash rate.

This finding was further confirmed in the Executive Summary of the 2004 U.S. DOT study, *Western Uniformity Scenario Analysis*.¹¹ The study specifically cautioned against the increased use of long combinations pulling multiple trailers because increased amplification or sway of the last trailing units and poorer control of load transfer as compared with single semi-trailer trucks makes LCVs more prone to out-of-control and rollover crashes. This is especially pronounced in multi-trailer combination trucks transporting light loads or carrying no freight in an empty “backhaul.”

This increased crash risk of trucks pulling multiple trailers is accompanied by increased crash severity. As trucks grow larger and heavier, and add more trailers pulled by a tractor, the cost of crashes grows rapidly. A 2006 FHWA study of truck crash costs found the expense of a multi-trailer crash *was more than three times* the cost of crashes by tractors pulling a single semi-trailer.¹² This finding strongly supports the substantially increased crash problem of LCVs. It also points to the bigger crash “footprint” of LCVs – longer rigs with more trailers often will involve more vehicles in crashes, resulting in a greater number of occupant deaths and injuries.

The 2006 FHWA Truck Crash Costs Study showed that the annual cost of fatal large truck crashes for 2001-2003, calculated in 2005 dollars, was *\$41.5 billion each year*. The average cost per fatal crash of a tractor-trailer rig in this study was *\$3.6 million*, many times higher than the cost of a fatal passenger vehicle crash. And the cost of each tractor-semi-trailer, “18-wheeler,” crash, in turn, was found to be almost *double* the cost of a crash involving a straight or single-unit big truck.

As combination trucks grow longer and invade more lower-class roads, the danger of severe crashes rapidly increases. These roads often have narrow lanes, winding and hilly alignment with short radius vertical and horizontal curves and severely limited sight

¹⁰ Evaluation of some of the problems of very large trucks negotiating interchanges is found in, e.g., R. Ervin, et al., *Impact of Specific Geometric Features on Truck Operations and Safety at Interchanges*, University of Michigan Transportation Research Institute, August 1986.

¹¹ *Western Uniformity Scenario Analysis – A Regional Truck Size and Weight Scenario Requested by the Western Governors’ Association*, April 2004.

¹² *Costs of Medium and Heavy Truck Crashes* (Truck Crash Costs Study), FHWA, December 2006.

distances. Two-way, two-lane roads often have no shoulders for errant vehicles, and their roadsides are strewn with lethal fixed-object hazards such as trees and telephone poles. Yet, many states have been persuaded by the trucking industry to open more miles of lower-class roads to longer, heavier trucks despite the low design and safety standards on these routes that often have remained essentially the way they were designed and built decades ago.

When longer combination trucks use these roads, drivers negotiate these winding, narrow highways by offtracking into the opposing lanes of traffic. In many instances, that offtracking is not just part of the combination rig such as a front corner of the tractor or semi-trailer, but actually consists of the entire 18-wheeler operating in the opposing traffic lane. This situation is graphically illustrated in photographs of the offtracking of big combination rigs on rural two-way, two-lane roads that we have brought with us today to show the Subcommittee and submit for the hearing record. Later in this testimony I will address the pending North Carolina legislation on bigger combination trucks that, if enacted, will result in an increased risk of large truck crashes, deaths, and injuries, and in more extensive destruction of North Carolina's roads and bridges.

Highway and Bridge Destruction By Bigger, Heavier Trucks Is Increasing

The nation's highway transportation infrastructure is being hammered by the impacts of big, extra-heavy trucks. The result is an astonishing list of unmet reconstruction and rehabilitation needs. At the national level, the American Society of Civil Engineers (ASCE) has periodically reviewed the nation's infrastructure and issued report cards both for the country as a whole as well as for many states. In its updated, 2008 national surface transportation report card ASCE found that the national infrastructure rated a "D", roads were rated "D", and bridges were rated "C". ASCE estimated that the U.S. needs *\$1,6 trillion dollars* over just the next five years to bring the country's infrastructure up to good condition. The Road Information Program (TRIP), a non-profit foundation started in 1971, has made similar findings about the nation's roads and bridges. TRIP estimates that *33 percent* of America's major roads are in poor to mediocre condition and *26 percent* of America's bridges are obsolete.

Heavy Trucks Are Tearing Up the Nation's Highways:

Heavy trucks are overwhelmingly responsible for pavement damage. Highway engineers more than 40 years ago calculated a truck pavement damage function, finding that a single traversal of highway pavement by an 18,000-pound truck axle was equivalent to the damage produced by 9,600 passenger motor vehicle traversals of the same pavement.¹³ While this finding has been refined¹⁴ since then, it has not been refuted.¹⁵

¹³ American Association of State Highway Officials (AASHO) Road Test (1962). AASHO has since changed its name to the American Association of State Highway and Transportation Officials (AASHTO). The figures were calculated using the standard pavement loading concept of Equivalent Single Axle Loads (ESALs) of 18,000 pounds. Considering that a typical automobile weighs between 2,500 and 5,000 pounds curb weight, even a fully loaded large passenger van ranging well above 5,000 pounds will only generate about 0.003 ESALs while a

The relationship between axle weight and inflicted pavement damage is not linear but exponential. That is, as axle weight rises even in small increments the resulting damage increases disproportionately at a very rapid rate. As a rule of thumb, the pavement damage caused by a particular load is related to the axle weight by a power of four for reasonably strong pavement surfaces.¹⁶ As an example, when the weight of a single axle rises from 20,000 to 22,000 pounds, only a 10 percent arithmetical increase, the amount of pavement life is reduced by 50 percent. At 24,000 pounds for a single axle, pavement damage is more than double than that inflicted by a 20,000-pound axle. A 20,000-pound single axle consumes *1,000 times more pavement life than a 2,000-pound single axle*, a typical axle weight of a mid-sized passenger motor vehicle.¹⁷

These calculations have real impact because the U.S. taxpayers are paying the price for heavy truck axle loads on U.S highway pavement. Under the federal-aid highway Resurfacing, Restoration, and Rehabilitation (R-R-R) program, FHWA allowed states to use federal funding to apply thin overlays on primary and secondary highways, often as little as three-quarters of an inch (3/4") of asphalt, while the agency also usually required *no safety improvements* to Depression-era roads that had every well-known cross-section and alignment design and performance safety defects. These older, often two-way, two-lane highways had narrow lanes, severe horizontal and vertical sight distance restrictions, no shoulders, roadsides strewn with fixed-object hazards, and serious traffic engineering deficiencies, most often the absence of centerlines and/or edgelines to guide the driver. As a consequence, the surge in the use of heavier, wider, longer Surface Transportation Assistance Act (STAA)-dimensioned large trucks on many hundreds of thousands of miles of highways where they formerly were barred, especially in the northeast, mid-Atlantic, and southeast, destroyed these state roads at astounding rates.

Heavy Trucks Put the Nation's Bridges at Risk:

According to U.S. DOT, damage to highway bridges represents the single most expensive infrastructure cost of allowing larger, heavier trucks on the nation's highways.¹⁸ Most states substantially underestimate bridge improvement needs and costs because of the unrealistic, indulgent manner in which they rate bridges for excessive

fully loaded tractor-semi trailer can generate up to about three ESALs (depending upon pavement type, structure and terminal serviceability).

¹⁴ A table of typical load equivalency factors is available at: <http://www.pavementinteractive.org/index.php?title=ESAL>.

¹⁵ See, Transportation Research Circular No. EC-188, Transportation Research Board, July 2007.

¹⁶ AASHTO Fourth Power Law.

¹⁷ Based on research conducted by the South Dakota Department of Transportation, available at: http://www.sddot.com/docs/SDDOT_Truck_Briefing_2d.pdf.

¹⁸ "Western Uniformity Scenario Analysis," *op. cit.*

loads and the widespread practice of routine, multiple trip permits for overweight trucks. The study also states that the extra safety margin of Interstate bridges constructed years ago *has essentially vanished because of overweight trucks.*

Bridges throughout the U.S. are being severely overstressed from a combination of factors. These include heavier, often illegally overweight, trucks and excessive, uncontrolled permitting practices, including permits for alleged “non-divisible” loads.¹⁹ Thousands of bridges are also being overstressed because they have not been reconstructed to higher safety and structural standards, and they are often posted for higher weights than they should safely carry.²⁰ In numerous cases, these bridges even when posted properly have their maximum gross weight limits routinely violated with little or no chance of detection and enforcement leading to penalties.

Bridges in the U.S. are also being overstressed and damaged by the weight of the loads that are allowed to be carried on the Interstate system. The weight of loads over bridge spans is controlled by the federal Bridge Formula B.²¹ That bridge formula has been found in recent studies to allow far heavier trucks than is warranted because Bridge Formula B, while it limits axle weight, does not limit the number of axles. Greater and greater gross weights can be carried by adding more and more axles beneath the loaded truck up to the federal statutory, maximum gross weight limit of 80,000 pounds or to the higher limits that are grandfathered for some states.²²

¹⁹ These loads consist of freight that cannot be readily divided into smaller, separate loads in order to comply with maximum axle and gross weight limits.

²⁰ Bala Sivakumar, *et al.*, *Legal Truck Loads and AASHTO Legal Loads for Posting*, NCHRP [National Cooperative Highway Research Program] Report No. 575, 2007 (NCHRP 2007 Report).

²¹ 23 U.S.C. § 127. Bridge Formula B essentially dictates how much gross weight a heavy commercial motor vehicle can carry across bridges in relation to the weight of axles, the number of axles carrying the weight, and how those axles are spaced in relation to each other. Bridge Formula B in federal law is a “capped” formula, that is, although the Formula could be extrapolated to allow more and more gross weight by increasing the number of axles and their spacing that would result in a total load above 80,000 pounds, Congress in 1974 chose to “cap” the Formula by restricting maximum gross weight to 80,000 pounds regardless of how many axles were used to transport a load.

²² Gongkang Fu, *et al.*, *Effect of Truck Weight on Bridge Network Costs*, NCHRP Report No. 495, 2003 (2003 NCHRP Report). This study effectively countered the excessive weights that were rationalized as acceptable in two Transportation Research Board benchmark studies, *Truck Weight Limits: Issues and Options – Special Report No. 225*, Transportation Research Board, 1990; *New Trucks for Greater Productivity and Less Road Wear: An Evaluation of the Turner Proposal – Special Report No 227*, Transportation Research Board, 1990. The 2003 NCHRP Report showed that the gross weights and bridge formula judgments of these two earlier TRB studies advocating greater truck weights severely misjudged the amount of damage that U.S. bridges would incur from higher truck gross weights.

Increasing the weight of heavy trucks on bridges results in accelerated rates of wear and deterioration. Generally speaking, a 10 percent increase in effective truck weight causes more than a tripling of fatigue damage. For example, increasing the weight of a heavy truck by only 10 percent increases fatigue damage by 33 percent and dramatically reduces remaining bridge life, according to a recent study.²³ If a bridge is 50 years old and calculated total service life span is 70 years, then the remaining life, under the existing truck weight limit, is 20 years. However, if the effective stress is 10 percent higher, such as a 5-axle combination rig increasing its gross weight from 80,000 pounds to 88,000 pounds, then calculated total service life span plummets to only 52.5 years. That means that the 50-year old bridge has *only 2.5 years of remaining service life*. Accordingly, when truck weights are only slightly increased, many bridges that are marginally adequate become inadequate, especially if the loads permitted on the bridge are indexed to the operating rating (a higher rating) rather than to the bridge inventory rating (a lower rating).

The cited 2003 NCHRP study also found that bridge engineers nationwide have little reliable data and information for calculating the actual and projected effects of fatigue inflicted by heavy trucks. Although many states have a database of bridge costs relevant to heavy truck weight effects, only seven states were found to keep track of weight-inflicted fatigue damage related bridge costs, and most states underestimate the damage effects of heavy trucks and consequential costs of maintenance, rehabilitation, and replacement.

Another NCHRP study already cited has even more alarming findings.²⁴ Because of the way Bridge Formula B for Interstate bridges is applied, legal truck axle weights are resulting in excessive gross vehicle weights that are routinely overstressing many unposted bridges. The investigation performed for the report found that some of the deck shear and superstructure moment effects of legal Bridge Formula B trucks are as much as 50 percent greater than the legal loads allowed by AASHTO formulae for posting bridges.

In fact, the 2007 NCHRP report concluded that Bridge Formula B was simply mistaken in its reasoning that adding more axles beneath a heavy truck within the length of its wheelbase will allow it to bear more weight on bridges with no additional adverse effects. Increasing the number of axles in an axle group without also increasing the overall length of the group has very little effect in reducing bridge load damage. Unlike pavement where axle weight primarily governs the damaging effects of heavy truck axles, bridge stress is affected far more by the total amount of load than by the number of axles, and the number of axles under a truck means little in mitigating the extent of the bridge damage that is inflicted.

²³ "Effect of Truck Weight on Bridge Network Costs," *op. cit.* This study applies the well-known Miner Third Power Fatigue Damage Principle.

²⁴ "Legal Truck Loads and AASHTO Legal Loads for Posting," *op. cit.* (NCHRP 2007 Report).

The 2007 NCHRP Report concluded that the provision of greater weight allowed by adding axles was a cardinal error in Bridge Formula B and should not have been made part of the formula. Bridge Formula B actually encourages *more* bridge fatigue damage by promoting the addition of more axles to justify higher gross weights even though underlying bridge stress criteria may be exceeded.

The 1974 federal legislation enshrining Bridge Formula B grandfathered state bridge formulas that permit even higher, more damaging weights than allowed under the federal standard. Bridge Formula B also spawned new truck configurations designed to exploit maximum permissible truck weights by adding and spacing as many axles as needed to reach the capped gross weight limit of 80,000 pounds. The axle configurations of some single-unit, that is, straight trucks are an extreme example of the trucking industry response to Bridge Formula B. In fact, truck manufacturers have produced some single-unit trucks that can carry 80,000 pounds within a 30-foot wheelbase by using eight axles to support the load.

Bridge Formula B also fostered the use of long tongues to connect the trailing units of double-trailer configurations in order to increase axle spacing or to use split tandem axles on 5-axle semi-trailer combinations so that a higher gross weight can be achieved. Since a tandem axle under federal law is limited to a maximum of 34,000 pounds, but a single axle is limited to 20,000 pounds, increasing the spacing between the two axles in a tandem axle set in accordance with the constraints of Bridge Formula B allows the two axles to be treated as separate single axles and, accordingly, allowed to carry 40,000 pounds rather than only 34,000 pounds. This increases allowable maximum gross weight that, in turn, inflicts more bridge damage.

The 2007 NCHRP Report also indicated the severe misjudgment by many states of heavy truck weight damage effects because these states “are rating their bridges for heavy loads based on only a single truck on the span at a given time, a practice that results in severely underestimating total yield stress and resulting fatigue, reduction of service lives, and increased susceptibility to bridge failures.” Another NCRHP study²⁵ found that one of every 15 heavy truck bridge crossings, on average, occurs with *two trucks side by side* simultaneously traversing the span. This subjects bridges to live loads that are more than three times the loading effect of a single truck.

It remains to be determined what complex factors interacted to bring down the I-35 Bridge in Minnesota on August 1, 2007, a tragic loss of lives that stunned this nation. However, one of the contributing factors, according to FHWA, could be the heavy truck traffic over the bridge by international freight transportation fostered by the North American Free Trade Agreement (NAFTA). The *World Net Daily* reported on August 5, 2007, that FHWA issued a warning to Minnesota in 1998 that increasing NAFTA truck traffic was expected to create safety concerns with bridges all along the I-35 corridor. FHWA conducted a study of the corridor in conjunction with the state transportation agencies of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota, assessing the condition of I-35 from Laredo, Texas to Duluth, Minnesota. The agency warned that:

²⁵ NCHRP Report No. 368, 1999, cited in NCHRP Report No. 575.

Over the next few decades, about 65 percent of I-35 will require major upgrades, however the entire route will have a continued need for rehabilitating pavements, resurfacing sections of the highway, and providing replacements of some bridge decks. Bridge substructures and superstructures will also need to be maintained, requiring repairs to maintain the integrity of the bridges.

States through which I-35 truck traffic courses daily have not been able to keep up with the demands of resurfacing, reconstruction, and replacement of U.S. bridges from the Canadian to the Mexican border.

U.S. Highways and Bridges Are In Crisis From Chronic Underfunding

While it is common knowledge that the highway transportation infrastructure suffers from chronic underfunding, the recent, comprehensive report from the Surface Transportation Revenue and Policy Commission, *Transportation for Tomorrow*,²⁶ documents the problem. *Transportation for Tomorrow* has several harsh things to say about the contribution of heavy trucks to infrastructure damage, preservation, and upgrading. The Commission found that heavy trucks were contributing only \$3 billion a year sales tax on trucks and trailers, \$1 billion from the Heavy Vehicle Use Tax (HVUT), and only \$500 million from the tax on heavy vehicle tires, when national highway and bridge funding needs amount to hundreds of billions of dollars.

Transportation for Tomorrow found that even at a low level of annual investment, the U.S. would need nearly \$6 trillion until 2035 to attempt to meet the demands of deteriorating surface transportation infrastructure. The *Transportation for Tomorrow* report also repeatedly emphasized the shortfalls in federal and state revenue to accomplish even this lower level of infrastructure investment.

In particular, *Transportation for Tomorrow* found that heavy trucks were substantially underpaying their fair share for the use and damage to the nation's highways and bridges, and that heavy truck contribution to infrastructure preservation and improvement had to be dramatically increased. The Commission recommended that:

- User fee equity for large trucks should be achieved through weight-distance taxes.²⁷

²⁶ *Transportation for Tomorrow: Report of the National Surface Transportation Policy and Revenue Study Commission*, December 2007.

²⁷ Oregon has proven that user fee equity can be approached through the application of weight-distance fees geared to the damage that heavier vehicles inflict on highways and bridges. Equitable weight-distance fees prevent small passenger motor vehicle owners from bearing a disproportionate, unfair burden for highway improvements while simultaneously subsidizing the damage produced by heavy trucks. See, for example, <http://www.leg.state.or.us/comm/commsrvs/wtmile.pdf>. Also see, *The Oregon Weight-Distance Tax: Theory and Practice*, Administrative Subcommittee on Financial Management of the

- Heavy trucks should pay an additional infrastructure damage fee.
- Diesel fuel taxes should be indexed to a realistic inflation measure.
- The HVUT – which only contributes \$1 billion each year to the Highway Trust Fund – has not been changed since the early 1980s and should be amended and indexed retroactively to 1997.²⁸

The Commission also corroborated findings by FHWA in its 1997 and 2000 update of its Highway Cost Allocation study, and the Government Accountability Office (GAO) 2008 report,²⁹ that as trucks grow heavier, the user fees contributed by heavy trucking are far below equitable levels. FHWA, in its updated 2000 Highway Cost Allocation Study, showed that heavy trucks exceeding 70,000 pounds gross vehicle weight were increasingly underpaying their fair share of highway use as weights were raised.

The HVUT was lifted in 1982 federal legislation to \$1,900 dollars, but then, under pressure from the trucking industry, it was dramatically lowered to only *a maximum \$550 per year regardless of the weight of a truck*. Even at the nominal Interstate highway gross weight of 80,000 pounds, a “legal” heavy truck is substantially underpaying its share of highway and bridge damage costs. And FHWA found that passenger vehicle owners were overpaying their fair share, essentially subsidizing the trucking industry’s use of extra-heavy trucks. Similarly, GAO found in its 2008 Report that a 100,000-pound truck, like the ones currently allowed to run anywhere on any road in Maine except for the northern portion of I-95, *only pays about 40 percent of its actual cost responsibility*.³⁰ Several state highway cost allocation studies have reached similar conclusions concerning the overpayment of user fees by small, light motor vehicles.

This GAO finding buttresses a previous GAO report conclusion that states “could virtually eliminate damage caused by overweight trucks” if the states implemented its recommendation that lower weight limits be established on all federally assisted

Standing Committee on Administration, AASHTO, 1996. Oregon has withstood several legal challenges to its weight-distance user fee regime.

²⁸ See, <http://www.fhwa.dot.gov/policy/hcas/final/four.htm>, for a good discussion of the history and contribution of the HVUT to highway funding. The tax is triggered at a gross vehicle weight of 55,000 pounds that, in turn, requires an annual \$100 fee. The tax then increases at a fixed rate so that a truck weighing 75,000 pounds pays the maximum fee of \$550 each year. However, after that weight ceiling, the HVUT does not increase for a heavy truck no matter how much it exceeds 75,000 pounds.

²⁹ *Freight Transportation: National Policy and Strategies Can Help Improve Freight Mobility*, Government Accountability Office, January 2008 (GAO 2008 Report).

³⁰ “Freight Transportation: National Policy and Strategies Can Help Improve Freight Mobility,” *op. cit.*

highways, not just on the Interstate system.³¹ This GAO 1979 Report also recommended a rational scheme of national truck weight limits, including Congress putting an end to the numerous exceptions in federal law provided primarily through the enactment of grandfather rights provisions that allow many states to substantially exceed Interstate axle and gross weight limits, and sometimes to use older bridge formulas allowing more weight on Interstate bridges than permitted by the 1974 legislative adoption of Bridge Formula B. GAO also called for an end to the state practice of routinely issuing overweight permits, a policy that is a prime cause of rapid highway and bridge deterioration. For all practical purposes, however, the findings and recommendations of GAO were ignored.

The 1979 GAO Report determined that 22 percent of all trucks in the U.S. operate overweight. That figure is nearly 30 years old and is clearly outdated. Although FHWA has not studied and reported on the extent of overweight truck operations in the U.S. since 1991, there is little doubt that the proportions of the current overweight truck problem are far higher than this number. Evidence just from the state of Maine, which is reviewed in detail later in this testimony, underscores GAO's concerns over an epidemic of overweight trucks wreaking havoc on U.S. highways and bridges.

It cannot be overemphasized how strongly overweight truck damage affects overall highway safety in the U.S. An ever-increasing number of heavier trucks traversing an expanded network of roads and bridges, especially those off the Interstate system, presents an explosive combination inevitably resulting in more crashes, more deaths, more injuries, and further highway and bridge destruction. When states suffer more and more bridge and road destruction and the rate of damage is faster and faster, vast amounts of money are necessary just to keep up with the most basic repairs to maintain vehicle mobility. That means that bridges that need to be substantially upgraded or replaced, or highways that need widening, or more lanes, or better control of access, continue to go begging for these crucial safety improvements.

Six States Currently Are Targeted for Higher Trucks Weights

One approach being urged by the trucking industry right now, through an organization known as Americans for Safe and Efficient Transportation (ASET), is to gain Congressional approval for a "state option" plan or a so-called "demonstration program" that would allow even heavier, longer trucks weighing up to 97,000 pounds to be placed on the highways and bridges of six states: Georgia, Maine, Minnesota, South Carolina, Texas, and Wisconsin.

These six states had 983 fatalities in 2006, *one-fifth of all U.S. truck crash fatalities*. And the level of fatal crash deaths has *increased* in these six states over the

³¹ *Excessive Truck Weight: An Expensive Burden We Can No Longer Support* (GAO 1979 Report), General Accounting Office (now the Government Accountability Office), July 23, 1979. This recommendation is similar to the effects of Representative James McGovern's proposed legislation, H.R. 2263, that would re-establish a uniform, maximum axle and gross weight platform throughout the states extending beyond Interstate highways to encompass the entire National Highway System.

years. For example, compare the number of truck crash deaths in these six states for 2006 – 983 fatalities – with the number of deaths sustained 15 years earlier – 761. Truck crash deaths have *increased by 29 percent* in these states over the past 15 years. An additional 222 *people have lost their lives in large truck crashes in 2006 compared to 1992 in these six states alone*. The cumulative losses over just the last 15 years including the 1992 level of 761 deaths has been staggering. It is folly to think that more trucks that are also bigger and heavier, traveling on more highways in these states at these greater sizes and weights, will not inflict even more tragic losses on thousands of families and friends who lose their loved ones to big truck crashes.

These six states also have bridge inventories showing hundreds of spans that are in severe jeopardy because they are no longer able to serve the traffic demand placed on them. According to the latest FHWA National Bridge Inventory, these six states have the following levels of structurally deficient and functionally obsolete bridges: Georgia – 20 percent; Maine – 34 percent; Minnesota – 12 percent; South Carolina – 23 percent; Texas – 20 percent; and Wisconsin – 15 percent. TRIP has reported that Georgia, for example, faces a \$51 billion transportation-funding shortfall through 2035 that will lead to further deterioration of its highways and bridges.

Another study sponsored by FHWA in Arizona found that overweight trucks on the state's bridges and highways impose up to \$53 million each year in uncompensated damage to Arizona's roads.³² This is one of several state studies demonstrating the severe bridge damage effects of extra-heavy trucks and the documentation of their underpayment to remedy the deterioration. Increasing truck size and weights will not only endanger public safety but will exacerbate the infrastructure and economic problems that already exist.

Congress needs to be aware that special interests exploit major studies on truck safety and truck infrastructure impacts by selectively using what appear to be favorable findings or judgments of the authors or actually misrepresenting the conclusions and recommendations of these studies. For example, a study published in 2002 by the Transportation Research Board (TRB), *Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles*, Special Report No. 267, has been advanced by ASET as an endorsement by the prestigious National Academy of Sciences of longer, heavier trucks on more highways, as well as justifying piecemeal increases in truck sizes and weights as a “state option.” TRB Special Report No. 267 along with, in particular, the U.S. Department of Transportation’s *Western Uniformity Scenario Analysis – A Regional Truck Size and Weight Scenario Requested by the Western Governors’ Association*, U.S. Department of Transportation, April 2004, are two major examples. Advocates has already presented a detailed rebuttal paper at the TRB Annual Meeting a few years ago of the mischaracterizations of the findings and recommendations of TRB Special Report No. 267 .

³² *Estimating the Cost of Overweight Vehicle Travel on Arizona Highways – Final Report 528*, Arizona Department of Transportation, January 2006.

Three State Case Studies of the Impacts of Longer, Overweight Trucks

Maine: A Tragic Case of the Severe Consequences of Overweight Trucks

A good indicator of the extent of the severity of the national problem of overweight trucks is the state of Maine. The state allows 88,000-pound 5-axle and 100,000 6-axle trucks to use all of Maine's roads, both on and off the Interstate system, except for the northern part of I-95 to the Canadian border. Maine also issues a wide variety of generous, multiple trip overweight permits for several major commodities.

In 2004, a report produced for the state of Maine, commissioned to justify the extension of 100,000-pound truck operations to the remainder of I-95, found that a high percentage of trucks using Maine's 88,000-pound and 100,000-pound gross weight ceilings were exceeding even those much higher limits.³³ This was especially glaring for the 6-axle combinations operating under the 100,000-pound exemption. The worst figures were found on the central portion of the Maine Turnpike, part of the southern portion of I-95 in Maine that allows 88,000-pound and 100,000-pound combination trucks. For this portion of the Turnpike, *the study found that there were more overweight trucks exceeding the 100,000-pound limit than operating at or below that gross weight ceiling*. Trucks were monitored with weigh-in-motion scales, and some were found to weigh 140,000 pounds

Because Maine has so many special permits available for so many different commodities, some of these 100,000-pound trucks might actually be operating legally. The researcher could not determine what percentage of trucks even exceeding 100,000 pounds were operating illegally. The important point here, however, is that these findings show that even the 100,000-pound weight limit is only a nominal figure that, in practice, is routinely exceeded. Trucks that are substantially heavier than 100,000 pounds are pummeling Maine's roads and bridges.

Maine has argued that it wants to place the 100,000-pound overweight trucks on all of the Interstate system to relieve traffic on non-Interstate roads. Yet the state has refused to consider revoking the permission granted to motor carriers to operate extra-heavy trucks exceeding 80,000 pounds even on secondary highways and local township roads. Although the Maine DOT Commissioner admits that heavy truck crash rates on rural secondary roads in Maine are nearly 10 times the rates than on the Maine Turnpike, there is no move by the state to reduce truck weights or traffic on lower-class roads throughout the state.

Several national and regional organizations, including TRIP, ASCE, and the Maine Better Transportation Association, have sharply criticized Maine every year for allowing unabated destruction of all of its roads and bridges, both on I-95 and on other state highways, while repeatedly failing to provide adequate funds to reconstruct these roads and bridges to make them safer and more structurally sound.

³³ *Study of Impacts Caused by Exempting the Maine Turnpike and New Hampshire Turnpike from Federal Truck Weight Limits*, Wilbur Smith and Associates (June 2004).

For example, ASCE's most recent Infrastructure Report Card rated Maine *as having one of the worst bridge restoration and replacement problems in the entire U.S.* And 20 percent of Maine's public roads are listed as either "mediocre" or "poor" in condition while 69 percent are listed as only "fair" or even worse, according to the federal Bureau of Transportation Statistics. ASCE stressed that driving on the deteriorated roads in Maine costs Maine's motorists \$150 million each year in extra vehicle repairs and operating costs – \$165 per motorist. Heavy trucks are responsible for almost all of the damage to Maine's roads and bridges caused by traffic – and Maine's motorists are subsidizing the rapid destruction of the state's highway system by extra-heavy trucks.

The detailed report on Maine's highway system released by TRIP found that Maine has such a severe funding shortfall that it is unable to proceed with critical highway and bridge improvement projects.³⁴ The report indicated that some of the needed but unfunded projects include improvements to portions of I-95 where Maine wants to operate 100,000-pound trucks.

TRIP's Maine report cited the Maine DOT finding that, from 2007 to 2016, the state would need \$5.4 billion to allow the state to significantly improve road and bridge conditions, make reasonable highway safety improvements, and address other infrastructure needs. However, TRIP reported that Maine DOT estimates that highway funding levels are anticipated to amount to only \$3.2 billion for that same timeframe. TRIP also determined that the cost per motorist of Maine's decaying highways were even greater than found by ASCE: roads needing repair cost each Maine motorist an average of \$285 annually in extra vehicle operating costs and \$286 million statewide. Those costs comprise accelerated vehicle depreciation, additional vehicle repair costs, increased fuel consumption, and increased tire wear.

The *State of the State Report*, prepared by the Maine DOT Systems Management Division in November 2002 points out that a very large percentage of Maine's bridges are more than 60 years old and that these structures will need restoration or replacement within this decade. The report said that post-Depression bridge improvement needs are escalating over the 2002-2010 timeframe and that the overall bridge sufficiency rating on the Interstate system alone had substantially declined over the preceding several years. This finding accords with Maine DOT's own determination that it needs to replace or repair about 32 bridges each year in order just to keep the current share of bridges that are deficient – one-third of all bridges in the state – from increasing. However, at current funding levels, Maine DOT estimates that it will have the funds to replace or substantially repair only 14 bridges each year.

Finally, Maine's DOT *State of the State Report* points out near the end that the current level of funding will not address capital improvement needs on Maine's bridges and that Maine will face a rapidly rising demand for funding bridge work over the next

³⁴ *Future Mobility in Maine: Meeting the State's Need for Safe and Efficient Mobility*, TRIP, June 2007.

15 years. The report also identified heavy truck traffic increases as a prime source of increased crashes – truck crashes continue to rise in Maine as a result of more and more trucks on the road each year. Clearly, much heavier trucks on Maine’s highways have not resulted in fewer trucks on its roads.

Similarly, the Maine Better Transportation Association issued a 2005 report that contained a 22 single-spaced page list of deficient Maine bridges.³⁵ Several of those deficient bridges are northern I-95 and I-395 bridges that the Commissioner of Maine DOT regards as “acceptably overstressed,” and, as a result, he wants to open these bridges to use by 100,000-pound trucks. The report chronicles decades of neglect and deterioration of Maine’s bridges, including decay to the point of requiring emergency responses by a Maine DOT that is already underfunded for basic state infrastructure needs. Numerous bridges have been posted for years at lower weight limits because they have badly deteriorated, and funds are simply not available to restore or replace them.

Delivering an even more dire message was the *Summary* of the report of the Maine Governor’s Capital Transportation Funding Working Group published January 31, 2006, stating that Maine faces a funding and infrastructure crisis. In fact, in the fall of 2005, Maine DOT was compelled to defer transportation projects, including many bridge projects, worth \$130 million, or 20 percent of Maine DOT’s 2006-2007 Capital Work Plan because of unprecedented increases in costs and other funding shortfalls.

Maine’s current truck weight policies are propelling the state quickly into an even more severe safety and infrastructure repair crisis. The state, in direct cooperation with national trucking organizations, initiated an effort 14 years ago to raise Maine’s weight limits on the Turnpike portion of the Interstate, and it is cooperating now with the same organizations to advance a federal legislative provision allowing Maine to permit 100,000-pound trucks to operate on the remainder of I-95 to the Canadian border.

Maine’s highway infrastructure is in crisis – there is no other way to characterize it. The state was warned two years ago in a FHWA analysis of its Interstate bridges that several were being overstressed to the point of failure, but Maine has persisted in the dangerous, destructive practice of allowing extra-heavy trucks on its roads and bridges, facilities that are being destroyed at dramatic rates of deterioration.

Vermont: A Small State With Rapidly Decaying Highways

Vermont’s Interstate highways are currently governed by the weight limits contained in 23 U.S.C. § 127. Single axles are limited to 20,000 pounds, tandems to 34,000 pounds, and Bridge Formula B controls maximum big truck bridge weight. Gross vehicle weight is limited to 80,000 pounds. However, trucking interests have approached the Vermont Congressional delegation in recent weeks with a request for the state to raise its Interstate gross weight limit to 99,000 pounds.

³⁵ *Losing Ground: A Report on the State of Maine’s Highway Fund*, Maine Better Transportation Association, July 2005.

Vermont's non-Interstate highways, despite being built to lower standards – sometimes much lower standards – already allow higher axle and gross weights. Vermont over the years has also responded to pressure to issue routine overweight permits for a unlimited number of trips for 5-axle trucks up to 108,000 pounds and even up to a maximum of 120,000 pounds if more axles are added. These permits also allow routine use of single axle weights up to 24,000 pounds (20 percent higher than the federal limit for Interstate highways) and tandem axles up to 48,000 pounds (more than 40 percent higher than the federal Interstate limit).

At these extreme axle and gross weights, Vermont's bridges both on and off its Interstate highways are being badly overstressed, and highway pavement is also being destroyed at an alarming rate. As explained earlier, pavement destruction from the heavy axle weights of big trucks is inflicted at an exponential rate, a damage function operating at the fourth power. This means that only small increases in axle weight trigger dramatically increased rates and severity of pavement damage.

This is basically the dire situation Vermont finds itself in right now. Vermont's roads and bridges are rapidly destroyed by extremely overweight large trucks while the state has a funding crisis undermining its ability to repair its highways. According to the TRIP analysis for Vermont in its 2007 Fact Sheet:

- Driving on roads needing repairs in Vermont already costs Vermont motorists \$167 million each year in extra vehicle repairs and operating costs, \$296 every year for each motorist.
- Motor vehicle crashes in Vermont cost the state \$221 million each year, \$362 for each resident due to medical costs, lost productivity, travel delays, and workplace, insurance, and legal costs.
- Thirty-six (36) percent of Vermont's roads are currently in poor or mediocre condition, one of the worst ratings in the nation.
- Thirty-five (35) percent of Vermont's 1,000 bridges are currently functionally or structurally obsolete, again one of the worst rates in the nation.
- One hundred seventy-three (173) of these bridges alone are on the state's major roads constituting its NHS routes where the Governor and trucking interests are pressuring the Vermont Congressional delegation to enact federal legislation allowing 99,000-pound trucks.

News articles have dramatically increased in recent years pointing out Vermont's woefully poor highway infrastructure, with its crumbling highways and bridges, and the state's chronic shortfalls in road funds while the state repeatedly defers more and more major reconstruction and rehabilitation projects throughout the state. These articles often mention the disproportionate impact of big, heavy trucks on Vermont's highways and bridges, and how the state has failed to keep pace with transportation needs by using rail instead of relying excessively on large trucks. See the *Montpelier Times-Argus* for May 2, 2008.

Compared to other states, Vermont has very poor surface transportation infrastructure, and the state is already unable to deliver proper services to its residents needs for adequate commercial and personal transportation. See *Understanding Vermont*, the Vermont Community Foundation, 2007. Putting big, overweight trucks on Vermont's already deteriorated roads and bridges would be making the same major policy mistake that is so glaringly obvious in Maine. The rate of destruction of Vermont's highways and bridges would even further increase, and the chances of a bridge failure would be compounded.

North Carolina: A Southern State With an Infrastructure Crisis

One thousand five hundred forty-seven (1,547) people died in highway crashes in North Carolina in 2005. Of these deaths, 204, or one of every seven fatalities, were the result of large truck crashes, according to NHTSA's National Center for Statistics and Analysis (NCSA) truck fatality data compiled for Advocates in 2008. In 2005, North Carolina had the 5th highest number of truck crash fatalities in the U.S., outstripped only by Texas, California, Florida, and Georgia.

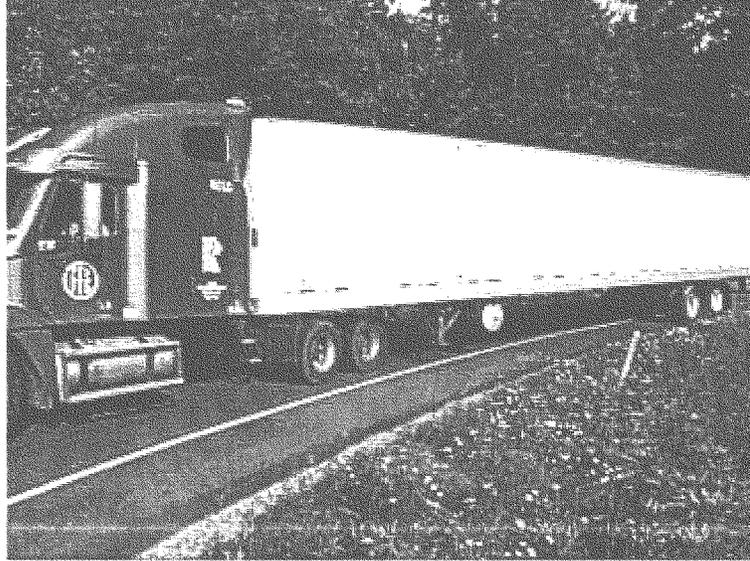
The state provides another good example of industry pressure to increase truck size is North Carolina. The state legislature is currently rushing through a bill to allow combination trucks pulling 53-foot semi-trailers to operate on almost all of North Carolina state roads, including highways outside the state's 1982 STAA Designated National Network (DNN) routes. This is the 13th time in 11 years that the state legislature has moved to expand the sizes or weights of large trucks in the state.

Recently, North Carolina State University researchers used North Carolina DOT's Traffic Engineering Accident Analysis System for the years 2001 through 2005 to investigate large truck operations off the state's DNN. The study found that *the chances of an off-DNN truck crash was twice that of a crash taking place on the STAA-designated network*. The study concluded that extending the use of 53-foot semi-trailers to what are almost entirely narrow, two-lane, two-way roads in the state would substantially increase the chances of more large truck crashes on these roads.³⁶

Here are just three of the arresting photographs of big, long tractor semi-trailer rigs operating on North Carolina's lower-class two-lane, two-way roads.³⁷ In the first photo, the long tractor-trailer rig is offtracking completely into the opposing lane of traffic in order to negotiate a curve on this road with very narrow lanes:

³⁶ *Estimating the Off-Network Presence of STAA-Dimensioned Vehicles on North Carolina Roadways Using CMV [Commercial Motor Vehicle] Crash Data*, North Carolina State University (May 2008).

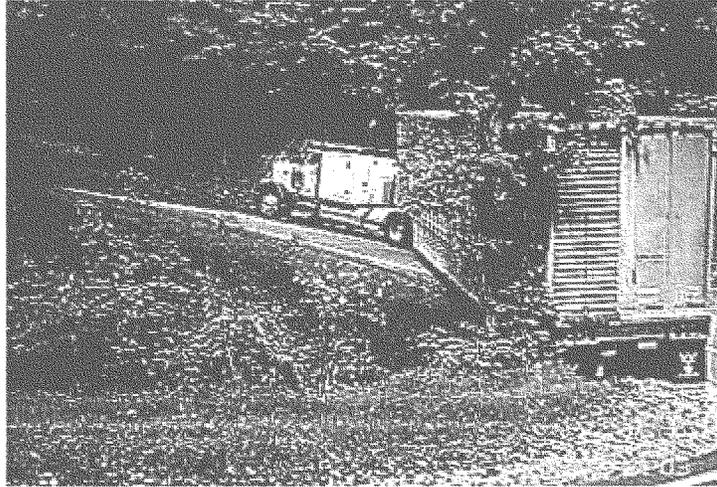
³⁷ All photographs printed here are drawn from publicly available materials on the Internet.



In the second photograph, the truck driver could not successfully negotiate the sharp curve confronting him with his long combination rig without moving into the opposing lane. Note that the driver of the pickup truck was forced off the road.



The third photo shows a long semi-trailer combination on a rural two-way, two-lane North Carolina road. This long truck and its driver were close to a disaster:



The calculations performed in the North Carolina State University study cited above show that a high percentage of the roads on which the state legislature wants to allow 53-foot, 102-inch wide trucks have only 10-foot wide travel lanes. The study found that a perfectly aligned tractor pulling a 102-inch wide, 53-foot semi-trailer *had only nine inches of clearance between the centerline on its left and the edge of a roadway on its right*. It has to be emphasized that 94 percent of North Carolina state road mileage consists of two-lane, two-way roads, and 78 percent of these are less than 21 feet wide. And, as the North Carolina State University Study stressed, these roads often have lanes even narrower than 10 feet. Nevertheless, many of these substandard roads – even some with eight or nine feet wide lanes – could be opened to the use of longer combination trucks pulling 53-foot semi-trailers rather than the 48-foot semis that North Carolina has allowed for years.

Observations jointly conducted by the North Carolina State Highway Patrol and North Carolina DOT corroborated the findings of the North Carolina State University Study. Both North Carolina DOT and the state's Highway Patrol have opposed the expanded use of 53-foot long semi-trailers. The three organizations observed combination trucks pulling 53-foot semi-trailers *frequently off-tracking entirely in the opposing lane of two-lane, two-way roads*, as shown in the photographs above.³⁸

³⁸ *Observations of Truck Operations on Routes Added to North Carolina STAA Truck Network as a Result of 2008 Ruling by the North Carolina Attorney General's Office*, North Carolina State University Institute for Transportation Research and Education, April 2008.

Incredibly enough, North Carolina state legislators in 2005 *cut* the fines of overweight trucks *in half*. In fact, fines for overweight trucks have not been increased in the state since 1981.³⁹ According to this major, comprehensive investigative news series, North Carolina's weigh stations are underfunded, understaffed, are rapidly deteriorating, and have little effectiveness either in detecting overweight trucks or deterring overweight violations. Illegally overweight trucks regularly circumvent the state's weigh stations when they are open.

North Carolina is plagued with older, crumbling bridges that are not being replaced or upgraded in a timely manner. On older roads where current legislation would allow bigger trucks pulling 53-foot semi-trailers, the state has 15,145 bridges of which 4,556, or *30 percent*, are either functionally deficient or structurally obsolete.

The *Raleigh News-Observer* in its 2005-2006, multi-part investigative reporting series on big trucks on North Carolina highways and bridges found that *more than 1,000 bridges in the state are being overstressed and left unprotected due to overuse by extra-heavy trucks*. A December 2, 2004, newspaper article in the *Charlotte Observer* quoted a North Carolina state bridge engineer as saying that *about two bridges collapse in North Carolina every year*.

Bridge quality in North Carolina is continuing to deteriorate due to reduced maintenance and repair. The state only replaced 134 bridges in 2003, for example, and it ranks the 10th worst state for its percentage of substandard bridges, according to the *Raleigh News-Observer* of June 22, 2003.

Of the state's obsolete bridges, more than half – 2,244 – are functionally inadequate to serve traffic because they often have narrow lanes and usually no shoulders. These facilities cannot safely accommodate longer, wider combination trucks.

Adding the state's bridges on roads that have a higher functional classification, including the NHS highways comprising major arterials and North Carolina Interstate highways, more than doubles the number of bridges need repair or replacement. Of the 17,783 bridges in the state, North Carolina has a total of 5,059 deficient and obsolete bridges requiring repair or replacement, according to the FHWA National Bridge Inventory for 2007.

Thirty-four (34) percent of North Carolina's roads are in poor or mediocre condition, according to the ASCE North Carolina Infrastructure Report Card 2005. The state was warned in the *Raleigh News-Observer* 2005-2006 investigation of heavy truck impacts in the state that overweight trucks were tearing up North Carolina highways at an unprecedented rate. That newspaper series cited the North Carolina DOT study released in 2006 that heavy trucks were costing state taxpayers *at least \$130 million each year*, and probably more, in road and bridge destruction.

³⁹ *Raleigh News-Observer*, May 22, 2005, re-published Feb. 21, 2006.

The ASCE Report Card for North Carolina cited above estimated that driving on the state's crumbling roads costs North Carolina motorists *\$1.7 billion each year* in extra vehicle repairs and operating costs – \$282 for each motorist. As is typically the case, shown in the FHWA 2000 *Addendum to the Highway Cost Allocation Study*, the great majority of the cost of highway and bridge damage in the state is not paid for by the trucking industry but by ordinary citizens using cars and pickup trucks.

A 2008 report authorized by the state legislature confirms many of these observations.⁴⁰ The NCOSBM Report shows that the state's highways and bridges are badly underfunded, and that North Carolina is not keeping pace with repairs and improvements of its deteriorating infrastructure. The report judged that current infrastructure quality and projected highway revenues cannot fulfill the expectations of the state legislature for the long-term quality of North Carolina surface transportation. The result will be decreased economic productivity in the state, decreased employment, lower overall economic condition of the state's residents, and poorer attraction of businesses and industries. As a North Carolina civil engineer emphasized in a quotation in the ASCE North Carolina Report Card for 2005, "[n]othing has been done to improve roads and bridges due to apathy on the part of the public and infrastructure administrators."

North Carolina's freight transportation system is badly imbalanced, with up to 95 percent of all freight being moved by truck, according to the NCOSBM Report. Along with an apparent disregard of the adverse safety and infrastructure impacts of allowing more longer trucks on more North Carolina highways – trucks that will be heavier as well – North Carolina legislators are acting as if nothing is wrong with the state's roads and bridges and that deferring infrastructure repairs will have little effect on the state. North Carolina currently is not pursuing a policy of improving freight transportation productivity improvements. In fact, by allowing increases in truck size and weight on additional lower-class roads, the state is acting to further compromise its ability to move goods to customers and is incurring a tremendous cost for the public health and safety of North Carolina families.

Conclusion

Public policy leaders at the state and federal level must come to grips with these facts and the information that has been provided in numerous credible and compelling studies. Public safety, U.S. highway infrastructure, and the budgets of federal and state highway and bridge programs cannot bear the burden of yet another round of increases in truck size and weights. While Advocates understands how integral the trucking industry and truck transportation is to national and local economies, the optimal balance between the special interests that want a never-ending cycle of increased truck size and weight and the public interest in safety and infrastructure protection and restoration has already been reached and, indeed, surpassed. Further increases will only make the situation on our roads more unsafe with greater economic burdens and lethal consequences for road users and taxpayers.

⁴⁰ *Statewide Logistics Plan for North Carolina – Final Report*, North Carolina Office of State Budget and Management (May 13, 2008) (NCOSBM Report).

Advocates submits the following recommendations for Congressional action:

- Congress should ensure that truck safety for the public is the highest priority in legislating truck size and weight laws. The next authorization bill should include provisions that reduce the unacceptable death and injury tolls on our roads inflicted by large, extra-heavy trucks. This comprises both motor carrier safety provisions and requirements to bring down truck sizes and weights to protect the public as well as to arrest the decline of U.S. highways and bridges.
- Do No Harm: When Congress considers and enacts new surface transportation authorizing legislation, it should:
 - ▶ Reject any provisions to roll back truck safety by thawing the LCV freeze.
 - ▶ Refuse any programs to allow “state options” for bigger and heavier trucks.
 - ▶ Stop granting special exemptions to specific states, to specific industries, and for transporting specific commodities.
- Congress needs to enact the proposed legislation introduced by Congressman James McGovern, H.R. 2263, to terminate state grandfather rights, a perennial, major source of truck size and weight abuses.
- Congress needs to take special action to stop the uncontrolled use of overweight permits granted by the states, including state issuance of overweight permits for divisible loads that some states are regarding as non-divisible loads.
- Congress needs to restore FHWA’s enforcement powers over truck size and weight practices so that the federal steward has the backing of Congress to get tough on truck size and weight abuses in the states. This includes explicit instruction to the agency to resume publishing an annual report accurately tallying the type and numbers of overweight permits being issued by the states, the extent to which the permits depart from legitimate grandfather rights and federal legislation controlling divisible loads, how pervasive are illegally overweight truck operations, and the amount of damage being done to bridges from both legal and illegal overweight trucks.
- Congress should adopt the recommendation of the National Transportation Policy and Revenue Commission’s report, *Transportation for Tomorrow*, stressing the need to restore user fee equity by ensuring that heavy trucks, for the first time, actually pay their fair share for the use and destruction of U.S. highways and bridges. It is time to stop allowing 100,000-pound overweight trucks from paying only 40 percent of their cost responsibility and transferring the balance of the costs to ordinary taxpayers and light vehicle owners.

Advocates appreciates this opportunity to testify on this crucially important topic of public safety and infrastructure protection. We are prepared to answer any questions that you may have.

APPENDIX

Legislative History of Truck Size and Weight Laws

Over the past half-century since the inception of the U.S. Interstate highway system, trucking and shipping interests have routinely sought increases in truck sizes and weights.

Truck Size and Weight Increases Are a Never-Ending, Upward Spiral

The history of truck size and weight increases consists of continual efforts by the trucking industry to put ever-increasing numbers of bigger, longer, heavier trucks on our nation's highways and bridges despite both public and state opposition. As we have discussed in this testimony, the current, heightened concern among the states is their inability to guarantee highway safety and to protect highway infrastructure that has reached a crisis stage in serviceability and funding, as recently described in great detail by the Congressionally-directed Surface Transportation Policy and Revenue Commission in its comprehensive December 2007 report, *Transportation for Tomorrow*. Bigger, heavier combination trucks on more surface miles of highways and bridges, including an unknown, but growing number of these extra-heavy, extra-long large trucks on more miles of lower-class roads, are dealing a double blow to the states by increasing large truck crash risk while also accelerating the destruction of their highways and bridges.

The unfortunate truth is that these increases in truck sizes and weights have been facilitated by Congressional legislation that has either pre-empted the states, compelling them to accept bigger, heavier trucks on more miles of state highways and bridges, or has resulted in special exemptions for specific states. Those exemptions have often raised truck size and weight in one state after another, and successful legislative efforts have encouraged the trucking industry to seek longer, wider, and heavier trucks in state after state. The plan is that when enough states have accepted the bigger, heavier rigs, the trucking industry will approach Congress with a request for federal pre-emption through provisions that will force the states to accept bigger, heavier combination trucks.

The story of federal legislative large truck size and weight increases over the years is an important cautionary tale. It shows that this approach to size and weight policy, as U.S. DOT pointed out in its concluding section of its 2004 *Western Uniformity Scenario Analysis* study, undermines any rational, long-range Congressional management of surface transportation logistics, infrastructure, and safety needs.

The Federal-Aid Highway Act of 1956 and State Grandfather Rights

The trucking industry effort to ratchet up truck sizes and weights began quickly after the passage of the 1956 Federal-Aid Highway Act. At the time, Congress agreed in the legislation to grandfather existing state axle and gross weight limits. Some states elected to grandfather the weight limits that were in effect prior to enactment of the legislation. The result is that 14 states had the privilege of exceeding the 18,000 pounds

single axle, 32,000 pounds tandem axle, and 73,280 pounds maximum gross weight limits adopted in the 1956 Act. At least 30 states, if not more, also have the grandfathered right to issue overweight permits for divisible loads. However, what counts as a divisible load is not uniformly implemented, despite clear federal legislation in the 1991 Intermodal Surface Transportation Assistance Act (STAA), followed by implementing FHWA regulations, that make it perfectly clear that much of large truck freight for which many states grant non-divisible load permits for being either oversized or overweight are loads that are inherently divisible. For example, many states grant overweight permits for numerous commodities that could easily be broken down into smaller, lighter loads.

Trucking industry efforts with state highway departments and legislatures in the late 1950s and through the 1960s began the process of convincing one state after another either to exercise their Interstate highway grandfather rights allowing bigger, heavier trucks than previously operated, or to increase the non-Interstate weight limits on state roads and bridges that were under complete state control. The strategy was not only to gain the use of bigger, heavier trucks on more and more highway mileage, both on and off the Interstate system, but especially to use a weight increase in one state to pressure another nearby state also to raise its size and weight limits. A typical argument used to influence state government representatives was how a state would fall behind in economic growth and competitiveness if it did not commensurately raise its size or weight limits, or did not allow the higher weights or bigger trucks on more miles of state highways. This approach is being used right now in the North Carolina legislature to justify the use of 53-foot long semi-trailers on more lower-class roads and bridges in the state.

A glance at the recent table of size and weight limits constructed by FHWA for the *Comprehensive Truck Size and Weight System* shows the outcome of decades of ratcheting sizes and weight upward at both the federal, Interstate and the state levels. The chart is a crazy-quilt of size and weight limits that were grandfathered in 1956 and are indexed to specific axle and gross weight limits, and to bridge weight formulas, and indicates which states regularly issue overweight permits.

The number of overweight permits granted by the states has exploded in numbers and variety in the states issuing them. Oftentimes, these permits are issued on a routine basis, usually for a year, and are handed out for nominal fees that not only do not capture the extraordinary damage to roads and bridges inflicted by heavy trucks, but sometimes do not even cover the costs of administering the permit system.

FHWA used to report on overweight permits and the extent of illegally overweight trucks, but those reports ended at the start of the 1990s and have never resumed. The reports even in the late 1980s and in 1991 showed a breathtaking number of annual, multiple trip overweight permits being issued by the states and, in addition, an extraordinarily high percentage of illegally overweight trucks, despite the widespread issuance of generous state overweight permits. Other, later reports or judgments on

illegally overweight trucks have estimated that about one of every three large trucks transporting loads in the U.S. is illegally overweight.

There is no official, federal government reporting currently being sent to Congress that determines the proportions of overweight permitting among the states, the extent to which the permits issued flout the 1991 ISTEA provision that adopted stringent criteria for what counts as a non-divisible load, and the proportions of the illegally overweight truck problem that not only make U.S. roads and bridges more dangerous, but also rapidly accelerate the damage to what is already a highly compromised surface transportation network of highways. The agency needs to be directed by Congress to conduct these annual studies of permitting practices and illegally overweight trucks, and annually to report its findings to the relevant committees in the House and the Senate.

1974-1975 Congressional Legislation

By the early 1970s, the trucking industry had convinced many states to raise their weight limits in accordance with what was claimed as their grandfather rights on the Interstate system. By this time, several states had exercised grandfather rights that FHWA did not regard as authorized by the 1956 Federal-Aid Highway Act. The agency began a series of challenges to these states through the 1970s and into the early 1980s to limit the expansion of truck sizes and weights on the Interstate system. However, that legal leverage of FHWA, the steward of federal size and weight limits, came to a screeching halt in 1982.

At the urging of the trucking industry, Congress in the Federal-Aid Highway Act Amendments of 1974 allowed the states starting in 1975 the option to raise axle and gross weight limits above the limits set in the 1956 Federal-Aid Highway Act. In the following year, Congress enacted legislation establishing the Bridge Formula B in an attempt to hold down the amount of weight that Interstate bridges would be allowed to carry by limiting gross weight in relation to the number of axles.

Unfortunately, this approach to limiting truck weights on bridges allowed higher and higher weights to be imposed on Interstate bridges by encouraging the use of extra axles so that trucks could carry heavier loads. Many of these bridges were built to lower standards, and heavier trucks have resulted in severe overstress, as recent National Academy of Sciences studies have shown. This is a serious, national problem that is increasing on a daily basis.

Following the 1974 amendments, many states raised their axle and gross weights to the new, higher limits of 20,000 pounds single-axle, 34,000 pounds tandem axle, and 80,000 pounds maximum gross weight, as limited by Bridge Formula B. Other states already had higher weight limits that were grandfathered by the 1956 Federal-aid Highway Act.

But not all states capitulated to the heavier trucks. A few midwestern states refused to concede ground to what they regarded as more dangerous and more destructive

bigger trucks. As a result, the industry went to Congress with a plea for requiring the states to accept longer, wider, heavier combination trucks.

The Surface Transportation Assistance Act of 1982 (STAA)

The STAA was a watershed in federal truck size and weight legislation. This legislation made an unprecedented incursion into states' rights. Not only did the Act demand that the states accept Western Doubles, that is, two short, single-axle trailing units each 28.5 feet in length, pulled by a tractor, it also forced the states to accept semi-trailers and trailers that were expanded from 96 inches to 102 inches in width.

The legislation also compelled the nationwide operation of semi-trailers and trailers that had to be at least 48 feet long. States that allowed the operation of semi-trailers or trailers longer than 48 feet had those operations grandfathered by the STAA. In addition, the STAA voided state control over limits on the total length of a truck – trucks could no longer be limited to a maximum overall length of, say, 55 or 60 feet. Trucks had to be allowed that used at least 48-foot trailing units or twin 28.5 short doubles. The STAA also finally put an end to “state option” by compelling the hold-out states in the Midwest to accept heavy trucks that were 80,000 pounds gross weight instead of 73,280 pounds, used single axles weighing up to 20,000 pounds instead of 18,000 pounds and tandem axles weighing 34,000 pounds instead of 32,000 pounds.

But there was more. The legislation went beyond the Interstate highway system. Congress in the STAA also required the adoption of an interconnected, national network of Primary System arterial highways beyond the Interstate that also would have to allow the bigger, longer, heavier combination trucks. After the STAA was enacted, FHWA began the rulemaking process by allowing each state to choose the system of roads beyond the Interstate where it would allow the longer, wider, heavier trucks to operate. Together, the Interstate and that system of highways on non-Interstate roads would be part of a Designated National Network (DNN) of highways that would facilitate interstate commerce with bigger, heavier trucks. FHWA also required the states to adopt reasonable access provisions in state law or regulation so that the bigger, heavier trucks could get on and off each state's portion of the DNN.

Many states were angered by the STAA demands. They were deeply concerned with both safety and infrastructure protection, especially because of the use of bigger, heavier trucks on their non-Interstate highways. This resentment was especially strong in the eastern third of the states, ranging from the northeast through the southeast.

The outcome was the refusal of several states to designate large amounts of non-Interstate highway mileage for use by the STAA-dimensioned, heavier combination trucks. In fact, several states refused even to create an interconnected system of roads off their Interstate highways as their part of the DNN. They also provided access rights for the STAA combinations that often consisted of very short sections of spur routes for getting on and off the DNN in order to prevent the incursion of STAA-dimensioned and higher weight trucks onto local roads with lower safety and pavement design standards.

The outcome was predictable. FHWA rescinded its initial effort to allow the states to choose their own routes for the DNN. Instead, the remainder of the rulemaking actions through the middle 1980s was the agency's unilateral, prescriptive designation of each state's routes that would comprise the national DNN. FHWA also erected criteria for reasonable access that many states did not meet. As a result, many states had to substantially increase the amount of spur mileage off their DNN routes for reasonable access by the STAA-dimensioned trucks.

These legislative actions did not exhaust the amendments in the STAA that put the states on the defensive for protecting their citizens and their highways from the severe consequences of longer, wider, heavier trucks on far more miles of U.S. highways than ever before. The STAA also adopted an amendment by Senator Steven Symms (R-ID) that effectively ended FHWA's role for overseeing and enforcing the states' use of their 1956 Federal-Aid Highway Act grandfather rights. The amendment inserted only four words into a single sentence of 23 U.S.C. § 127(a):

This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines could be lawfully operated within such States on July 1, 1956, except in the case of the overall gross weights of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.

This small legislative change gave the states the right to interpret their own grandfather rights for the use of bigger, heavier trucks, and the steward of federal size and weight laws, FHWA, was shunted aside.

The result, once again, was predictable. State after state was quickly pressured by trucking and broker interests to raise truck size and weight limits on the basis of what often were thinly supported claims that certain configurations, lengths, and widths of combination trucks *could have* been operated prior to July 1, 1956, but the states were only now implementing those residual rights to use bigger, heavier trucks. Those self-interpreted grandfather rights comprised not only blatant increases in the axle, gross weights, and sizes of trucks that could operate on several of the states' Interstate highways, but also often involved the implementation of claims that a given state had the right to allow routine overweight or oversize permits that heretofore it had not issued.

There was explosive growth in both the sizes and weights of big trucks over the next several years. Surprisingly, the next major surface transportation authorizing legislation, the Surface Transportation Uniform Relocation and Assistance Act of 1987 (STURAA), contained no size and weight exemptions.

Legislative and regulatory actions by many states from 1982 to 1995 resulted in further upward ratcheting of the states' large truck size and weight limits on both their Interstate and non-Interstate highways. Increases in size and weight limits accelerated from year to year. A major strategy was to move from state to state to exploit the 1982

STAA size and weight amendments that required *minimum* widths, lengths, weights, and configurations of large trucks, but without ceilings on these parameters.

Special interests always advanced the same argument: a state not only was arresting the growth of its own economy by continuing to use shorter and lighter trucks, but it also was doubly disadvantaged because adjacent states had agreed to higher size and weight limits that leapfrogged the reluctant state in increased productivity. Essentially, the STAA had rendered the states defenseless.

Trucking interests successfully persuaded state after state to ratchet up sizes and weights in several different ways during this era. One major target was “18-wheeler” semi-trailer length. The industry wanted more volume and more weight to be carried on a single combination truck.

The reason was simple: many types of commodities “cubed out” before they “weighed out,” that is, the volume of a 48-foot semi-trailer was filled before the rig could reach maximum allowed axle and gross weight limits. If the industry could move the states to 53-foot semi-trailers, more than a 10 percent increase in volume could not only benefit the transport of lighter goods that still could not reach maximum weight limits, but also allowed a certain range of commodities that used to only “cube out” to now “weigh out.” These bigger trucks raised the bar for the gross weights of many types of cargo that could be transported by a single combination truck. Along with increased permitting by the states that rose quickly through the 1980s, the result was more bigger, heavier trucks than ever before being used on more miles of both Interstate and non-Interstate highways, posing both an increased highway safety threat and accelerating the damage of the nation’s roads and bridges.

But longer, wider, heavier “18-wheelers” were not the only target for increasing combination truck sizes and weights. The other goal of trucking interests was to increase the use of LCVs. States were approached and asked either to interpret their own grandfather rights more liberally in light of Senator Symm’s 1982 STAA amendment and to allow triples where, for example, there now were only Rocky Mountain Doubles, or to allow Turnpike Doubles where only shorter doubles were used, and the like. In addition, states asserted rights to allow certain configurations of LCVs on non-Interstate highways, especially on the states’ non-Interstate DNN roads.

Some states, particularly in the western U.S., agreed to a greater or lesser extent to the more extensive use of LCVs, but other states resisted or simply refused. These refusals to allow LCVs were most prominent in the eastern third of the U.S. and on the west coast, particularly California.

Deficit Reduction Act of 1984 (DFA)

In 1982, FHWA released the results of its *Highway Cost Allocation Study*. That 1982 study was published at the same time that Congress had raised the Heavy Vehicle Use Tax (HVUT) to \$1,900 for the heaviest trucks allowed by 23 U.S.C. § 127. But that tax increase was short-lived.

The DFA charged U.S. DOT with conducting and reporting the results of a *Heavy Vehicle Cost Responsibility Study*. That study was released far too late, in 1988, one year after the next major surface transportation re-authorization legislation, STURAA. The study showed that heavy trucks were almost entirely responsible for pavement damage, and that heavy trucks were substantially underpaying their fair share for highway use and damage. The study also concluded that the only way user fee equity could be achieved was through a heavy truck weight-distance tax, the same conclusion generated by the FHWA 1997 *Highway Cost Allocation Study* and its 2000 updated *Addendum*.

The findings of these studies have been independently reproduced by several states that have conducted their own heavy vehicle cost responsibility investigations. Texas in 1990, for example, concluded that overweight trucks in the state were rapidly damaging state highways and bridges, and that the permit system used for overweight trucks was irrational and allowed extra-heavy trucks to operate at nominal fees while passenger vehicle owners subsidized the trucking industry.

To date, the only state that has implemented and sustained such a fair, successful approach to heavy vehicle cost responsibility is Oregon, which has suffered a barrage of legal actions and legislative initiatives by the trucking industry over the years to repeal its weight-distance user fee regime. Several other states attempted such weight-distance taxes in the 1980s and 1990s, but they all voided their systems after sustained legal and political assaults by the trucking industry on their systems of user fee assessments.

Long before the *Heavy Vehicle Cost Responsibility Study* reached Congress with its findings of dramatic heavy vehicle federal user fee underpayment, Congress had acted to reduce the HVUT from \$1,900 for the heaviest trucks, to a maximum of \$550, the figure that has remained unchanged for 24 years. The result has been that more, heavier, bigger trucks have increased the risk of crashes and damaged more miles of U.S. roads and bridges each year, but the maximum HVUT paid by motor carriers has been allowed to stagnate. As a consequence, American taxpayers and light vehicle owners substantially subsidize heavy truck operations in the U.S. But the findings and recommendations of the 1985 *Heavy Vehicle Cost Responsibility Study* had no meaningful effect on Congressional truck size and weight cost responsibility legislation.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

ISTEA was another watershed in the history of truck size and weight legislation. For the first time, Congress appreciated the threat of the spread of extra-long, overweight trucks and enacted ISTEA with a “freeze” on the increased use of LCVs. State after state had agreed either to re-interpret their grandfather rights for allowing the use of LCVs or had agreed to allow LCVs already in use in several states to access more miles of highways formerly closed to Triples, Rocky Mountain Doubles, and Turnpike Doubles. The freeze on the spread of LCVs indexed the configuration type, weight, sizes of semi-trailers and trailers, routes in use, and other conditions governing their operation such as commercial driver qualifications or restrictions, to where LCVs had operated as of June 1, 1991. Except for a few minor, limited exemptions later enacted by Congress for

specific LCV use in a few states, the LCV freeze has remained in place for the past 17 years and is clearly one of the most successful safety laws ever enacted.

The National Highway System Legislation Act of 1995 (NHS Act).

The NHS Act allowed three exemptions to the LCV freeze and to truck weight limits in four states, Nebraska, South Dakota, Iowa, and Wisconsin. In each instance, the exemptions were for certain overweight single- or twin-trailer combinations traveling certain routes between two states, or for a general weight limitation exception for operating between two routes in Wisconsin for a highway that was to be designated as an Interstate highway.

The Interstate Commerce Commission Termination Act of 1995 (ICC Sunset Act)

Concurrent with the NHS Act exemptions, Congress also acted in 1995 to end the ICC as an independent regulatory agency. A set of numerous exemptions was enacted in the bill that excepted several different kinds of commodities or types of CMV operations. These included, among other things, exempting CMVs operated by farmers and transporting agricultural or horticultural commodities, products, or supplies; transportation of livestock; specific commodities listed as exempt in the Commodities List of a March 19, 1958, Bureau of Motor Carriers ruling; transportation of property related to air carrier service; transportation of used pallets and empty shipping containers; and transportation of certain kinds of rock and of wood chips. These exemptions had major consequences for state size and weight control over extra-heavy CMVs on the Interstate highway system.

The Transportation Equity Act for the Twenty-First Century (TEA-21)

The enactment of TEA-21 resulted in the renewed march of special state size and weight exemptions. In 1994, Maine began to defy federal law and regulation by allowing big, overweight trucks weighing up to 100,000 pounds to operate on the Maine Turnpike and the small portion of non-Turnpike I-95 from the southern end of the Turnpike to the New Hampshire border.

But Maine itself admitted that it had no grandfather rights in federal law to exceed the gross and axle weight limits set for Interstate highways in 23 U.S.C. § 127. Nevertheless, the state persisted in its defiance of federal enforcement proceedings that attempted to stop Maine from operating these grossly overweight trucks. Maine went ahead with its resolve to allow 5-axle trucks at 88,000 pounds and 6-axle trucks at 100,000 pounds gross vehicle weight to operate on I-95 within the Turnpike boundaries. TEA-21 included an amendment of the last sentence of 23 U.S.C. § 127 that made Maine's overweight trucks on the southern portion of I-95 to be legal under federal law. That exemption allowed Maine to operate the higher weight trucks that it already had allowed on all of the state's non-Interstate highways.

TEA-21 contained three other special state Interstate truck weight exemptions – exemptions that U.S. DOT specifically decried in the 2004 *Western Uniformity Scenario Analysis* study as a terrible way to manage truck size and weight policy at the national

level. The first was an exemption for Colorado to allow heavy vehicles carrying two or more pre-cast concrete panels to be regarded as a non-divisible load. This set a very poor precedent by sending the message to the states that certain types of loads that were inherently divisible could be regarded as non-divisible. Some states increased their issuance of permits for new categories of so-called non-divisible loads that were, in fact, divisible loads.

The second TEA-21 weight exemption was for Louisiana. Again, the essential nature of the exemption allowing trucks weighing 100,000 pounds transporting sugarcane on the state's Interstate highways was to render an inherently divisible load as non-divisible. It should be recalled that existing federal law required loads to meet a stringent federal definition for what could be regarded as non-divisible. The federal law and regulation conflict was obvious between the special-interest exemptions for certain companies and commodities in specific states and controlling what counted as a divisible load.

The last exemption was for New Hampshire. TEA-21 provided that state laws and regulations in effect on January 1, 1987, for vehicle weight limitations for non-Interstate New Hampshire highways, could apply to New Hampshire Interstate highways. Essentially, this allowed New Hampshire to operate 99,000-pound gross weight trucks on all of the state's Interstate highways.

The Safe, Accountable, Efficient Transportation Equity Act for the Twenty-First Century – A Legacy for Users (SAFETEA-LU)

To its credit, Congress resisted nearly all pleas for special truck size and weight exemptions in SAFETEA-LU. Some provisions granting generous commercial driver hours of service exemptions were adopted, but size and weight exceptions were rejected save for an amendment allowing longer saddlemount vehicles to be used on the Interstate system. In other actions, Congress built upon the foundation it had laid to advance motor carrier safety in the Motor Carrier Safety Improvement Act of 1999 to require better data systems on motor carriers and to set more stringent requirements for commercial driver licensing, among many actions targeting the enhancement of truck and bus safety on the nation's highways.

Testimony of
BILL FARRELL
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MISSOULA, MONTANA

Before the
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

Regarding
TRUCK WEIGHTS & LENGTHS
ASSESSING THE IMPACTS OF EXISTING LAWS & REGULATIONS

JULY 9, 2008

Submitted by



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Good morning Chairman Defazio, Ranking Member Duncan and distinguished members of the Subcommittee. Thank you for inviting me to testify on a matter that is extremely important to our nation's small business trucking professionals.

My name is Bill Farrell. I am the owner and namesake of a small business trucking company in Missoula, Montana. I have been involved with the trucking industry for the better part of 4 decades. Over the past 37 years I have driven truck as a company employee and as an independent owner-operator, have worked as a solo driver as well as in a team driving operation and have logged well over 2 million miles without a chargeable accident. I have also owned and managed a small fleet of trucks and currently own 7 trucks and 11 trailers, driving one of the units myself and hiring out the other driver positions. I served for 8 years as a Montana State Senator, and am past President and Chairman of the Montana Motor Carriers Association. I have been an active member of the Owner-Operator Independent Drivers Association for more than 32 years.

OOIDA is a not-for-profit corporation established in 1973, with its principal place of business in Grain Valley, Missouri. OOIDA is the national trade association representing the interests of independent owner-operators and professional drivers on all issues that affect small-business truckers. The more than 162,000 members of OOIDA are small-business men and women in all 50 states who collectively own and operate more than 260,000 individual heavy-duty trucks. One-truck motor carriers represent nearly half the total number of active motor carriers operating in the United States while approximately 96 percent of active motor carriers operate 20 or fewer trucks.

The Association actively promotes the views of small business truckers through its interaction with state and federal regulatory agencies, legislatures, the courts, other trade associations and private entities to advance an equitable business environment and safe working conditions for commercial drivers.

On average, OOIDA members operate their vehicles over 100,000 miles on this nation's highways each year. Unquestionably, they have the most at stake when it comes to highway safety. Their lives and livelihoods literally depend on it.

Truckers such as OOIDA members know from firsthand experience that further increases in sizes and weights of commercial motor vehicles can endanger highway users and hasten the deterioration of our nation's roads and bridges. As such, OOIDA has long been an opponent of increases to federal truck size or weight standards.

Advocates of increased size and weight limits point to productivity and environmental benefits that are allegedly associated with these vehicles. They ignore both the safety risks and the added strain on highway infrastructure that these vehicles present. These factors more than offset any theoretical productivity or environmental gains.

Under the guise of enhanced productivity, some carriers and shippers incessantly push for ever increasing size and weight limits while largely ignoring the dire safety implications.

OOIDA believes that the economic benefits enjoyed by a few would pale in comparison to the increased costs associated with loss of life and property; accelerated deterioration of equipment and the highway system; and developing, implementing and complying with the inevitable imposition of new rules and operational restrictions.

Proposals such as increasing allowable vehicle weights from 80,000 pounds to 97,000 pounds may be described by some as a minor change, but could have a dramatic impact on the safety and structural integrity of some federal aid highways.

SAFETY

To allow vehicle size to increase beyond current Federal limits would seriously jeopardize the safety of commercial drivers and the motoring public. Vehicle stability, mobility and maneuverability would be substantially reduced resulting in a likely reversal of a commercial vehicle safety record that has been improving for more than a decade.

The type of configuration currently being advocated by proponents of heavier trucks, 97,000 pounds gross weight on 6 axles, presents a serious handling issue due to the fact that adding a third axle to the trailer will increase the maximum allowable trailer weight to 51,000 pounds, compared to 34,000 to 40,000 pounds now. The trailer weight would then exceed the allowable weight of 46,000 pounds on the tractor creating a dangerous kinetic force that could easily push the tractor out of control when attempting to stop on icy, snowy and wet road surfaces. Add to that descending a steep mountain grade in the same conditions and even an experienced veteran driver will surely be challenged to keep the vehicle under control.

Driving of commercial motor vehicles is an increasingly complex task. In today's environment, drivers must not only understand the handling characteristics of vehicles they operate, they must also be aware of issues such as cargo securement and be able to deal with realities of highway congestion and careless operators of the other vehicles with whom they must share the roads. As the collective number of miles travelled by commercial motor vehicles continues to grow, it is a tribute to the abilities of the commercial drivers that the corresponding number of highway fatalities related to trucks has not grown.

Stress induced driver fatigue is compounded significantly when operating larger and heavier vehicles. The already-stressful commercial driving task would be heightened to dangerous levels with increases to current truck size and weight standards. Stress induced driver fatigue compounds significantly in proportion to increased adversity in the driving environment. Vehicle size and handling characteristics are a very important component of that environment.

Heavier weight adversely affects vehicle stability, increases stopping distances, exacerbates brake fade on downgrades and slows the vehicle's ascent on hills. In many cases center of gravity rises in correspondence with heavier allowable weight limits increasing the risk of vehicle rollover. This danger compounds significantly on vehicles with multiple trailers.

ROADWAY & EQUIPMENT DETERIORATION

Increasing truck size and weight would accelerate the deterioration of the nation's highways and bridges. Many routes as well as pickup and delivery points would become totally inaccessible without substantial, costly upgrades to accommodate vehicles larger or heavier than currently allowed under the Federal rules.

In addition to the amplified damage to roadways caused by heavier and longer equipment that has been described by other witnesses this morning, increased axle combinations that would be necessitated by weight increases will boost the damage to road surfaces related to "scuffing" which is a phenomenon associated with certain axle configurations where the vehicle's tires drag across the road surface when turning. Scuffing is most prevalent in configurations where a trailer is equipped with a group of three or more axles – just the type of configuration being primarily advocated by proponents of increased sizes and weights. Scuffing is especially damaging to paved surfaces in hot weather, a condition under which one can physically see the pavement buckle and roll up under the massive stress.

As the size of vehicles increase, the number of highways and bridges that are designed to accommodate them become fewer. What the trucking industry and the nation needs is more available capacity on our highway networks, not less, that has the design capability to allow the free flow of cross-country commercial traffic to pick-up and delivery points. Considering the current financial dilemmas being faced by the federal Highway Trust Fund and state transportation budgets as well as the overall condition of our nation's highways and bridges, the last thing we need is to accelerate the deterioration of our infrastructure.

Places that are big enough for commercial vehicles to park where drivers can get needed rest are already in short supply. Rest areas and many truck parking areas are not designed for vehicles any larger than those allowed under current Federal law. The size of access routes to many pick-up and delivery points, and room to maneuver within various loading and unloading areas are limited. If vehicle size continues to increase, many areas could become totally inaccessible to those vehicles without substantial and costly upgrading of the infrastructure.

Increases to allowable weight standards will also hasten the deterioration of trucking equipment. Strain on the engine and other drive train components, structural stresses on frames and suspensions, and accelerated tire and brake wear are just a few issues that are caused by hauling heavier loads. While these issues may not be of great concern to large corporate motor carriers who turnover their equipment on a regular basis, it would correspond to significant cost increases for small business truckers that comprise the vast majority of the trucking industry in the U.S. Upgrading to vehicles equipped with heavier-duty components is a cost prohibitive proposition for small businesses. Furthermore, the increased wear on equipment is not only a costly maintenance issue, but also a serious safety concern.

UNIFORMITY

National uniformity in truck size and weight regulation is of the utmost importance in assuring the free flow of goods throughout the nation. A significant portion of motor carriers operate cross-country, on multiple highways, through many different states. The typical OOIDA member operates over irregular routes in more than 23 states each year.

National uniformity is imperative to ensure the unimpeded flow of interstate truck transportation. Past experience proves that when decisions affecting interstate movements are left to the discretion of the individual states, including truck size and weight, the result is a total lack of uniformity and as the Congress has previously stated, "an impediment to the free flow of interstate commerce."

State and local governments also have an obligation to protect the safety and investment of their citizens. Their economies depend on the trucking industry to provide essential transportation services. OOIDA believes that the safety of the motoring public, and the transportation needs of all citizens and their communities can best be balanced through a uniform national network of highways with reasonably, consistent size and weight limitations.

The obstacle presented by the Midwestern "barrier states" in the late 1970's and early 1980's is just one example of the need for national size and weight uniformity. Shippers of high density goods located in the 80,000 pound states expected carriers to load to the maximum allowable gross weight without regard that the truck must travel to or through these barrier states where vehicle weight limits were significantly lower. Length laws also varied. It took Federal legislation to force states to recognize a uniform size and weight standard on certain highways, but even then the uniformity aspects were short lived.

No sooner than federal length limits required states to allow use of trailers of 48 feet in length, a relative handful of shippers and motor carrier interests began targeting individual state legislatures to authorize use of 53 foot and even longer trailers. Individual legislatures in many states are no match for the high pressure lobbying techniques that can be exerted by powerful interests within their states. These lawmakers inevitably acquiesce to economic and political interests that have minimal or no regard for the longevity of the highway system or any negative highway safety aspects that may result from their actions. And so, the upward ratcheting of truck sizes and weights would continue pitting one state against another.

Ironically, once shippers become aware that bigger trailers (or equipment) are available, they routinely request such larger equipment even in instances where their cargo or shipments could easily fit into smaller trailers. Oftentimes these shippers are totally unaware and largely unconcerned as to which states or routes these trucks can legally operate in or on. As things stand, shippers often require a 53' trailer but, in most cases, shipments do not fill up the whole trailer. Most loads could be handled by 48' trailers, but 53' trailers have become common place in the industry.

Currently trailer length laws vary in several states. This issue is complicated further by varying king-pin laws enacted in some states. Additionally, there is no uniform method for measuring king-pin distance.

A continued, if not enhanced federal role is imperative to protect the safety of highway users by, among other things, containing truck size and weight within discreet limits. However, if federal size and weight limits are increased, the Association believes that even more federal oversight of an industry already heavily burdened by regulation would be necessary. Enhanced equipment specifications and exacting driver requirements would be essential, requiring a multitude of new regulations.

NON-DIVISIBLE LOADS

The Association is also opposed to the issuance of any divisible load weight permits. The practice of issuing overweight permits has become abusive in various jurisdictions. The permits are often issued not on the basis of necessity, but on the basis of economic favoritism to certain industries. Overweight permitting practices of this nature amounts to little more than unwarranted aid to select, politically powerful shippers. The trucking industry and motoring public shoulder the burden of compensating for the costs of repairing the corresponding damage caused to the infrastructure, not to mention the increased safety risks associated with these types of loads.

There is no justification for granting an overweight permit in the case of a divisible load. A divisible load is, by definition, capable of being carried on more than one vehicle. The only reason for not doing so would be to economically benefit a certain shipper. The Association feels that consideration of the convenience of or cost to a shipper is wholly inappropriate in issuing an overweight permit. Overweight permits should only be issued in those rare circumstances when an overweight load cannot be physically subdivided into a series of smaller shipments that would not damage the highways or compromise highway safety.

OOIDA also believes strongly that there should be no special provisions by commodity or operation beyond over-dimensional and overweight permits for non-divisible loads. Historically, truck size and/or weight increases initially instituted to benefit an exclusive few shippers and/or carriers quickly become the new standard which all carriers must emulate in order to remain competitive.

Generally speaking, OOIDA is opposed to exemptions from size and weight limitations for any vehicles. Assuming that existing standards have been established based on sound engineering and safety principles, allowing exemptions for select vehicles contravenes the validity of those principles.

CONCLUSION

The Association is opposed to any increase in the Federal size and weight limits. The Federal, State and local government interest is to safeguard the lives and property of highway users, to

provide uniform access and regulations, and to protect the public investment in the nation's highway system.

Stability, mobility and maneuverability are substantially reduced on bigger and heavier trucks. The larger and heavier the vehicle, the more problems it has interacting with other vehicles on the highway. Increases to current standards could seriously jeopardize the safety of both automobile and commercial truck drivers.

If truck size and weight restrictions are set aside, thousands of smaller motor carriers would be placed at a severe competitive disadvantage since only the very large carriers would have the means to quickly make the change to bigger equipment. A select few shippers may benefit, however, it is highly doubtful that the public would gain any economic relief or environmental benefit from those shipper's ability to utilize larger vehicles.

Short term, limited economic benefits enjoyed by a few would pale in comparison to the increased costs associated with loss of life and property; accelerated deterioration of equipment and the highway system; and developing, implementing and complying with the inevitable imposition of new rules and operational restrictions. If weights are increased, the already limited number of viable routes available to commercial motor vehicles would further be diminished. Efficiency in the trucking industry would be lost, not gained.

Thank you again Chairman DeFazio and Congressman Duncan for the opportunity to testify before the Subcommittee. I look forward to the dialogue, and will be happy to answer any questions that you may have.



Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

Statement of

Captain John E. Harrison

President

Commercial Vehicle Safety Alliance

Before the

Subcommittee on Highways and Transit of the Committee on

Transportation and Infrastructure

United States House of Representatives

**Truck Weights and Lengths: Assessing the Impacts of Existing Laws and
Regulations**

July 9, 2008

Introduction

Good morning Chairman DeFazio, Ranking Member, Representative Duncan, and members of the Subcommittee. I am John Harrison, President of the Commercial Vehicle Safety Alliance (CVSA) and Captain with the Georgia Department of Public Safety.

CVSA is an international not-for-profit organization comprised of local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada, and Mexico. Our mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. Our goal is uniformity, compatibility and reciprocity of commercial vehicle inspections and enforcement activities throughout North America.

Chairman DeFazio, thank you for calling this important hearing and inviting CVSA to testify on issues relating to truck size and weight issues. We appreciate your consideration of the enforcement aspects of truck size and weight. With approximately 180 million commercial vehicle weighings each year in the United States, and 3.3 million roadside inspections of commercial vehicles, we represent a large constituency whose comments need to be considered in order to have an effective size and weight program.

In my testimony today I will discuss enforcement and safety issues relating to existing truck size and weight regulations, as well as to offer some of our views on a path forward as we will shortly enter into discussions regarding the Reauthorization of the transportation program.

Even though I am a Captain and have a number of employees under my command, I maintain my CVSA Certification to conduct North American Standard Roadside Inspections. I work out in the field with the troops on a daily basis. From my perspective, if I am to be effective and have credibility within the ranks, this is something I need to do.

Size and Weight Enforcement Issues that Exist Now with Existing Size and Weight Limits

The enforcement of truck size and weight limitations has been a long-standing obligation of the states, performed in conjunction and with the assistance of the Federal Highway Administration (FHWA). Traditionally, the enforcement aspects of truck size and weight have been viewed through the prism of infrastructure protection and preservation. While CVSA supports this belief and view, we also believe more emphasis needs to be placed on the safety performance of vehicles, drivers and motor carriers who operate larger vehicles—and more specifically and importantly—those who choose to violate the law and operate vehicles in excess of the size and weight limitations.

Without question we understand the need to protect and maintain our nation's highway infrastructure—and want to continue our compliance and enforcement efforts in this

regard. However, we are also committed to compliance and enforcement efforts that not only ensure the protection of our infrastructure, but also ensure the safety of those vehicles and drivers traveling on our highways. Since a majority of fatalities associated with large-truck related crashes are multi-vehicle crashes between large trucks and 4-wheelers, we need to consider policies, regulations, activities and enforcement that are consistent with assessing and taking action to mitigate risk where it is most needed, while at the same time making sure we understand and can take positive actions to account for the “unintended consequences.”

The FHWA has safety as a core component of its mission, and we want to make sure that it remains so as a part of its truck size and weight program. It is our firm belief that oversize and overweight commercial vehicles present safety hazards on our roadways. We are pleased to learn that FHWA is undertaking a study to help further define this highway safety risk.

From 2005 through 2007, the Motor Carrier Management Information System (MCMIS) maintained by the Federal Motor Carrier Safety Administration (FMCSA) indicates there were 892,724 commercial vehicle size and weight violations cited by roadside inspectors. These data were for those situations where a driver/vehicle inspection report was completed and uploaded to the MCMIS database. This number represents 13.37% of the total number of violations cited during driver inspections over this time period and ranks number 2 on the list in terms of the most oft-cited violations. What is not known is how or if these data correlate with other motor carrier, driver and vehicle safety and performance problems and crashes. Through our members’ experience in the field, anecdotally we believe that it does. Before any significant decisions are made with modifying truck size and weight limitations, we believe there needs to be a better understanding of the efficacy of the enforcement regime, and more importantly, if there is a correlation of oversize/overweight vehicles and their performance with increased crash risk and consequences. As an added benefit of linking size and weight violations with safety consequences, a provision could potentially be added to the *North American Standard Out of Service Criteria*. The end result of this action would permit law enforcement officers throughout North America to place a vehicle out of service for a violation of size and weight limitations, therefore having it affect the motor carrier’s safety rating and/or SafeStat score.

We also understand and appreciate the size and weight issue has many facets to it. We hope that the DOT and its appropriate agencies will examine all of these details as it moves forward in preparation for reauthorization—making sure that safety is a critical consideration.

CVSA is not necessarily against the possibility of increasing truck sizes and weights in certain cases/situations; however, if we are to support them there MUST be at the minimum an equivalent level of safety established. In particular, there are several specific safety issues that would concern us with respect to increasing sizes and weights:

1. The potential increases in stopping distances that would likely result, and how the performance of other vehicle components will be affected;

2. How size and weight increases to carrying capacity will impact performance as it relates to manufacturer weight ratings (i.e. we do not want people overloading vehicles further than what they were designed for);
3. We already have issues and compliance problems today with load securement, and there continues to be a large number of crashes related to this issue – how would size and weight increases impact on this;
4. Adding axles—while in concept this is helpful to spread the load to more locations, but in practical terms we have concerns (today) with air axles (i.e. putting not enough air or too much air as it hampers vehicle stability and performance) and lift axles that have the potential of being exacerbated with an increase to truck sizes and weights; and
5. While we are not experts on the infrastructure-related issues, we wonder what the impact of increasing truck sizes and weight would have on the bridges in our country. It is well documented that many of our bridges are in need of significant maintenance and upgrade, and the obvious question arises as to whether increasing truck sizes and weights will add to these concerns.

In addition to the safety issues above, there MUST be adequate resources made available to the enforcement agencies so they are able to monitor compliance and take enforcement action when warranted.

We also believe if FHWA is able to establish a strong safety nexus to size and weight enforcement, it will help the state enforcement agencies make their case for receiving their full measure of support and resources (state and federal funding) from the state Departments of Transportation to carry out their enforcement efforts. While a number of state enforcement agencies do receive the FHWA funding and support through their state DOTs for this effort, others have difficulty in making the necessary agency linkages for such funding support. If FHWA establishes a stronger safety component, it will foster closer ties between the state motor carrier safety enforcement agency and the state DOT. This should substantially help in resolving this problem in those states, as well as any future problems should they arise. As a final point related to resource issues, one of the major cost items for size and weight enforcement is labor. We are hopeful that as efforts move ahead to reauthorize the federal truck size and weight program that this will be taken into consideration concerning the state enforcement agency's funding needs.

One of the largest challenges with existing truck size and weight policies and regulations is the lack of uniformity from state to state, and sometimes even within states. This can often times translate into challenges for enforcement, and it certainly makes life more difficult for industry to maintain compliance. In addition, there are a variety of exemptions and special permits all across the country, which also creates difficulties for enforcement and industry compliance. Many of these programs have varying requirements associated with them. As an example, some states require pilot car escorts with certain types of loads. Some states require law enforcement officials to escort the load. Some states do not require escorts. All of these varying requirements also result in different fees from jurisdiction to jurisdiction for the permitted loads. The lack of uniformity creates major difficulties for enforcement as it is nearly impossible for any

single agency to have knowledge of all the various state and/or jurisdictional size and weight exemptions and permit requirements for interstate movements.

It is our view that there needs to be a stronger federal role in facilitating a framework for research, policy and performance based regulations and the enforcement for truck size & weight operations on the Interstate portion of the National Highway System. Except under extreme circumstances, states and municipalities should not be permitted to provide exemptions or exceptions for inter OR intrastate operations on this portion of the National Highway Network. We also believe more study needs to be completed on the non-interstate portions of the National Highway System because there are similar infrastructure and safety concerns on these sections of roadway. In fact, the large truck-related crash data seems to indicate that a larger proportion of fatality crashes occurring on non-interstates. Many of our member enforcement agencies are seeing increases in truck size and weight violations on these sections of roadways.

In part as a result of these safety concerns, there is a gradual shift of resources whereby more enforcement resources are being deployed on the non-interstates. In addition, many states are developing and deploying “virtual weigh stations” to help expand their enforcement footprint. These systems vary from the simplistic to the complex, but in effect are a technology or a suite of technologies that allow for the unmanned identification, monitoring and weighing of commercial vehicles. As a result of this interest at the state level, FHWA is in the process of conducting a study to investigate how various technologies can be combined and deployed to enhance the efficiency and effectiveness of states’ truck size and weight enforcement programs, as well as to recommend strategies to encourage the deployment of roadside technologies to improve truck size and weight enforcement. We are looking forward to the results of this work in the hopes that ultimately more resources can be devoted towards providing a “force multiplier” effect to enhance the enforcement presence and effectiveness on all sections of our highways.

Political and Policy Issues Relative to Increasing Truck Size and Weight Limits

There has been no significant change in federal size and weight law since 1982 except for the 1991 freeze on longer combination vehicles. However, since 1982 there have been many changes in freight movement that are also related to truck size and weight such as significant growth in freight traffic, changes in freight characteristics and movement patterns, just-in-time delivery, global economics and trade, intermodalism, economic deregulation, enhanced safety and enforcement programs and truck equipment advances. In addition, there has been a tremendous movement in the adoption of technology (in industry and government), data availability and analytical capabilities and performance-based program development and delivery. Given the above, as well the current landscape, it is clear that we need a more comprehensive approach in the United States to truck size and weight policy.

We understand that there are a series of legislative actions on this issue being considered at the federal and state levels. This certainly is nothing new. The problem that exists today is due to the fact that we have had a patchwork of regulations, exemptions and permit programs for decades. We cannot allow this to continue. We MUST gain a better understanding of the true impacts that truck size and weight have to all aspects of our transportation system. We also need to further examine the various oversize/overweight exemptions and permit programs to evaluate their costs and benefits. The more variety there is in regulations and permit programs, the more difficult the task for enforcement to monitor compliance, initiate effective enforcement actions and levy appropriate sanctions.

Therefore, we do not support enacting any significant legislative or regulatory changes until such time as we have a more uniform, methodical and science-based approach to evaluating the safety, infrastructure and environmental costs and benefits. To this end, we fully support the recommendation referenced in *Transportation Research Board Special Report No. 267: Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles* which discusses the creation of a Commercial Traffic Effects Institute (CTEI). The work that would fall under the mandate of this organization would help guide and develop a more comprehensive, rational and equitable national freight policy that will aid decision makers in making more sound and objective judgments with regards to truck size and weight issues. It will also aid in establishing more transparency and accountability throughout the system.

As noted in TRB Special Report 267:

“Congress should create an independent public organization with a charter to observe and evaluate commercial motor vehicle performance and the effects of size and weight regulation. This organization, referred to here as the Commercial Traffic Effects Institute, would be chartered to develop federal size and weight standards and related highway management practices, recommend regulatory changes, evaluate the results of the implementation of new regulations, and support state implementation of federal regulations. The Institute would be authorized to enter into agreements with private sector entities to conduct joint programs of data collection, research, and evaluation. Three considerations demonstrate the need for a new organizational arrangement. First, under present practices, federal size and weight policy has been deadlocked for more than a decade, in spite of general dissatisfaction with the regulations. Second, under the present system, regulatory changes that have occurred have been enacted without benefit of objective analysis or full public comment. For example, no new federal size and weight regulation has ever been subjected to a conclusive follow-up evaluation, and virtually no new information has been produced in the past decade that would help resolve the question of the safety effects of regulatory changes. Third, the committee’s recommendation for a new system for federal supervision of state permitting calls for federal oversight functions that are not consistent with the responsibilities and competencies of any existing federal agency.”

We believe that the Institute, if constructed and operated properly and provided with adequate resources, would help to serve as an independent body to provide helpful and needed guidance to government and industry on this very complicated and important

issue that is so vital to safety of the traveling public as well as the future competitiveness of the U.S. in the global marketplace.

In a 2006 TRB paper (Attachment 1) submission by Fekpe, Gopalakrishna, and Woodrooffe, they presented a conceptual framework for a federally supervised, state-administered, performance-based oversize and overweight permit program for the operation of heavier and larger vehicles on the public highways. The structure of the permitting system is based on experiences and practices in implementing performance-based systems in Australia, Canada, New Zealand, and the United States. Conceptually, the framework consists of three main interrelated components: administrative, enforcement, and evaluation systems. The administrative system would be comprised of several elements directed at establishing the requirements, standards, and administration of the permitting system. The enforcement system would include regulations, special conditions, education or communication to the industry, effective fines or penalties for violators, and adjudication. The enforcement system will periodically generate records indicating carrier compliance or non-compliance with the terms and conditions of permits and the frequency of these events. The evaluation system defines the data and processes to ensure that the permitting system is continuously evaluated. The results of the evaluation are necessary for revising the performance standards, limits, and conditions for the permitted vehicles. The challenge is enforcement of the performance-based, oversize/overweight, permitting system. Periodic re-assessments of permitted vehicles in addition to continued roadside enforcement of operating conditions is recommended. We believe that a system similar to the one offered through this paper could be instituted by the CTEI as a potential approach to a performance-based system for improving the management, operation and safety performance of oversize/overweight commercial vehicles in the United States.

With respect to the pilot study recommendation provided for in TRB Special Report 267, we would suggest the following factors be considered if that recommendation is to be pursued:

1. Make sure the sample is science-based and that (to the extent possible) the results can be shown to be statistically significant;
2. Select companies with a proven track record of superior safety performance;
3. Ensure there is a control group in order to help assess and measure the efficacy of the pilot vehicle configuration(s) and performance;
4. Ensure that the drivers are trained, tested and competent at operating the vehicles they will be driving and have clean driving records;
5. Ensure that the drivers of the pilot vehicles are operating them on sections or roadways that they are familiar with;
6. Make sure the pilot vehicle size and weight configuration(s) do not put additional stress on the bridge structures than the current bridge formula allows;
7. Employ computer modeling and validation testing of pilot test vehicle configuration(s) prior to initiating the pilot vehicle(s) into operation on the roadways;
8. Consider the establishment of truck-only lanes and/or time of day restrictions to confine the use of heavier trucks to these lanes and limit their interaction with smaller vehicles;

9. Require that the pilot vehicles install all 4 of the truck technologies contemplated in HR 3820 (collision warning systems, lane departure warning systems, vehicle stability systems and brake monitoring systems);
10. Provide consideration for time of day operational limitations;
11. Require vehicle monitoring systems to record and measure performance data;
12. Instrument vehicles and roadways to measure impacts on the infrastructure;
13. Require periodic vehicle inspections to evaluate the impacts on the condition of performance of the pilot vehicles;
14. Consider limitations on length or travel and/or adjustments to driver hours of service requirements to minimize the potential for fatigued operators;
15. Consider allowing the pilot vehicles only on sections of roadway that are major freight corridors;
16. The federal government should be charged with creating and managing the performance standards, evaluating performance and establishing federal sanctions for non-compliance, while the state governmental agencies should be charged with administration and enforcement of the program;
17. Evaluate the compliance and enforcement resources necessary to adequately monitor compliance in the event the result(s) of the pilot would become national standard(s); and
18. Conduct a comprehensive cost-benefit evaluation and to build what works from the pilot studies into national performance-based standards.

We also believe there is merit to the idea of establishing (in certain locations and circumstances) dedicated truckways for commercial vehicle operations. As previously mentioned, since many large truck crashes are multi-vehicle crashes involving smaller vehicles and the fact that many crashes occur off the interstate system, we believe the notion of dedicated highway facilities for trucks is worth further exploration. From a safety perspective, there seems to be obvious benefits to this concept.

Summary

There are fundamental issues that exist now with the existing size and weight limits that need to be resolved before we can begin a rational discussion of issues relating to increasing truck size and weight limitations.

Uniformity in regulation, policy and enforcement at the state and federal levels are critical issues that need to be adequately addressed in any consideration that is given to the truck size and weight issue.

Safety considerations are as critical as infrastructure preservation when it comes to truck size and weight, and we need to improve upon our understanding of the safety issues and their operational impacts.

We believe that it is possible to resolve a number of the institutional issues through improved coordination and cooperation between the FHWA, FMCSA and the state DOTs and enforcement agencies.

Recognizing the ever increasing traffic congestion on our highways, the projections for growth of truck traffic over the next decade, and the need to develop more efficient means of hauling freight due to the energy crisis that has captivated the country—we believe a comprehensive and structured process that involves all affected parties must be put in place to examine this issue from all angles in a more objective and systemic manner. This is not a short term issue, and taking a piecemeal approach whether it is through state or federal legislation or policy in our estimation is a short-sided view that does not take into account the breadth of this challenge. While we certainly appreciate the fact that the rising cost of energy is front and center, we cannot sacrifice safety and the future quality and performance capabilities of our transportation system.

Thank you again for the opportunity to be here with you today. We look forward to working with the Subcommittee and the full Committee as you move forward in your deliberations on this issue as well as during the pending reauthorization process.

ATTACHMENT 1

Fekpe et al

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PERFORMANCE-BASED OVERSIZE AND OVERWEIGHT PERMITTING SYSTEM

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ABSTRACT

This paper presents a conceptual framework for a federally supervised, state-administered, performance-based oversize and overweight permit program for the operation of heavier and larger vehicles on the public highways. The structure of the permitting system is based on experiences and practices in implementing performance-based systems in Australia, Canada, New Zealand, and the United States. Conceptually, the framework consists of three main interrelated components: administrative, enforcement, and evaluation systems. The administrative system comprises several elements directed at establishing the requirements, standards, and administration of the permitting system. The enforcement system includes regulations, special conditions, education or communication to the industry, effective fines or penalties for violators, and adjudication. The enforcement system will periodically generate records indicating carrier compliance or non-compliance with the terms and conditions of permits and the frequency of these events. The evaluation system defines the data and processes to ensure that the permitting system is continuously evaluated. The results of the evaluation are necessary for revising the performance standards, limits, and conditions for the permitted vehicles. The challenge is enforcement of the performance-based, oversize/overweight, permitting system. Periodic re-assessments of permitted vehicles in addition to continued roadside enforcement of operating conditions is recommended.

INTRODUCTION

Truck size and weight (TSW) regulations are important in determining infrastructure construction and maintenance requirements and the cost of freight transportation. All states regulate the sizes and weights of trucks operating on the public roads (1). Federal and state TS&W regulations define the weight and dimensional envelope into which the truck fleet must fit, and this influences the characteristics of the national truck fleet. While federal law regulates truck size and weight, the states use a varied combination of weight limits. Only seven states apply the federal law directly without any modification or "grandfather right" adjustment. Several recent TS&W studies have generally included options to both increase and decrease Federal TS&W limits, and focused primarily on options to improve productivity through various increases in TS&W limits. The recent TRB Special Report 267, "*Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles*," (2) provides policy-level recommendations designed to promote reform of the current federal regulations, as well as changes in the regulations to improve the efficiency of truck freight transportation and mitigate the cost of truck traffic to the public. The report recommended a federally supervised permit program to rationalize the current state-issued exemptions. The permit program, implemented with federal oversight would be a mechanism whereby the performance of the regulations could be evaluated, and adjustment could be made when warranted by the evaluations and by changes in external conditions (2).

This paper presents a conceptual framework for a federally supervised, state-administered, performance-based permit program. First, the state of the practice in oversize and overweight permitting in the United States and other countries, including Canada, Australia, and New Zealand was assessed. The structure of the proposed permitting system is based on experiences and practices in implementing performance-based systems in Australia, Canada, New Zealand, and the United States.

STATE-OF-THE PRACTICE IN PERMITTING IN THE UNITED STATES

Most heavier and longer combination trucks currently operate under some form of overweight and/or oversize (OS/OW) permit system, and arguments have been made that the most promising approach to achieve improvements in motor carrier productivity, safety, and other goals is through substantially improved permit systems. States continue to control size and weight limits on state highways and Interstate highways under grandfather rights. Many states allow weight exemptions for divisible loads based on certain classes of vehicles or commodities, by statute or with permits. Significant variations exist among states in terms of policies and fees charged for vehicles that are above established size and weight limits. States participating in multi-state OS/OW permitting agreements have enabling legislations in place for non-divisible loads and would require legislative revisions for divisible load permits.

The structure and implementation of OS/OW permitting systems in the United States are generally similar in the sense that through grandfather rights or special statutory exemptions, 31 states allow vehicles weighing more than 80,000 pounds to operate on the interstate highway system under divisible-load permits. Most of the states make extensive use of their grandfather rights, increasingly through issuance of multiple-trip permits. Multiple-trip permits essentially allow unlimited operation with no accounting for mileage or routes for a greater length of time, generally one year. In addition, 22 states allow operation of multi-trailer combinations of more than 80,000 pounds (2). States also participate in multi-state OS/OW permitting agreements that have enabling legislations in each participating state.

Permit fees are usually set up to primarily recover the cost of administering the permit program and several states are in the process of revising the permit fee structures to include the cost responsibility of trucks into the pricing framework. However, full cost recovery is least likely to be implemented because permits are usually issued to promote local industries and thus it is difficult to charge permit fees that are commensurate with full cost recovery.

All states consider infrastructure-related performance measures in OS/OW permitting. The bridge formula and bridge analysis are the main infrastructure performance criteria used. With regards to safety-related performance, some states e.g., Idaho and Oregon apply special performance-related conditions or standards as part of the process used to determine the allowed routing and trailer combinations.

PERMITTING SYSTEMS IN OTHER COUNTRIES

Australia, New Zealand, and Canada have used the performance-based system approach to investigate innovations in vehicle configuration and approve vehicles for operation under the permit regime (3), (4), (5), (6). For example, performance-based systems are utilized in evaluating prospective vehicles applying for special permits for the transportation of divisible loads. Although the approach in Australia and Canada is similar (there are significant variations from jurisdiction to jurisdiction because of differences in need), there appears to be a significant difference in emphasis between these two countries and New Zealand.

In Australia and Canada, the performance-based system has been used to approve vehicles that are more productive and have performance characteristics that are better than the vehicles they replace. Thus, the main safety benefits arise from greater efficiency resulting in fewer trips and hence less exposure as well as some safety gains on individual vehicles. This emphasis is particularly noticeable in lightly populated regions such as Queensland, Australia and Saskatchewan, Canada.

In New Zealand, the focus has been much more on safety gains at the individual vehicle level rather than with substantial productivity improvements. To some degree, this is a reflection of the different geography and transport requirements. The more densely populated states in Australia (Victoria and New South Wales) are more inclined to this approach as well. However, in Canada's more populated provinces (Ontario and Quebec), the use of performance-based systems is less frequent as they are only now being applied to guide policy. The delay in the implementation of performance-based systems is probably due to the entrenched nature of existing size and weight limits in these provinces, which tend to be more liberal than the national average. Recent concerns about infrastructure wear and use of steerable axles have prompted the renewed interest in performance-based systems.

Australia, on the other hand, is undertaking research to develop an alternative compliance regime for size and weight based primarily on performance-based systems. (Note that New Zealand is participating in this research project and if the results are implemented in Australia, it is likely that they will also be implemented in some way in New Zealand.) This compliance regime will be an optional alternative to the prescriptive limits. Given the probable costs of a performance-based system assessment, it is unlikely that operators would avail themselves of the performance-based system alternative unless there are significant economic advantages (probably in the form of productivity gains). Safety benefits are likely to arise from reduced exposure more than improved safety at the individual vehicle level.

In some provinces in Canada, the concept of "envelops" of over-dimensional and overweight vehicles is used that depicts candidate requirements, conditions and restrictions for different widths, heights and lengths of vehicles and/or loads. Unlike the United States, certain enforcement rules apply with operation of special permits in some other countries. For example, Canada operates a revocable special permitting system where vehicles operating under special permits can be revoked for non-compliance with the terms and conditions of the permit. The revocable nature of this system serves an incentive to carriers to recognize the importance of maintaining good records. There is also close coordination between the regulating body and the carriers to develop and implement strategies that ensure safety and efficiency.

CONCEPTUAL FRAMEWORK FOR OS/OW PERMITTING SYSTEM

A good performance-based system must be both robust and simple enough to be practical and accommodate growth. A practical system is one that can be easily implemented and enforced. Implementation may require certification of vehicles stratified by type of configuration, commodity, and highways on which they operate. Practicality also can be defined in terms of ease of enforcement by roadside inspectors. This means that the system's performance measures or surrogate measures can be easily verified by conducting simple and quick tests at the roadside. It is also expected that there should be some level of regional flexibility in the methods of analysis in the performance-based system's pass/fail level criteria. However, the same criteria would be applicable to the same operating conditions regardless of the region or the country.

The following sections outline the essential elements of a performance-based system suitable for implementation in the United States. The performance-based permitting system comprises two major elements – the performance standards used and the framework of the system.

Performance Standards

Given that highway functional classes are designed to different geometric design standards, it is essential that any performance-based system be sensitive to functional road class (e.g., interstate, arterials, divided, non-divided). The geometric features have significant effects on the safety performance of vehicles. Thus, operational considerations are important when choosing a vehicle for special permit service. This means that vehicles that qualify for the special permit system must be constrained to designated routes defined by road class.

In order to achieve this required flexibility, it may be necessary to create variable performance criteria that are sensitive to the various factors. Performance standards can be grouped into two main categories: (i) safety-related performance measures and (ii) infrastructure preservation performance measures.

Safety Performance

The intrinsic safety performance of a particular vehicle under a specific TS&W limit is related to its engineering dynamic performance. This relationship is affected by external factors such as the operating environment. Certain dynamic performance measures appear to be more important than others in terms of their casual relationship to crashes. Some analyses have linked rollover threshold, rearward amplification, braking efficiency, and low-speed offtracking to risks of certain classes of crashes. Of these measures, rollover threshold and load transfer ratio are the most meaningful. Low propensity for rollover in both rapid steering maneuvers and in steady-state maneuvers is especially desirable for vehicles transporting hazardous materials in bulk. Rearward amplification is correlated to the load transfer ratio and the friction utilization measure is useful in determining how close tractor steer axle tires are to saturation. Rearward amplification is of great significance for multi-combination trucks and congested, high-speed traffic. Concerns about steer axle saturation can be reduced considerably by stipulating a minimum wheelbase for tractors, thus eliminating the need to include friction utilization as a measure. Also, outboard offtracking response in a steady turn, and under transient conditions, is of importance for multi-combination vehicles.

The real factor influencing crash rates is by increasing safety awareness with the driver and maintenance crew. The culture of safety in a motor carrier company can be significantly influenced by a special permit system that is conditional on safety-related outcomes. Ultimately, drivers and their actions as well as driving nature will have the biggest influence on safety.

Infrastructure Preservation

Bridge and pavement loading are the two primary infrastructure concerns of permitting OS/OW vehicles. Analysis of potential stresses imposed by a permitted vehicle provides an indication of the ability of the bridge structure to withstand the imposed loading. Similarly, analysis of potential pavement distresses resulting from repeated loading from OW vehicles provides indication of the performance of the infrastructure.

The notion linking infrastructure preservation to user/permit fees reflecting the cost of longer, heavier vehicles on the infrastructure is essential for accountability of the program. There is significant flexibility in how this can be accomplished and a national program will require a practical procedure. New Zealand fits all commercial vehicles with hubometers and uses a weight distance tax. In this system, diesel fuel is not taxed. In Saskatchewan, Canada, the government calculates the increased profit that an overweight haul will produce and collects 50 percent of the increased profit from the carrier for infrastructure improvement on the particular

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3 haul route. This system is probably the most progressive as the carrier must prove that there is a
4 significant economic benefit before it can be approved and must ensure that the vehicle complies
5 with vehicle dynamic safety performance measures. Such complex systems may not be practical
6 within a large-scale U.S. program. An example of a more realistic solution is graduated fees
7 calculated on the basis of equivalent axle loads or extended vehicle dimensions possibly tied to
8 offtracking that can be related to infrastructure use. In this way the costs to the infrastructure can
9 be accounted for as part of the permit fee. It will be important to ensure that the fees collected
10 for the permit system are retained by the road authority so that the funds can be invested into the
11 infrastructure and the administrative costs of the permit system.

12 The states own, operate, and maintain most of the highway system. Therefore, as long as
13 the states have the information needed to make route-specific decisions, the federal government
14 does not need to have such detailed information. The federal government can, however, develop
15 permitting criteria that could be either mandatory or advisory, depending on how much
16 responsibility the federal government is prepared to cede to the states. This performance based
17 system essentially redefines federal role in truck size and weight regulation where there is
18 increased federal oversight of safety, fees, and enforcement. In this system, federal role in
19 defining numerical dimensional limits will be diminished. The rationale behind increased
20 federal role in OS/OW permitting is to promote rational and consistent standards across the
21 nation and the ability to evaluate the consequences of regulatory changes at a national level.

22 The following sections describe a concept of the operations and the components of the
23 framework for a federally supervised state-administered OS/OW permitting system. The
24 framework is applicable to both, the existing truck size and weight regulatory regime as well as
25 the truck size weight provisions recommended by TRB (2).
26

27 CONCEPT OF OPERATIONS

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29 The proposed permit system will be administered by the State Departments of Transportation
30 (DOTs). The concept of operation of the permitting system is based on the framework illustrated
31 in Figure 1 which shows the interrelationships among the various components.

32 The permit system can either be the only permitting system or an alternative approach
33 available to the states. The federal government develops and provides the performance
34 standards, thresholds, and the testing method or approach to the states.

35 To participate in the program, *carriers need to be qualified* by the state DOTs based on
36 their safety records. *New vehicle ideas* can be initiated by the pre-qualified carriers or by state
37 DOTs in response to the demand from carriers. A *permit system administrator* will test and
38 certify vehicles to be permitted for compliance with the various performance standards. The
39 permit system administrator can be the state permitting agency or a public or private third party
40 who is *accredited* by the federal government or a government-approved body, such as the
41 Society of Automotive Engineers (SAE).

42 If a vehicle configuration fails to meet the performance criteria, the carrier and the state
43 agency will be required to make modifications to the suggested configurations. Upon successful
44 testing, the permit system administrator produces a report for the state DOT, *certifying that the*
45 *vehicle configuration* meets the performance criteria.
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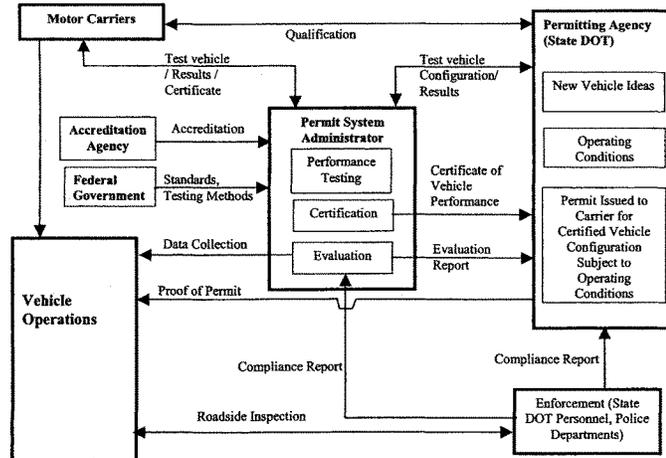


FIGURE 1 Structure of the Permit System

The state DOT, upon receipt of the certification, may issue a permit to the carrier contingent on the *operating controls* on available routes, speeds, time of day requirements, etc. The operating conditions are set by the state DOTs. The *proof of the permit* can be provided either in paper or electronic form using transponders, smart cards, or equivalent technology.

The carrier agrees to operate the vehicle in accordance to the terms and conditions of the permit and also agrees to provide data for an initial *period of three to six months for evaluation and pilot testing* by the permit system administrator. The pilot testing will evaluate the vehicle configuration with respect to the *evaluation goals* set for the program.

The enforcement of the permits should be handled by *roadside inspections* performed by existing law enforcement personnel. Violation of the permit rules could result in *suspension or revocation of the carrier's permit* for the vehicle configuration until resolution of the violation.

STRUCTURE OF PERMITTING SYSTEM FRAMEWORK

The conceptual framework of the permit system as illustrated in Figure 1 comprises three major systems or building blocks (administrative, enforcement, and evaluation). The components of each system are shown in Figure 2 and described in the following sections.

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Administrative System

The administrative system comprises several elements directed at establishing the framework, requirements, and standards, as well as administration of the permitting system. Figure 3 illustrates the relationships among the components of the administrative system. The components are described in the following sections.

Legislative Framework

The legislative framework defines the roles, responsibilities, and authorities of federal, state, and other entities that would be involved in the permitting process. The relationship of the permitting system with existing multi-state agreements should be defined. Furthermore, the administrative procedures for appeal (due process) must be defined.

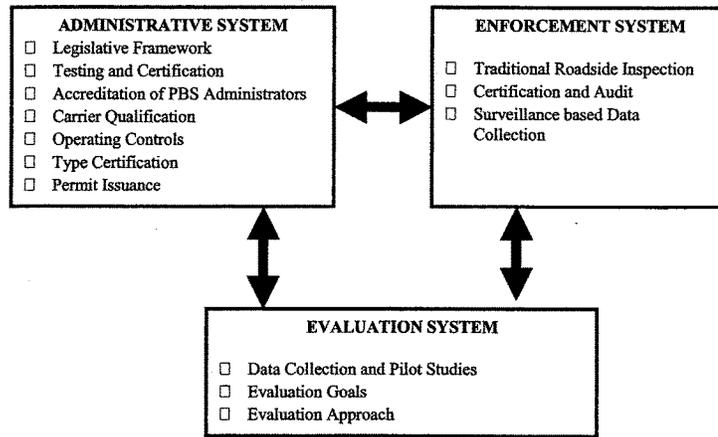


FIGURE 2 Conceptual Framework for Permit System

Testing and Certification

Certification defines performance standards and methods of assessment in evaluating and certifying candidate vehicle combinations to meet the requirements for safety and infrastructure performance. The two essential elements of the testing and certification process are (i) definition of performance standards, and (ii) specification of methods for performance assessment.

Performance Standards Definition

U.S DOT should define vehicle performance measures and standards for use in the performance-based permit system. It is expected that these performance measures also would be related to

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highway functional classes and traffic volumes. The permit system should address certain requirements for infrastructure issues, including construction closures, pavement management systems, and bridge analysis requirements.

The following measures and thresholds in Table 1 are suggested as the core measures of performance. These measures and respective thresholds are derived from experiences in Australia, Canada, and New Zealand. Additional measures and thresholds may be added as needed.

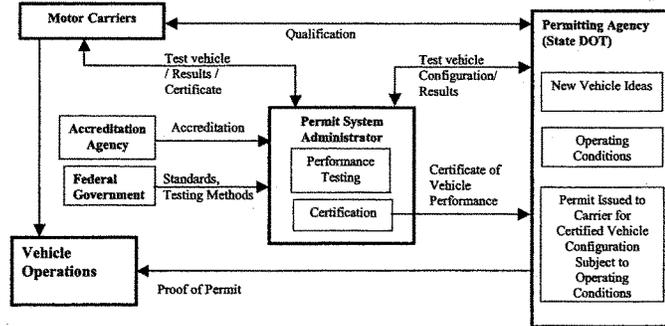


FIGURE 3 Administrative System

TABLE 1 Core Performance Measures and Thresholds

Performance Measure	Criteria
Static Rollover Threshold	Greater than 0.35g
Rearward Amplification	Less than 2
Load Transfer Ratio	Less than 0.6
Low Speed Offtracking	6.0 m
High Speed Offtracking	Less than 0.46 m

Method of Performance Assessment for Certification

This aspect requires the development of a uniform performance assessment system that can be used by the permit system administrator for certification. For most performance measures, computer-based modeling is the preferred method of vehicle performance assessment, as variables can be controlled and testing errors can be eliminated while results can be audited after the testing. Computer models for simulating vehicle behavior must be approved and calibrated on a regular basis. Recognizing the limitations of computer simulations, some form of vehicle testing would be required to calibrate and validate the simulation models. This should be done periodically to ensure that the simulation models yield reliable results. It may be appropriate that the certification agency uses a specific software package specially created or modified for this

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process. Where it is necessary to develop new models and/or databases, the development cost of the models and vehicle parameter data sets should be recovered over time from performance-based system permit user charges.

System Administration

The systems administration defines the administrators who would serve as the accredited agency or expert for testing and certifying vehicles. Certification can be either through the permit agency itself or an independent system administrator. The use of a third party also ensures that the testing and certification process is uniform across the states.

It is noted that the use of a third-party performance-based system administrator does not necessarily mean the use of private agencies. Third-party permit system administrators could imply a federal agency or a multi-state consortium tasked with the testing, certification, and evaluation of the permit system.

Carrier Qualification

Carrier qualification defines the process for pre-qualifying carriers participating in the permitting program. The screening criteria are pre-set by each participating state. Participating vehicles are pre-certified and the carrier's safety record and credentials routinely verified with state and federal agencies by the third-party administrator

A carrier qualification process would be developed considering safety-related criteria, such as crash history, FMCSA inspection history, SafeStat rating, state weight violation history, and insurance filing. Acceptance into the program is conditional and may be revoked upon evidence of violation of any of the conditions.

Operating Controls

This defines the operating conditions of permitted vehicles and can include such elements as minimum driver experience, time-of-day operating restrictions, inclement weather and road condition operating restrictions, enhanced safety equipment requirements, and the setting of load and traffic violation thresholds.

Type of Certification

Once a vehicle type has been certified, it would seem logical that the carrier be permitted to operate identical vehicle configurations without having to provide performance-based system compliance proof. However, it is important to note that the performance characteristics are not only determined by the vehicle configuration but also by the loading pattern, the geometry of the highway, and to some extent the driver behavior as well.

In essence, the carriers will be permitted to operate vehicles similar to the performance-tested configuration only to carry the commodity it was tested with and will be restricted to similar classes of roadway and compliance with other operational conditions.

Permit Issuance

As the final step before issuing a permit, the state DOTs should define permit issuance procedures and requirements, including user fee structure. In addition, a mechanism for fee collection and distribution procedures as well as auditing provision for compliance should be clearly defined. The type and duration must be determined by the participating state. Fees that are charged for the permit will be determined by the states within the guidelines/ parameters

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3 issued by the U.S. DOT. Federal fee structures also would be adjusted to recover the federal
4 share of any added infrastructure costs and to pay for federal costs to administer the permit
5 program. The fee structure could also include an incentive scheme to encourage the use of
6 better performing vehicles. To the extent possible, such an incentive scheme should reward
7 truck operators that use better performing truck configurations with lower permit fees.
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9 **Proof of Permit**

10 The "permit" may be for a single trip, unlimited number of trips, or it may be a multi-state permit
11 issued by a base-state. The possibility of using transponders to include the proof of permit needs
12 more research in terms of the technical and business feasibility. These vehicle-specific
13 transponders can be mounted on the vehicle by the issuing agency. The information contained in
14 the transponders will include the approved performance standards, information about the vehicle
15 and carrier, permit number, type, and expiration. For purposes of enforcement, the use of
16 Intelligent Transportation System (ITS) technology such as transponders would allow permitting
17 agency and enforcement officials to assess the legality of a vehicle, load, and driver. The
18 objective should be to ensure that the workload for enforcement officers will remain largely
19 unaffected by the performance-based system as ITS will largely automate the enforcement
20 process. The use of transponders or smart cards for storing permit information also would
21 greatly facilitate enforcement and evaluation activities.
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23 **Enforcement System**

24 Enforcement is critical in assuring compliance with all laws, rules, and regulations governing the
25 operation of trucks and truck combinations on the highway system. The traditional enforcement
26 system consists of more than just the physical presence of law enforcement officers. It includes
27 regulations, special conditions, education or communication to the industry, effective fines or
28 penalties for violators, and adjudication. A performance-based approach to permitting larger
29 and/or heavier trucks discussed in this research requires a futuristic enforcement system. Along
30 with ensuring compliance, a well-managed enforcement system also helps to fortify the safety
31 culture within transport companies.
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33 The enforcement system must consider operating conditions that assure the field
34 enforcement officer that he/she can easily recognize a "legally permitted" truck or truck
35 combination, and not feel compelled or required to measure or weigh it. Enforcement could
36 assume 100 percent compliance with the requirements since there would be a process in place to
37 ensure that a carrier and vehicle receiving a permit has been approved and certified in a
38 structured process involving qualification, certification of vehicle configuration, and use of
39 operating controls. Deviations from the permit requirements (e.g., routes, loading, speed)
40 constitute violations. Violations should result in permit revocations and vehicles violating the
41 provisions of the special permit should be suspended from operation (placed out-of-service) and
42 the vehicle restrained until the carrier demonstrates compliance. Figure 4 illustrates the
43 enforcement system and the various elements of the system described in the following sections.
44

45 *Achieving Visibility and Recognition*

46 The traditional enforcement method for oversize or overweight permitted vehicles requires a
47 driver to possess a permit (facsimile or paper) that contains the conditions for operation and a
48 permit number. This requires law enforcement to stop a vehicle on the highway or at a weigh
49 station and check the paperwork. In the future, an enforcement system could inform the agency
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of the legality of a vehicle and load through the use of ITS technology. The objective should be to ensure that the workload for traditional enforcement officers remain largely unaffected by the performance-based system, as the ITS would largely automate the enforcement process.

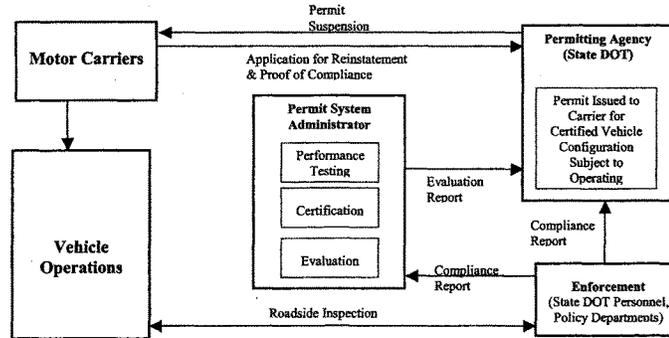


FIGURE 4 Enforcement System

Monitoring of Carrier Operation

The data would be collected from the transponder and recorded daily on an event-by-event basis by the local law enforcement personnel. The data are then transferred and downloaded to a clearinghouse maintained by the permit system administrator. Periodically, the permit system administrator will produce a record for the state DOT and carrier that shows the operation of the carrier vehicles is in compliance with the pre-established routing, permitted time-frame, and conditions for operation (e.g., weight, size, configuration). The performance-based system administrator will also produce a record for enforcement that indicates carrier compliance or non-compliance with conditions of permits and the frequency of these events

In this system, similar to the Australian approach, the compliance mechanisms are associated with the risk involved. Where there is a high risk, compliance mechanisms will be designed to guarantee better compliance results are achieved. Where there is a low risk, compliance mechanisms can be simpler and less onerous.

Evaluation System

The evaluation system defines the data and processes to ensure that the permitting system is continuously evaluated. The results of the evaluation are necessary for revising the performance standards and limits for the permitted vehicles. Figure 5 shows the structure of the evaluation system.

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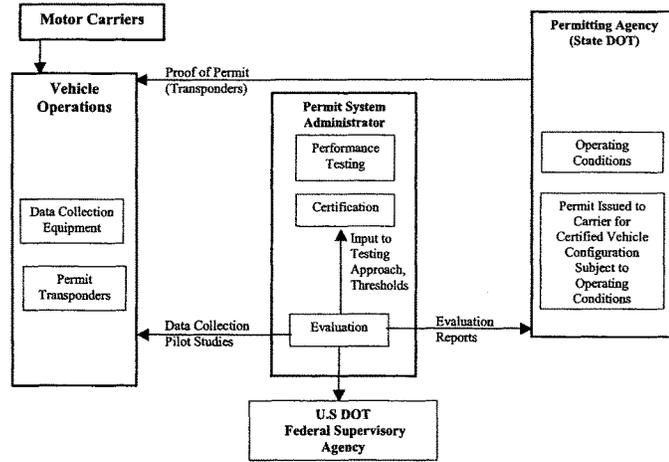


FIGURE 5 Evaluation System

Data Collection and Pilot Tests

The definition of vehicles eligible for permitting would be subject to review over time, based on the results of the evaluations. Thus, a key premise of the TRB study was that regulations should be dynamic and that changes should be considered based on the evaluations conducted. Federal reviews of the performance of the permitting program would be permanent and ongoing, and the program's results would guide the revision of the limits.

The notion of a performance-based system, on the other hand, may seem to be static in that a set of performance criteria are established and all vehicles must conform to those criteria. The criteria or threshold values for the various performance measures should be redefined, depending on the vehicle type and operating conditions. Therefore, once the vehicle configurations and operating conditions continue to change, the threshold values need to evolve accordingly.

The OS/OW permit framework allows for a structured evaluation of these goals by providing a basis for data collection and carrier co-operation. The carriers, as a part of the permitting project, would agree to participate in pilot tests for a period of three to six months. This three to six-month period allows early feasibility testing and validation. The three to six-month test adds a layer of intermediate testing before new vehicle types are allowed to operate.

Evaluation Goals

Evaluation is intended to measure the consequences of changes in dimensions, weights, and operating practices. The evaluation component for trucks operating under the special permit framework has six major goal areas discussed below.

1. Use and Compliance of Carriers and Vehicles Operating under Special Permits-

Evaluation is intended to track the use of special permits with consideration to the number of permits, types of loads, and types of vehicle configurations for which permits are being requested. The evaluation also will monitor the compliance of the permit stipulations by coordinating with the enforcement system to track vehicle configuration, weights, and routes. While this has been a critical and difficult element to measure in the traditional permitting systems, the use of transponders and associated technologies would make evaluating compliance and tracking violations easier.

2. Safety Impacts - Historical crash data for configurations expected to be operating under the special permits will not be available initially. However, over time this system will allow for the collection of accurate exposure data leading to hi-fidelity crash data. In the current absence of these data, collecting on-board vehicle operations and driving performance data will provide a means for evaluating safety impacts. Statistical analysis can be used to identify unsafe conditions and relate crash involvement to truck performance measures. Data requirements include vehicle control inputs such as lateral acceleration, brake application pressure, speed and distance traveled, and GPS-related inputs.

3. Infrastructure Impacts - The infrastructure impacts of vehicles operating under the special permit system can be broadly classified into three types: (i) pavement impacts, (ii) bridge impacts, and (iii) roadway geometry impacts.

Pavement and bridge costs should be calculated for vehicles operating under the special permits. Offtracking performance and tail swing are key indicators of vehicle turning characteristics. Offtracking tests should be performed as a part of the permitting process rather than as an evaluation component. The “infrastructure impact” goal also includes research into emerging infrastructure design concepts and truck-only facilities. While this evaluation goal does not require on-board driving data, pavement cost and bridge cost models should be developed for configurations operating under the special permit framework.

4. Traffic Operation Impacts - The introduction of new truck configurations could have significant effects on operations and level of service on the highway network. Potential evaluation goals in this area include identifying the effects of larger and heavier truck combinations on the capacity of the road network. The effect of operational controls such as time-of-day restrictions also should be investigated to determine their influence on highway capacity and congestion.

5. Productivity Impacts - This evaluation goal identifies the economic benefits of using vehicles operating with special permits to allow for comparisons to the vehicles they

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would be replacing. The scope of the evaluation includes identifying the variables allowing for the calculation of cost savings to shippers in terms of volume of freight, VMT, fuel, and time. The evaluation is also useful in forecasting impacts of freight transportation.

6. **Environmental Impacts** - By monitoring fuel consumption and knowing the emissions characteristics of engines, reliable estimates of emissions can be determined. With accurate freight weight and volume data, it is possible to normalize emissions to a given freight task. Such data will become increasingly valuable to environmental policy makers and for future international agreements on the environment.

Evaluation Approach

Continuous evaluation of vehicles operating under the permit system is proposed. Consequently, the carriers would have the responsibility for reporting crash information and violations to the permit framework along with being subject to random compliance reviews and inspections by a federal supervisory agency such as FMCSA. It is noted that such reporting and review systems already exist for hazmat transportation.

CONCLUDING REMARKS

A framework for a performance-based, oversize/overweight, permitting system was developed in response to the recommendations of the TRB 267 report. Information derived from the state of the practice in performance-based, oversize/overweight permitting systems in Australia, Canada, and New Zealand and oversize/overweight permitting practices in the United States guided the development of the framework.

The framework consists of three main interrelated components: administrative, evaluation, and enforcement systems. Each system has a number of elements or subcomponents that define the functions of each system. The proposed performance measures were selected based on experiences and practices elsewhere. A unique feature of the framework is the evaluation component, where the performance of the system is continuously monitored and results are used in revising the performance measures. Feedback from the evaluation and enforcement systems into the administrative system allows for overall assessment of the performance of the permitting system in meeting the goals of improving highway safety.

The challenge is enforcement of the performance-based, oversize/overweight permitting system. Periodic re-assessments of permitted vehicles in addition to continued roadside enforcement of operating conditions is recommended. It is also advised that this permitting framework be tested through pilot studies, using a few vehicle configurations (e.g., six-axle tractor semitrailer truck at 90,000 lbs and double-trailer configurations with each trailer up to 33 feet long), before implementation is extended to other vehicle configurations.

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Testimony of

Jeff G. Honefanger
Manager, Special Hauling Permits Section
Ohio Department of Transportation
Vice Chair, Sub-Committee on Highway Transport
American Association of State Highway and Transportation Officials

Regarding

Truck Weights and Lengths:
Assessing the Impacts of Existing Laws and Regulations

U.S. House of Representatives
Committee on Transportation and Infrastructure

July 9, 2008

Founded in 1914, AASHTO represents the departments concerned with highway and transportation in the fifty States, the District of Columbia and Puerto Rico. Its mission is a transportation system for the nation that balances mobility, economic prosperity, safety and the environment.



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Mr. Chairman, members of the Committee, good morning.

I am Jeff Honefanger, Manager of the Ohio Department of Transportation Special Hauling Permit Section, appearing on behalf of the American Association of State Highway and Transportation Officials (AASHTO). I am the Vice-Chair of AASHTO's Subcommittee on Highway Transport which is responsible for truck size and weight issues for AASHTO. With me today is Mr. Denny Silvio of the Louisiana Department of Transportation and Development. Mr. Silvio has over twenty years of work experience related to size and weight permitting and enforcement, and currently serves as the Chair of the Oversize/Overweight Permit Task for the Subcommittee on Highway Transport.

Thank you for the invitation to speak and answer questions today regarding current and future issues related to the size and weight of vehicles moving on our nation's highways.

The importance of effective enforcement of truck size and weight laws and regulations is not widely recognized or understood. One facet of its importance can be seen in the facts and figures on freight movement today and in the future.

In 2005, trucks on highways carried 77 percent of all domestic freight by tonnage and 92 percent of freight by value, accounting for 61 percent of all ton-miles of freight moved. The forecast for 2035 is that trucks and the highway freight system will carry 80 percent of all domestic freight (by tonnage and 95 percent of all freight by value), accounting for 65 percent of all ton-miles of freight moved.

Trucking is a \$620 billion industry and will reach one trillion dollars before 2015. For every dollar spent on freight transportation in the United States, 90 cents are spent on trucking. In 2005, the industry moved 11.8 billion tons of freight in half a billion loaded trucks; by 2035 it will move 23.2 billion tons in a billion trucks.

Trucking employs more than three million drivers, including 1.3 million drivers of long-haul, heavy-duty trucks. With an additional 5.6 million people employed in trucking-related jobs, the total industry employment equates to about one job for every 15 people in the U.S. work force. Representing about five percent of the U.S. gross domestic product (GDP), the trucking industry is a major direct contributor to the country's economy and because of the dependence of commercial supply chains on truck-based logistics, its indirect influence on the economy is even greater.

Accommodating the projected highway freight demand will be a major challenge. Every truck on the road today will have one more truck behind it by 2035. If the highway freight system cannot keep up with the additional demand, maintain productivity, and keep transportation costs down, then the consequences will be higher freight transportation prices, reversing many of the productivity gains of the last decades.

The trucking industry is lagging other freight modes in increasing productivity by hauling more freight per vehicle and labor hour. As operating costs and customer demands go up, pressure is mounting to revisit and lift the current national caps on larger and heavier trucks.

That pressure is being felt in a new environment. Traditionally size and weight laws, regulations and enforcement were focused principally on infrastructure protection and safety, which remain

preeminent concerns. Today, however, the case for change includes additional factors such as the need to move more freight more efficiently, and the imperatives of energy conservation and greenhouse gas emissions reduction.

As the nation looks for ways to retrofit its freight infrastructure for the 21st century, a number of proposals have been advanced nationally and within states and regions that could lead to revisions in truck size and weight on existing infrastructure or on new infrastructure such as dedicated truck lanes or truckways.

Assessing these proposals should include all of the above considerations as well as impacts on other modes of transportation, in particular freight rail, and the consequences for the overall efficiency and productivity of the nation's multimodal freight transportation system.

Within this large and very complicated issue area, I have been asked to focus today on the subject of Oversize/Overweight Permits. This subject is very complex and has numerous nuances that would require volumes to cover completely. In broad terms, Oversize/Overweight Permits enable vehicles whose loads exceed statutory dimension and weight limits to travel safely, efficiently and legally on public roadways. Using Ohio as an example, and in general terms, a permit is required whenever a vehicle or load exceeds eight feet, six inches in width, thirteen feet, six inches in height, has a trailer or load length greater than fifty three (53) feet and a gross vehicle weight greater than eighty thousand (80,000) pounds. A permit would also be required if the weight on an axle exceeds twenty thousand (20,000) pounds or on an axle tandem group exceeds thirty four thousand (34,000) pounds. In state fiscal year 2008, which ended June 30, 2008, the Ohio Department of Transportation issued two hundred seventy-five thousand, one hundred and thirty-six (275,136) Oversize or Overweight permits

Oversize/Overweight permits are documentation of a special privilege granted by an entity having jurisdiction over a roadway, to waive the statutory dimension and weight limitations in order to allow a vehicle that would be otherwise illegal, to travel. The time duration on Oversize Overweight can vary from state to state. Typically, the time duration is one day to ten days for a single trip permit up to permits that are valid monthly, quarterly or annually. Regardless of the time period, this special privilege is more than a revenue instrument employed by states. Oversize/Overweight permits are not a paper process designed to circumvent dimension and weight laws, either. They are means by which a state manages the safe movement of exceptional loads, while preserving the transportation infrastructure and assuring the safety of others on the roads.

Generally, states have similar processes and practices when issuing permits. In Ohio's case, our process utilizes an automated system that begins with an internet based permit application. Once an application is submitted, our system verifies that the carrier has sufficient liability insurance, checks for construction restrictions, confirms that adequate clearances exist and performs an analysis on every bridge on the proposed route. The application is given a final review by a technician, and if approved, the system accounts for the fees and the oversize/overweight permit is forwarded to an automated faxing system, where the permits is sent to any location the applicant requests. Whenever vehicles exceed fourteen feet in width, fourteen feet, six inches in height or one hundred twenty thousand (120,000) pounds of gross vehicle weight, they are classified as Superloads and receive a more detailed analysis from our staff. Currently, there are no differences in fees for a "routine" and superload permits. However, the processing times

differ. Typically, routine permits are issued in fifteen minutes or less. A superload takes on average three days.

Often, these superloads have unique restrictions or special conditions assigned on the permit. For example, a bridge may need to be crossed at a walking speed to reduce the vehicle's impact on the structure. This condition would also warrant law enforcement in order to provide safe and effective traffic control. Unique restrictions may include day and time of travel, these lessen a vehicle's affect on congestion.

While other states may have similar processes and practices, some significant differences exist in what states will permit. These differences are often dependent upon the conditions of the state's infrastructure. For example, of the fifty states, Ohio is ranked thirty-fifth in geographic size, seventh in population and second in the number of bridges on the highway system. Because of high traffic volumes in small geographic area and numerous bridge restrictions, our standards can be more restraining than some other states.

Each state has its own fee structure for Oversize/Overweight permits. As previously stated, Ohio does not differentiate between a routine permit and a superload permit. This is because Ohio currently assesses only a fixed administrative fee. Some states assess a mileage based fee, using the vehicles weight and travel mileage to determine the fee. Some states assess a fee that combines a fixed fee in combination with a mileage based fee. Establishment of fees for a monthly, quarterly or annual permit vary based on each state's system.

Oversize/Overweight permits are a balancing act. While safety and infrastructure preservation are the primary responsibilities of any Department of Transportation, when evaluating the issuance of a permit, there are economic development considerations as well. Oversize/Overweight permits have an important role in the economic well being of a state, a region and even the nation.

This is demonstrated through some of the differences in permitting practices between states which are related to factors other than infrastructure. For example, states in which agricultural products contribute significantly to economic vitality have often established overweight permits to expedite the transport of such commodities. If a state is heavily industrialized, permit weight maximums for equipment such as mobile cranes, which support industry activities, tend to be higher in order to facilitate their movement. Coastal states are generally more liberal in granting overweight permits for intermodal ocean containers being transported to or from port facilities. Striking a balance between infrastructure preservation and the creation or retention of jobs is already a delicate endeavor. When state Oversize/Overweight permits become part of the incentives, the long term effect of the short term solution, can be a dilution of the function of Oversize/Overweight permits causing additional burden to the highway system.

Fortunately, by and large, state permitting processes have and continue to effectively manage the movement of oversize and overweight commercial vehicles and loads. Without them, the national highway infrastructure would undoubtedly be irreparably damaged and the funding deficit for roads and bridges totally unmanageable. Even so, there are challenges on the horizon that must be addressed if these programs are to continue to be effective. Some of these are:

- **Increasing permitted truck volumes** – States must utilize work forces that are shrinking due to funding constraints to attempt to manage permit applications that are growing with increased truck volumes. Automation efforts have proved useful in this effort, but are not “cure alls”.
- **Larger and heavier loads** – The national trend is that permitted loads are getting bigger and tend to weigh more than before. There are a variety of reasons for this trend: transport efficiencies, commodity assembly issues, shipping costs related to alternate methods of transport, etc. Unfortunately, roads and bridges across the nation are aging and deteriorating and were simply not designed to support such loads.
- **Recovering the costs of the wear and tear caused by Oversize and Overweight permitted vehicles** - Oversize/Overweight fees differ greatly from state to state. Some states have a fee structure that incorporates some form of wear and tear assessment. Other states, such as Ohio, have set fees to cover only the costs of administration of the Oversize/Overweight Permit process. Determining the actual impact cost to the infrastructure associated with an Oversize/Overweight permitted vehicle has proven to be extremely difficult.
- **Statutory “creep”** – Over time, there is a tendency for more and more permits to be established and the sizes and weights allowed to grow. Once permits are in place, it is very difficult to amend or do away with them, even if highway infrastructure conditions change. Furthermore, once precedents are set, it becomes much easier to grant additional allowances for even larger loads.
- **Impact of growth of global economy** - Intermodal container load volumes doubled over the past decade and represent both a unique challenge and an opportunity for improving operational processes. While overweight permits are often issued for the movement of these containers, attempting to verify that any given load is within weight allowances is very difficult once they leave the port facilities. A federal mandate that ports install scales for the purpose of confirming compliance with permit weight requirements would go a long way toward addressing this need, provided that all such facilities were included in the requirement. Competitive disadvantages would result if this were not the case.
- **Effective enforcement of Oversize/Overweight permits** - Law enforcement agencies are facing ever increasing demands on their officers with fewer resources. Without available competent and capable enforcement, Oversize/Overweight permits become less meaningful. Innovative practices and uses of technology need to be developed.

Despite these and other challenges and concerns, there is cause for optimism. Research is underway to examine the effectiveness and practicality of existing technologies. Together state and federal interests are working together to find solutions to these vexing problems.

Two years ago I had the honor and privilege of being co-chair of an International Scan Team, comprised of federal and state representatives that examined European approaches on vehicle

size and weight enforcement. We saw how various technologies were utilized to enforce size and weight laws, verify Oversize/Overweight Permits and protect highways. As a result of this scan, evaluations are being conducted on the practicalities of adopting many of the European practices here, in the United States. But even as these evaluations are taking place, there are “real life” applications of the European techniques learned, being implemented.

Louisiana offers one example how you can apply the lessons learned through a strong federal and state partnership to reduce the damage inflicted upon the highway infrastructure by heavy trucks. Heavy trucks were producing significant damage to the temporary structure erected to replace the westbound I-10 Twin Span Bridge, which was severely disabled by Hurricane Katrina. The Federal Highway Administration (FHWA) determined that establishing a weigh station equipped with Weigh-in-Motion technology west of the bridge would provide the necessary protection from heavy trucks and thus greatly reduce maintenance costs and speed up construction of the new permanent structure. The results produced a true success story, maintenance costs were immediately and significantly reduced once the new station became operational. It continues to be a very effective resource in meeting the goal of safeguarding an essential link in the transportation chain.

When major incidents or disasters happen, Oversize/Overweight permits issued by a state are verifications that the permitted vehicle can move without an adverse incident on the permitted roadways. Oversize/Overweight permits assure that vehicles will clear overhead structures, not damage bridges and be able to successfully navigate the geometrics of the route. Further, an issued Oversize/Overweight permit will facilitate and expedite the movement of the permitted vehicle. For example, if a law enforcement officer stops the vehicle, the driver, by producing the appropriate permit, will not be delayed while the officer tries to verify the validity of the movement.

Another positive reality associated with oversize and overweight permitting is that there are many success stories of states and the trucking industry working together to mitigate the impact of permit loads on the highway system as they facilitate the safe and efficient movement of large commodities. As the size and numbers of loads have increased, so has the level of participation of government and industry representatives working together to find viable solutions to the problems associated with such moves. Associations like AASHTO serve as catalysts in this process.

In the last couple years AASHTO’s Subcommittee on Highway Transport has held working sessions with industry organizations representing manufactured housing, mobile cranes, utilities, wind turbines, and boat carriers. Each of these trucking industry sub-groups has distinctive characteristics and needs leading to concerns with “one size fits all” regulation. AASHTO has agreed with the National Marine Manufacturers Association on proposed changes to federal boat carrier regulations and hopes to come to similar understandings with other segments of the industry.

More generally, organizations such as the American Trucking Associations have advanced proposals for change in truck size and weight law and regulation, and others, such as the American Road and Transportation Builders Association, have made proposals that would

significantly change how highway freight movement infrastructure would be managed and financed.

Individual states, such as Minnesota and Wisconsin have underway or have completed analyses of possible changes in their size and weight laws. Coalitions of states including those on I-95, I-70, and I-10 are investigating the possibility of new infrastructure for trucks.

AASHTO, in its recommendations to the National Surface Transportation Policy and Revenue Study Commission stated that,

States, in collaboration with the freight transportation industry and the federal government, should investigate the feasibility of regional adjustments in truck size and weight in particular corridors that demonstrate important economic benefits and meeting safety, pavement/bridge impact and financing criteria.

AASHTO is in the process of carrying out this recommendation in cooperation with the U.S. DOT and the trucking industry.

Mr. Chairman, Members of the Committee, the importance of the subject you have under discussion today would be hard to exaggerate. Oversize/Overweight permitting is more than a process granting permission to a vehicle to travel and as such cannot be looked at in isolation. Oversize/Overweight permits touch on safety, infrastructure protection, and the economic vitality of other transportation modes. In today's challenging transportation environment, productivity, fuel costs, driver shortages, congestion, green house emissions, pavement life and bridge dependability are additional pressures that have to be considered when issuing an Oversize/Overweight permit. It is in the interest of us all to take on the challenges as vigorously and effectively as we can. On behalf of the AASHTO member states, I promise that we will work with you in that effort.

Thank you

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**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
TRANSPORTATION & INFRASTRUCTURE COMMITTEE**

**SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
REP. PETER DEFAZIO, CHAIRMAN**

JULY 9, 2008

Mr. Chairman and members of the committee, I'm Commissioner Mike Opat from Hennepin County, Minnesota, the state's largest county with more than 1.1 million residents, 45 cities and beautiful Minneapolis as our county seat.

I appreciate the opportunity to testify on federal limits to truck size and weight because the policy set by Congress will have a direct impact on Hennepin County, our 1,637 lane-miles of roads and 141 bridges that we own and maintain.

Let me simply state that Hennepin County is opposed to any increases in the size or weight of commercial trucks operating on our highways. This past April, the Hennepin County Board unanimously passed a resolution opposing any increase in truck size or weight, and the Minneapolis City Council unanimously approved a similar measure just three weeks ago.

As you all know, the safety of roads and bridges is of particular concern to my constituents and me. Last August, 13 people were killed when the I-35W bridge collapsed in Minneapolis. A rush of bridge inspections led us to permanently close the Lowry Avenue Bridge, a 103-year-old Hennepin County bridge on the National Highway System which we must immediately replace—and we are seeking federal assistance to help do so. Lowry's four lanes over the Mississippi River, added to the eight lanes lost by I-35W, has put a huge strain on the transportation system of the entire Twin Cities metro area. Apart from Lowry, 10 of our bridges have a Sufficiency Rating below 50; we inspect 45 of our bridges annually for structural safety.

I am aware that there are groups lobbying Congress to raise the weight limit on single trailers to 97,000 pounds and allow double- and triple-trailer trucks in excess of 50 tons. I certainly do not fault commercial trucks for causing a bridge catastrophe in Minneapolis. However, increasing allowable truck size and weights on federal highways, without question, will make Hennepin County's roads and bridges more dangerous.

A 2004 statewide poll in Minnesota found that 77 percent of likely voters opposed increasing truck weight limits on Minnesota roads, and 76 percent opposed allowing larger trucks. (Dixon

Polling & Research, Inc., Washington, D.C., poll, from September 11 through September 14, 2004.)

An increase on weight or size limits would also add to the cost of maintaining and upgrading our roads and bridges. Hennepin County highways are often indistinguishable from state and federal roads in terms of size and importance on our transportation grid. And because Hennepin County is so large, we routinely exchange roadways and bridges with the state. The limits that Congress will set for trucks on federal highways impact Hennepin County roads in a major way, because, as shown on the attached map, the vast majority of exits, off of federal highways (in green) are onto County roads (in blue) or municipal roads.

Longer and heavier trucks would overstress some bridges, especially older ones. Bridges are designed with a safety margin for error to ensure against bridge failure. I am concerned that heavier trucks erode that margin for error, increasing the number of bridges that must be replaced or strengthened.

While interstate and other state-maintained highways are designed and constructed for heavy weights, not all municipal roadways are built to this standard. Although many municipalities are burdened with the cost of maintaining non-interstate highways, the Minnesota Department of Transportation (Mn/DOT) issues permits for overweight vehicles to travel on municipally maintained roads without any compensation to the local community for the roadway damage caused by extra-heavy trucks.

Just three years ago, the Mn/DOT testified at a Minnesota Senate hearing that heavier trucks speed the deterioration of our roads and bridges. Mn/DOT determined that a 20 percent increase in truck weight almost *doubles* the fatigue damage to bridge decks, beams and trusses. (Overview of Bridge Design Loadings, Load Postings and Impact of Heavier Truck Weights presentation by Mn/DOT to the Minnesota Senate Transportation Committee, January 2005.)

According to a comprehensive four-year study conducted by the U.S. Department of Transportation and completed in 2000, bridge costs would skyrocket if truck weights and lengths were allowed to increase. Nationwide operation of bigger trucks would require \$50 billion in capital costs to rebuild or strengthen bridges. (2000 U.S. DOT Comprehensive Truck Size and Weight Study.)

Let me give you more detail on costs to the County, since I know many of you at one time were elected to public office for a City or County. Hennepin County owns and maintains \$3.5 billion in highway and bridge assets. Our five-year capital program will invest nearly a quarter-billion dollars in highway and bridge construction projects. We will spend more than \$119 million this year alone to inspect, maintain and operate our transportation network. Increasingly, as the attached graph shows, we must rely on property tax revenues to effectively subsidize a highway system that our constituents already pay for through gas and vehicle sales taxes and registration fees.

Federal weight restrictions have never been higher than today's limit of 80,000 pounds. An increase in truck weights and sizes on federal highways will directly trickle down to county roads, which were built at a time when there were fewer trucks and lighter trucks. Raising the

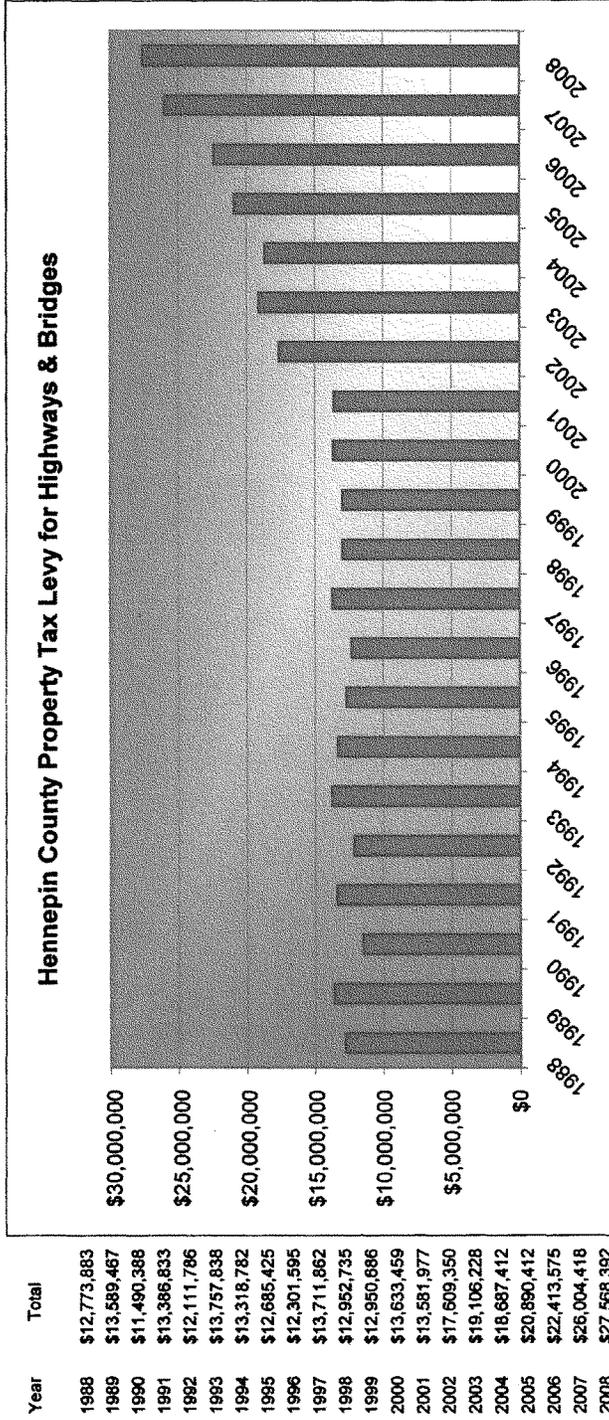
cap on truck size and weight would also be counterproductive: While every bridge in Hennepin County is safe, when we discover structural problems on a bridge, the first step we take is typically to place a weight limit on its traffic.

This is no time to accelerate the deterioration of county and municipal roads and bridges. Over the past several years, Hennepin County has absorbed tens of millions in cuts from federal and state aid. Almost all of our services and infrastructure obligations are required by law. We have done more with less, repeatedly, but increasing demands on our highway system will require additional tax revenue. It would hardly be fair for my constituents to pay, with their personal safety and their tax dollars, for the incremental savings that may accrue to the trucking industry from bigger and heavier commercial trucks.

We know that the heaviest trucks contribute a disproportionate amount to highway and bridge wear and tear, and pay less than they owe for maintenance and repairs. In my view, the last thing Congress should do is permit even heavier trucks on our roadways, at a time when existing big rigs already underpay their costs and add to the burdens of average taxpayers.

Mr. Chairman and members, I realize that Congress—and especially this Committee—are placed in a difficult situation on this issue. With rising fuel prices, I appreciate the trucking industry's desire to cut costs wherever possible. But from my view, and I think Mr. Chairman, from the view of every member of the Committee, the safety of the public has to come first. And so I ask you again to maintain existing weight and size limits for commercial trucks.

Mr. Chairman, I thank the Committee once again for the opportunity to testify on this important issue on behalf of Hennepin County.



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August 4, 2008

Hon. James Oberstar
Chairman
U.S. House Transportation & Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

During my appearance before the Highways and Transit Subcommittee's hearing on federal policy for commercial truck size and weight, you asked if I was aware of any circumstances where trucks as heavy as 130,000 pounds would have driven over the old I-35W bridge.

I have asked County staff to look into this question, and they have also spoken with their colleagues at the Minnesota Department of Transportation. Based on his knowledge and experience, Jim Grube, the County's transportation department director, does not believe that Mn/DOT issued permits for vehicles whose weights were beyond the capacity of the old I-35W bridge.

Of course, like the County, Mn/DOT is aware that some vehicles traveling on its highway system are not properly inspected and permitted.

After the bridge's collapse, media outlets requested and were given public documents related to vehicle weight limits over the bridge. While we await the National Transportation Safety Board's report on the cause of the collapse, it would seem that Mn/DOT's engineers and reporters covering the story do not believe that overweight vehicles were a contributing factor.

As always, please contact me if I can provide additional information on this or any other topic.

Sincerely,

A handwritten signature in black ink that reads "Mike Opat".

Mike Opat
Hennepin County Commissioner

**STATEMENT OF
JEFFREY F. PANIATI, EXECUTIVE DIRECTOR
FEDERAL HIGHWAY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
BEFORE THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
U.S. HOUSE OF REPRESENTATIVES
HEARING ON TRUCK WEIGHTS AND LENGTHS:
ASSESSING THE IMPACTS OF EXISTING LAWS AND REGULATIONS**

JULY 9, 2008

Chairman DeFazio, Ranking Member Duncan, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss Federal regulation of commercial motor vehicle size and weight.

We have a proud history at the Federal Highway Administration (FHWA), and our most important chapter so far began with President Eisenhower's grand vision to connect America in a way that moved people and goods from city to city and State to State in a safe, efficient, and reliable way. Although construction of the Interstate System has been completed, we are not done yet. President Eisenhower's vision does not stop at concrete and guardrails--we continue to carry the responsibility for ensuring that the system provides safe, efficient, and reliable mobility for America.

As we all work together to provide that service to America, we must be sure to maintain our existing infrastructure and do all we can to ensure efficient freight movement. Key to those goals are the commercial motor vehicle size and weight requirements. FHWA is responsible for monitoring and enforcing Federal commercial motor vehicle size and weight limits--requirements that preserve the physical condition of the highway transportation system and the safety of its users. Meeting the freight transportation needs of a growing economy in a safe and efficient manner is the challenge for all of us involved in this endeavor.

Federal involvement in commercial motor vehicle size and weight dates back to the enactment of the Federal-Aid Highway Act of 1956 (Public Law 84-627), which authorized the Interstate System. That Act established weight limits to protect the Federal investment in the Interstate System from excessive damage caused by overweight commercial vehicles. The 1956 law included a maximum width limit of 96 inches, a single-axle weight limit of 18,000 pounds, a tandem-axle weight limit of 32,000 pounds, and a gross vehicle weight (GVW) limit of 73,280 pounds. These Interstate limits were established as a condition on the receipt of Federal-aid funds, and failure to implement or enforce the limits resulted in the withholding of Federal funds. It is important to note, however, that the 1956 Act also included a grandfather clause allowing States to retain any higher axle and GVW limits they had already enacted, as well as their authority to continue issuing overweight permits under the conditions in effect that year.

The Federal-Aid Highway Amendments of 1974, Public Law 93-643, became effective in 1975, increasing the Federal axle weight limits to the maximum allowed today—20,000 and 34,000 pounds for single- and tandem-axles, respectively. This law

also set the maximum GVW at 80,000, provided the vehicle complies with the Federal bridge formula, which sets maximum gross weight limits for groups of axles in accordance with the number and spacing of the axles. These Federal limits were maximums only, and several States chose to retain their lower, pre-1975 Interstate limits. The disruption to national uniformity created by these so-called “barrier States” prevented motor carriers from fully utilizing the new higher weight limits.

The Surface Transportation Assistance Act of 1982 (Public Law 97-424) addressed this situation by making the 1975 maximum weights also the minimums States must allow on the Interstate System. This Act also expanded the Federal regulation of commercial vehicle size by requiring FHWA to designate a National Network of highways, including the Interstates, where States must allow commercial vehicles of certain dimensions and configurations to operate. This Act preempted the States from enforcing laws and regulations that would impose on this National Network trailer length limits of less than 48 feet for truck tractor-semitrailer combinations, or less than 28 feet for truck tractor semitrailer-trailer combinations (doubles), or imposing an overall length limitation of less than 45 feet for buses. States were prohibited from denying reasonable access for these vehicle combinations to terminals; facilities for food, fuel, repairs and rest; and points of loading and unloading for household good carriers. The 1982 Act also established a maximum/minimum width limitation of 102 inches, grandfathered certain trailer dimensions in actual and lawful use in 1982, and authorized FHWA to adopt regulations to accommodate specialized equipment, such as automobile transporters. These requirements remain in effect today.

Size and weight changes in the 1982 Act were accompanied by changes in Federal truck taxes to better reflect the cost responsibility of heavy trucks. In addition to the tax on diesel fuel, there is a 12 percent excise tax on new truck and trailer sales, a tax on truck tires, and a heavy vehicle use tax that varies according to truck weight. Except for the diesel fuel tax, rates for other truck taxes generally have not changed since 1982. The last Federal highway cost allocation study, completed in 2000, showed that many of the heaviest trucks pay considerably less than their highway cost responsibility. While not recommending immediate changes in truck tax rates, that study indicated that if truck size and weights were changed in the future, changes in Federal truck taxes should also be evaluated to match appropriately the pavement and bridge wear caused by the heavier trucks.

Even though the maximum GVW for commercial motor vehicles on the Interstate System was set at 80,000 pounds in 1975, a number of States interpreted their grandfathered permit authority broadly and allowed the operation of increasingly heavy trucks that came to be known as longer combination vehicles (LCVs). An LCV is any combination of a truck-tractor and two or more trailers or semitrailers operating on the Interstate System with a GVW greater than 80,000 pounds. In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA)(Public Law 102-240) froze the weight of LCVs on the Interstate and the length and configuration of longer double- and triple-trailer combinations on the National Network. Referred to as the “ISTEA freeze,” those limits are now listed in Federal size and weight regulations (23 CFR Part 658, Appendix C).

The current, statutorily established, truck length and width restrictions apply on the National Network. This network covers approximately 209,000 miles of roadway and

includes the Interstate System and certain other principal arterial roadways designated by the States and incorporated in Federal regulation. Weight restrictions apply on the Interstate System, which encompasses approximately 47,000 miles of limited access, divided highways that span the Nation. Beyond the Interstate System, States may set their own weight limits.

FHWA has responsibility for monitoring and enforcing State compliance with Federal standards. States incorporate Federal size and weight requirements into State law and enforce those laws with State personnel. States must provide FHWA annual certifications of size and weight enforcement signed by the Governor or his or her designee. The certifications include an enforcement plan and updated information on size and weight enforcement activities. Failure to certify or to enforce adequately all Federal size and weight requirements can result in a ten percent reduction of certain Federal-aid funds to the State in the subsequent fiscal year.

If a State enacts laws or regulations establishing weight limits for commercial motor vehicles that violate the Federal weight standards, the State is subject to loss of its entire National Highway System (NHS) apportionment. In addition, if a State violates the Federal size requirements, the State is subject to a civil action for injunctive relief in Federal district court. To date, FHWA has not permanently withheld funds from any State, though it has sought and obtained injunctive relief in rare cases. Over the years, we have initiated sanctions, but States have returned to compliance, and further action was not required. The severity of the potential sanctions appears to incentivize State compliance with the Federal laws.

In both the certification and the enforcement plan submittals, States notify FHWA of changes proposed in their truck size and weight laws and regulations, which we use to determine whether the proposed changes would conflict with Federal law. The information provided in the certifications also addresses the State administration and issuance of special permits for overweight or oversize loads.

There are times when heavy loads need to move on the Interstate system, including loads carrying generators for power supply in emergencies, windmill turbines and blades for generating power, or manufactured housing. Federal law allows all States to issue permits for oversize or overweight loads that are non-divisible. Federal regulations define as non-divisible any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would compromise its intended use, destroy its value, or require more than eight work hours to dismantle. Some States also have authority to issue permits for overweight divisible loads, pursuant to their 1956 grandfather rights. FHWA monitors State permitting programs for consistency with Federal permitting privileges.

The smooth and secure flow of freight is vital to our nation's economy and to our global competitiveness. Keeping in mind our responsibility to provide a safe, efficient and reliable transportation network to the country, FHWA is engaged in a number of research and program activities related to truck size and weight, a few of which I will highlight for you today.

FHWA is collaborating with one of our sister agencies, the Federal Motor Carrier Safety Administration (FMCSA), on roadside automated enforcement tools that will support the weighing and inspecting of trucks and enable driver and company validation at highway speeds. These tools will enable more comprehensive coverage of the system

and more efficient monitoring and enforcement of size and weight requirements across the entire network.

For example, our current estimates indicate that less than one percent of the trucks weighed are issued citations for being illegally overweight. This means that too many trucks at legal weight are having their trips needlessly interrupted. These smart roadside screening tools will identify trucks that exceed pre-established enforcement thresholds, enabling more efficient and effective enforcement of size and weight requirements. This effort can improve productivity without compromising safety or infrastructure preservation.

As part of the Department's Congestion Initiative, we are looking at the possibility of improving freight movement through truck-only lanes, by which we mean lanes physically separated from passenger vehicles. We are exploring this idea with partners and stakeholders. Together, we are conducting a benefit-cost analysis to determine the economic feasibility of truck-only lanes. Part of this discussion has included the operational parameters that would warrant the construction of such lanes, including the percentage of trucks in the traffic stream, the average annual daily truck traffic on the roadway, and the proximity of large freight generators. We are also considering whether changes to size and weight restrictions would be necessary to make these truck-only lanes economically viable. To date, we have held two forums with the trucking industry and the safety advocates to solicit their viewpoints and recommendations. We will continue to engage shippers, the trucking industry, safety advocates and the public in future discussions of this option. Additionally, the Corridors of the Future Program is giving us the chance to develop multi-State, corridor-wide strategies to create congestion relief. One such corridor is I-70 where the participants will be studying the feasibility of dedicated truck lanes.

As noted earlier, States have substantial authority to control the conditions under which oversize or overweight loads may move, especially nondivisible loads. Divergent State permitting practices sometimes present a challenge to the transport of oversize loads across State boundaries, as is the case for trucks carrying manufactured housing in several Northeastern States. FHWA has facilitated discussions among industry executives and State permit officials to reach a consensus on more efficient, coordinated movements of oversize loads in this region. With the support of the Northeast Association of State Transportation Officials (NASTO), we are moving toward a pilot for harmonized permitting activities in 2009. FHWA will use this initiative as a template for solving complex, multi-state truck mobility issues that arise in other areas of the country. We also are working closely with other regional organizations of AASHTO, like the Western Association of State Transportation Officials (WASHTO), and the Southern Association of State Transportation Officials (SASHTO) on this issue of streamlining the permit process and seeking interoperability between States.

FHWA and its sister agencies in DOT are focused not only on infrastructure preservation but on keeping America moving by improving the safety, security, productivity and mobility of the Nation's highway transportation system. With these objectives in mind, we look forward to continued work with you, the public, and stakeholders.

Thank you for the opportunity to appear before you today. I would be happy to answer questions.

The single largest highway expenditure at the Federal level is for pavements. FHWA is dedicated to leading edge modeling and research efforts to understand the interaction of heavy trucks and pavement structures. FHWA currently has pavement research efforts examining pavement deterioration as a function of vehicle loads, pavement interaction with alternative tire types, and implementation of the new AASHTO Mechanistic-Empirical Pavement Design Guide (MEPDG).

First, FHWA has developed a policy analysis tool, the National Pavement Cost Model (NAPCOM), which uses axle loads and repetitions, pavement design, environmental factors, soil conditions, etc., to estimate the pavement damage for different vehicle classes operating at different weights on different types of pavements. This model was used in the Department's 1997 Federal Highway Cost Allocation Study and the 2000 Comprehensive Truck Size and Weight Study. It is also being used in the highway cost allocation study update that currently is underway.

FHWA is in process of updating the NAPCOM model to incorporate the latest pavement design relationships and is developing a tool for States to estimate pavement damage costs associated with overweight permits. The update and State model will be available in October 2009.

Second, in October 2007, FHWA convened an international workshop of pavement researchers, the trucking industry, tire manufacturers, and EPA to discuss future impacts from the expected increased use of wide-base tires, also known as "super singles." The EPA promotes wide-base tires for increased fuel economy, but they distribute loading to the highway infrastructure differently than traditional tires. Further analysis of the damage expected from wide-base tires compared to conventional tires is planned under the FHWA pavement research program. The Illinois DOT is also leading a national pooled fund project, which is expected to document the impacts of wide-base tires on pavement damage.

Finally, FHWA will soon release a report examining implementation of the new AASHTO Mechanistic-Empirical Pavement Design Guide (MEPDG). This procedure allows more direct analysis of the impacts of specific axle loadings and truck configurations on pavement performance.

QUESTIONS FOR THE RECORD
For Jeffrey F. Paniati, Executive Director
Federal Highway Administration

Hearing on Truck Weights and Lengths:
Assessing the Impacts of Existing Laws and Regulations
July 9, 2008

Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives

Questions from Chairman Oberstar

QUESTION: Mr. Paniati, please provide the Committee with a summary of the Federal Highway Administration's research and findings on the consequences of truck weights on highway road surface and bridges. Specifically, please include the agency's current work to update cost allocation figures since FHWA's study in 2000 and the findings of any specific studies which have reviewed the impact on road surface and bridges of heavier weight and longer combination vehicles, both those that have been grandfathered in and those that operate with overweight permits.

RESPONSE:

Highway Cost Allocation Study Update

The last two Federal Highway Cost Allocation Studies were completed in 1982 and 1997, respectively. The Federal Highway Administration is currently updating key parts of the 1997 highway cost allocation study. The scope of the update is limited and focuses on critical areas to inform surface transportation reform decisions over the next year. [Note: While basic data relating to program outlays, vehicle use, and highway revenues will be updated, the work underway to improve engineering relationships between highway costs and vehicle characteristics will not be completed in time for this planned update. We do not believe this is a major problem, since engineering relationships used in the 1997 study generally represented the state-of-the-art at the time. When the new relationships have been developed, we will incorporate them and issue a new update. Other areas of the previous highway cost allocation studies not being updated at this time include an analysis of the relationship between highway user fee payments and highway cost responsibility for all levels of government, and an assessment of the full social costs associated with highway use.]

As with the previous studies, this update will compare Federal cost responsibility to Federal user fee payments for different vehicle classes operating at different weights. The closer that each vehicle class comes to paying its cost responsibility, the more equitable is the user fee structure. The anticipated sections of the forthcoming highway cost allocation update are described below:

Distribution of Federal Outlays: The distribution of Federal outlays by improvement type and the different ways those costs are allocated to different vehicle classes will be

discussed in this section. The share of Federal costs attributable to different vehicle classes differs depending on the type of improvement. For instance, the share of pavement rehabilitation costs attributable to heavy trucks is much different than the share of costs for operational improvements. Federal outlays are broken down into about 80 different categories, each of which is separately allocated to different vehicle classes based on unique vehicle characteristics.

Distribution of Vehicles and Vehicle Use: The allocation of several major types of highway costs depends on vehicle weights, dimensions, and axle configurations. They also depend on the types of highways or bridges on which the vehicles are traveling. To capture these differences, the distribution of highway travel is broken down into travel by 20 different vehicle classes, each operating at up to 30 weights on each of 12 classes of highway. These distributions of travel by different types of vehicles are being updated for the new study and will be documented in this section.

Estimates of Highway Cost Responsibility: This section will summarize the allocation of Federal cost responsibility among the different vehicle classes based on the distribution of Federal outlays, the distribution of highway travel by different vehicle classes, and application of the appropriate factors relating characteristics of each vehicle class to the need for various types of outlays.

Estimates of Federal Highway User Fee Payments: This section will summarize the estimates of the user fee payments by different vehicle classes at different weights. User fee payments must be estimated at the same level of detail as cost responsibility to assess the extent to which user fees are covering cost responsibility for each vehicle class and weight group. This involves estimating the amount of fuel taxes paid by different vehicle classes operating at different weights, as well as the amount of sales tax, tire tax, and heavy vehicle use tax paid by different commercial motor vehicles.

Comparison of User Fee Payments and Highway Cost Responsibility: This section will summarize the relationship between the user fees paid by different vehicle classes at different weights and the highway cost responsibility for those same vehicle classes. The equity of the current user fee structure and the kinds of changes that could improve overall Federal user fee equity among vehicle classes will be discussed.

Review of Longer and Heavier Vehicle Infrastructure Impact Studies

The Department of Transportation, Transportation Research Board and States have examined the impacts of heavier weights and longer combination vehicles on road surfaces and bridge structures. The DOT's Comprehensive Truck Size and Weight (CTS&W) Study is the latest DOT study measuring the impacts of heavier and longer combination vehicles on pavements and bridges. All previous studies agree that vehicles with heavier axle loads cause more pavement damage per mile traveled than vehicles with lighter axle loads. Adding an axle to a vehicle can offset the effect of heavier loads to a point. Modest increases in axle loads can reduce the total pavement damage associated with moving a given quantity of goods because reductions in the total travel required to move the goods more than offset the effects of heavier axle loads. As axle loads increase, however, pavement damage increases exponentially and at some point

more than offsets reductions in total travel. The damage also depends on the characteristics of the pavement and substructure. Interstate pavements are generally built to a higher design standard than other highways and therefore sustain less damage than other roadway classes.

The American Association of State Highway and Transportation Officials (AASHTO) recently released a new pavement design guide that allows States to more directly assess the impacts of various axle loads on different kinds of pavement. States and USDOT are working to develop analytical techniques based on this new mechanistic empirical pavement design guide (MEPDG).

Bridge damage is also dependent upon the characteristics of the vehicle and the structure. The studies generally agree on the methods to measure the damage to bridges associated with changes in truck size and weight limits, but they differ in the type of remediation that may be required for different levels of stress. Using the number of trucks expected to use the bridge, axle spacings and weight, a bridge engineer can compute the potential damage. When the damage reaches a particular threshold, studies differ concerning whether a bridge must be replaced, strengthened or posted. The CTS&W study assumed that when a bridge was overstressed beyond a certain threshold that bridge would be replaced. Other studies, such as the TRB report and Maine study, assume many bridges can be strengthened without having to be replaced. In practice detailed engineering assessments would have to be performed on each bridge to determine its ability to carry larger and heavier trucks. Such detailed assessments are not possible for nationwide studies.

Examples of truck size and weight studies:

Department of Transportation Truck Size and Weight Study,
<http://www.fhwa.dot.gov/policy/otps/truck/finalreport.htm>

State of Maine Study http://www.maine.gov/mdot-stage/freight/documents/ME_NHFinalReport.pdf.

State of Minnesota Study <http://www.dot.state.mn.us/information/truckstudy/>.

There are many other studies related to State highway cost allocation analysis and permit fee analysis. Three examples of those are:

State of Oregon, Cost Allocation Analysis
<http://www.oregon.gov/DAS/OEA/highway.shtml>

State of Arizona, Estimating the Cost of Overweight Vehicles
http://www.azdot.gov/TPD/ATRC/publications/project_reports/PDF/AZ528.pdf

State of Virginia "Development of a Weight-Distance Permit Fee Methodology for Overweight Trucks in Virginia" Virginia Transportation Research Council.

Questions from Chairman DeFazio

QUESTION 1: Mr. Paniati, Congress authorized a 400-pound weight exemption for trucks equipped with idle reduction equipment under Section 756 of the Energy Policy Act of 2005 (P.L.109-58). This exemption amends Section 127 of title 23 and states that "in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system. The weight increase... shall be not greater than 400 pounds." FHWA issued a final rule in February 2007 implementing Section 756 that permits states to adopt the exemption, but does not mandate it. Please provide the Committee with a written explanation as to why FHWA interpreted the language in a way that is permissive and a list of States that currently allow the exemption, either by statute or by exercising enforcement discretion.

RESPONSE: The FHWA's interpretation of Section 756 of the Energy Policy Act of 2005, as discussed in the February 2007 final rule, is based on the Federal statute amended by that provision [23 U.S.C. § 127(a)] and the limits on Federal authority inherent in that statute. Section 127(a)(2), as currently in effect, establishes the maximum axle and gross weight limits to be allowed by any State for vehicles using the Interstate System of highways. These maximum weight limits for the Interstate Highways are not implemented through Federal preemption of nonconforming State weight limits. Instead section 127(a) imposes a severe Federal funding sanction on a State with non-conforming weight limits on the Interstates – currently, the loss of National Highway System funding.

As indicated in your question, Section 756 of the Energy Policy Act of 2005 amended section 127(a) by requiring an increase in the "maximum gross vehicle weight limit and the axle weight limit" for any heavy-duty vehicle equipped with an idle reduction technology. The amendment had the effect of increasing the maximum weight limits authorized in section 127(a)(2) by up to 400 pounds to compensate for the additional weight of the idle reduction system on vehicles equipped with such systems. Consequently, States can increase the maximum weights applicable to vehicles equipped with an idle reduction technology operating on their Interstate System highways without facing the imposition of a Federal funding sanction.

Had Section 756 of the Energy Policy Act of 2005 contained clear language establishing Federal preemption of State weight limitations to require the idle reduction technology weight increase, or language mandating such weight increase as a floor or minimum as a condition to Federal funding (sanction), the FHWA would be authorized to require such a weight increase from the States. The current language in section 127(a), as amended by Section 756 of the Energy Policy Act of 2005, however, does not grant us that authority.

The FHWA has supported the adoption of idle reduction technology and we have undertaken efforts to promote its use and the adoption by the States of the weight increase authorized by Federal law. The following States currently allow the weight increase: Alaska, Arizona, Arkansas, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, and Wisconsin.

QUESTION 2: Mr. Paniati, studies by the Federal Highway Administration have shown that heavier trucks require longer braking distances. It is my understanding that the National Highway Traffic Safety Administration (NHTSA) is working on a truck tractor stopping distance rule. Is FHWA coordinating with NHTSA on this rule? Is NHTSA taking into account the stopping distance needs of trucks by weight, and if so, will the rule include more stringent requirements for trucks operating above 80,000 pounds under grandfather rights or through special permits? When is the final rule expected to be published?

RESPONSE: In December 2005, the National Highway Traffic Safety Administration (NHTSA) issued a proposal to reduce the required stopping distances for newly-manufactured truck tractors by 20 to 30 percent compared to the current requirements. Under the provisions proposed, truck tractors would be required to meet new, shorter stopping distance requirements when loaded to their gross vehicle weight rating. We expect to publish a final rule by the end of this calendar year.

In developing this proposal, we tested truck tractors to weights of up to 76,000 pounds on the tractor and 80,000 pounds in a combination (i.e. with a trailer) configuration. Under the proposed regulation, a truck tractor or trailer with a combined weight rating above 80,000 would be required to meet the same stopping distance and brake performance requirements as vehicles with a lower combined weight.

Questions from Rep. Napolitano

QUESTION: What impact would increasing truck weight and length have on our intermodal freight system? Would it create compatibility problems with intermodal railcars and other freight transportation systems? Is the Department concerned about this?

RESPONSE: Ensuring intermodal compatibility should be a key consideration in any proposals regarding truck weight or length changes. Increasing truck lengths by allowing broader use of longer combination vehicles would not present any significant compatibility issues with intermodal equipment, but increasing individual trailer or container lengths, given the current configuration of rail cars and container ships, would present compatibility issues. Within the highway system itself, there are geometric constraints (e.g., ramp or intersection turn radii) that would limit any potential increases

in individual trailer lengths. If truck or container weights were increased beyond bridge formula B weights, however, there could be challenges to rail intermodal compatibility.



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heywoodfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

August 7, 2008

Mr. William Quade
Assistant Administrator for Enforcement
Federal Motor Carrier Safety Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Quade:

On July 9, 2008, the Subcommittee on Highways and Transit held a hearing on **Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations.**

Attached are questions to answer for the record. I would appreciate receiving your written response to these questions no later than August 29th, 2008 so that they may be made a part of the hearing record.

Sincerely,

PETER A DeFAZIO
Chairman
Subcommittee on Highways and Transit

**Questions for Mr. William Quade
Assistant Administrator for Enforcement
Federal Motor Carrier Safety Administration
Highways and Transit Subcommittee Hearing
July 9, 2008**

Questions from Chairman Oberstar

1. Mr. Quade, in his testimony, Mr. Spradling raised a concern over the inconsistency that arises because States having the flexibility to determine at which vehicle weight a driver must hold a commercial driver's license, up to 26,000 pounds. Yet if these same vehicles and drivers operate in interstate commerce, they must hold a CDL if the vehicle weight is above 10,000 pounds. In other words, once a driver crosses a State line without a CDL in a vehicle between 10,000 and 26,000 pounds, he or she is in violation of motor carrier safety regulations. Please provide the Committee with the weight at which a driver must hold a CDL, by State. Please also provide background on how the 10,000 and 26,000 pound weight thresholds were established and the rationale for these weight standards. For instance, are these weights based on standard vehicle configurations used in certain types of commercial operations? Please also provide the Committee with a summary of the motor carrier safety regulations to which farm vehicles must comply, and specify any exemptions from Federal requirements.

Questions from Chairman DeFazio

1. Mr. Quade, you stated in response to a question during the hearing that the Federal Motor Carrier Safety Administration administers the Commercial Vehicle Integration Systems Network (CVISN) program and sets "architectural guidelines, operational concepts, and standards for States to deploy in implementing the CVISN capabilities." You further indicated that FMCSA is "working toward having a national system." Do FMCSA's architectural guidelines require interoperability to prevent States from developing and administering incompatible systems of weigh-in-motion systems? Did FMCSA consider the efficiency of enforcing size and weight requirements for trucks that travel across multiple States in developing these standards?

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
U.S. House of Representatives
Hearing on Truck Weights and Lengths: Assessing the Impacts of Existing
Laws and Regulations
July 9, 2008
Questions for the Record

Questions from Chairman Oberstar

QUESTION 1: Mr. Quade, in his testimony, Mr. Spradling raised a concern over the inconsistency that arises because States having the flexibility to determine at which vehicle weight a driver must hold a commercial driver's license, up to 26,000 pounds. Yet if these same vehicles and drivers operate in interstate commerce, they must hold a CDL if the vehicle weight is above 10,000 pounds. In other words, once a driver crosses a State line without a CDL in a vehicle between 10,000 and 26,000 pounds, he or she is in violation of motor carrier safety regulations. Please provide the Committee with the weight at which a driver must hold a CDL, by State. Please also provide background on how the 10,000 and 26,000 pound weight thresholds were established and the rationale for these weight standards. For instance, are these standards based on vehicle configurations used in certain types of commercial operations? Please also provide the Committee with a summary of the motor carrier safety regulations to which farm vehicles must comply, and specify any exemptions from Federal requirements.

ANSWER 1: The Federal Motor Carrier Safety Regulations (FMCSRs) at 49 CFR 383.3 require anyone operating a commercial motor vehicle (CMV), as defined in 49 U.S.C. 31301 and 49 CFR 383.5, in intrastate or interstate commerce with a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 26,001 pounds or more to hold a valid Commercial Driver's License (CDL). This would include smaller trucks towing a trailer with a GVWR over 10,000 pounds. However, it should be noted that because the Federal CDL regulations are minimum requirements, a State may require drivers licensed by that State who operate a CMV under the 26,001-pound threshold to obtain a CDL. At this time, FMCSA knows of no States that set their CDL thresholds at less than 26,001 pounds.

The discrepancies that result in the situation described in the question occur due to the lower weight threshold applicable to most of the FMCSRs, such as hours of service, maintenance, and driver qualifications. The Federal regulations, by law (the Motor Carrier Safety Act of 1984, Public Law 98-554, 98 Stat. 2832, codified at 49 U.S.C. 31131 *et seq.*), apply to vehicles with a GVWR or Gross Vehicle Weight (GVW) of 10,001 lbs. or more operating in interstate commerce. States must adopt compatible regulations to participate in the Motor Carrier Safety Assistance Program (MCSAP) and receive grants. However, the MCSAP regulations give States the option of raising the minimum weight for intrastate regulations to 26,000 lbs. (except for

vehicles hauling placardable quantities of hazardous materials or 16 or more passengers). This was done to accommodate the higher intrastate thresholds that already existed in some States when MCSAP grants were authorized. Currently, 16 States regulate intrastate commercial motor vehicles at and above the same 10,001 pound threshold that is in the FMCSRs. Pennsylvania regulates intrastate commercial vehicles starting at 17,001 pounds, Arizona at 18,001 pounds, and the remaining 33 States regulate intrastate commercial vehicles at 26,001 pounds.

As noted above, the 10,001 threshold was established by the Motor Carrier Safety Act of 1984. This threshold, which had been used administratively before 1984 by the Federal Highway Administration, is the generally accepted dividing line between a "light" truck and a "medium" or "heavy vehicle." The 26,001 threshold was established by the Commercial Motor Vehicle Act of 1986 (Public Law 99-570) which created the Commercial Driver's License (CDL) program. Congress adopted this threshold from the National Highway Traffic Safety Administration's regulations; a Class 7 or "heavy" vehicle starts at a GVWR of 26,001 pounds.

Farm Vehicle Regulations

With few exceptions, operators of farm vehicles must comply with all the Federal safety regulations under 49 CFR Parts 390-399 of the FMCSRs, including driver qualification, hours-of-service, safe operation, inspection, repair and maintenance of CMVs, transportation of hazardous materials, and employee safety and health standards. These regulations apply to vehicles with a GVWR, GVW, GCWR, or Gross Combination Weight (GCW) of more than 10,000 pounds used in interstate commerce.

Farm vehicle drivers of single unit CMVs are exempted from the driver qualification requirements under 49 CFR Part 391 if the vehicle complies with the following criteria (see § 391.2(c) and the definition of "farm vehicle driver" in § 390.5):

- It is controlled and operated by a farmer as a private motor carrier of property;
- It is being used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- It is not used in the operations of a for-hire motor carrier;
- It is not carrying hazardous materials of a type or quantity that requires the CMV to be placarded in accordance with 49 CFR 177.823; and
- It is being used within 150 air-miles of the farmer's farm.

Farm vehicle drivers of combination CMVs who are 18 years of age or older are exempt from the following driver qualification requirements under 49 CFR Part 391 (see § 391.67):

- Being at least 21 years old;
- Preparing and furnishing employing motor carrier with a yearly list of traffic violations;

- Passing an employer-administered driver's road test;
- Disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers; and
- Maintenance of driver qualification files and records.

A State may, at its discretion, exempt operators of farm vehicles from the CDL requirements if the vehicle is characterized by the following (see § 383.3(d)(1)):

- It is controlled and operated by a farmer, including operation by employees or family members;
- It is used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm;
- It is not used in the operations of a common or contract motor carrier; and
- It is used within 150 miles of the farmer's farm.

If a State exempts operators of farm vehicles from the CDL requirements under the conditions listed above, the driver is also exempted from the employer-administered controlled substance and alcohol testing requirements under 49 CFR Part 382 and the entry-level driver training requirements for operators of CMVs in interstate commerce in 49 CFR Part 380, Subpart E.

Questions from Chairman DeFazio

QUESTION 1: Mr. Quade, you stated in response to a question during the hearing that the Federal Motor Carrier Safety Administration administers the Commercial Vehicle Integration Systems Network (CVISN) program and sets "architectural guidelines, operational concepts, and standards for States to deploy in implementing CVISN capabilities." You further indicated that FMCSA is "working toward having a national system." Do FMCSA's architectural guidelines require interoperability to prevent States from developing and administering incompatible systems of weigh-in-motion systems? Did FMCSA consider the efficiency of enforcing size and weight requirements for trucks that travel across multiple States in developing these standards?

ANSWER 1: The Federal Motor Carrier Safety Administration's (FMCSA's) architectural guidelines for the Commercial Vehicle Information Systems and Networks (CVISN) deployment program do not mandate interoperability to prevent States from developing and administering incompatible systems of weigh-in-motion systems. The architectural guidelines were developed to promote national interoperability of data systems and networks to share motor carrier, commercial motor vehicle, and driver information among Federal, State, and other authorized users. Although the Federal Highway Administration (FHWA) is responsible for managing the size and weight program, FMCSA has partnered with FHWA to minimize any duplication of effort in size and weight data transfer. There are significant statutory and regulatory variations of size and weight requirements that are unique to each individual State. FMCSA's goal is to ensure that states choosing to

utilize weigh-in-motion (WIM) for pre-screening or “virtual” based systems do so under the umbrella of harmonizing inter- and intrastate data flow to the highest extent possible.

To date, there are only three major families of WIM systems available in the U.S., load cell, piezoelectric, and bending plate. Load cell WIM systems utilize a single load cell with two scales to detect an axle and weigh both the right and left side of the axle simultaneously. As a vehicle passes over the load cell, the system records the weights measured by each scale and sums them to obtain the axle weight. Piezoelectric WIM systems utilize piezo sensors to detect a change in voltage caused by pressure exerted on the sensor by an axle and measure the axle’s weight. As a vehicle passes over the piezo sensor, the system records the electrical charge created by the sensor and calculates the dynamic load. The static load is estimated using the measured dynamic load and calibration parameters. Bending plate WIM systems utilize plates with strain gauges bonded to the underside. As a vehicle passes over the bending plate, the system records the strain measured by the strain gauge and calculates the dynamic load. The static load is estimated using the measured dynamic load and calibration parameters. The calibration parameters account for the influences factors, such as vehicle speed and pavement/suspension dynamics, have on estimating the static weight. Each system is designed to communicate the reading of commercial vehicle weights to fixed or mobile roadside inspection/weight sites, as well as mainline pre-clearance systems.

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Before the

**SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES**

Statement of

**Michael J. Smid
President and Chief Executive Officer
YRC North American Transportation**

On

**Truck Weights and Lengths:
Assessing the Impacts of Existing Laws and Regulations**

July 9, 2008



Driving Trucking's Success

**The American Trucking Associations, Inc.
950 North Glebe Road
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Arlington, VA 22203**

INTRODUCTION

Chairman DeFazio, Congressman Duncan, members of the Subcommittee, thank you very much for inviting me to testify on behalf of the American Trucking Associations.¹ The trucking industry is the primary mover of America's freight. In 2006 the industry transported 10.7 billion tons of freight, 69% of the total volume of goods moved by all transportation modes.² By 2018 the trucking industry is projected to transport 13.9 billion tons of freight and our market share will increase slightly to 70%.³ The industry will be asked to meet this challenge in the face of record fuel prices, a growing driver shortage, increasing highway congestion and declining productivity.

Since 2002, the trucking industry has experienced steadily declining levels of productivity due to increased congestion, changes in the labor market and a falling average length of haul. In addition, while the trucking industry is currently experiencing economic challenges, over the long term, we will experience a significant driver shortage. Over the next 10 years, the long-haul truckload sector shortage alone is anticipated to rise above 110,000 drivers.⁴

A seamless, reliable national network of highways is crucial to our industry's ability to deliver goods safely, rapidly and on schedule. Since deregulation and completion of the Interstate Highway System over the previous quarter century, the trucking industry has made continuous improvements that have allowed its customers to significantly reduce inventories and create manufacturing and supply chain efficiencies that have saved the U.S. economy billions of dollars, increased salaries, slowed consumer price increases and created countless jobs. Any disruption to the movement of freight on our nation's highway system will jeopardize these gains. However, a growing percentage of the highway system experiences daily congestion, and what was once called "rush hour" is now a peak congestion period that can last several hours. Congestion slows delivery times, creates unpredictability in supply chains and ultimately makes U.S. businesses less competitive and consumer products more expensive.

The trucking industry is experiencing the highest prolonged fuel prices in history. For most motor carriers, fuel has surpassed labor as their largest expense. It currently costs \$1,400 to fill a typical tractor trailer's fuel tanks. Fuel cost increases ultimately will increase the cost of everything delivered by truck. Because trucking is a highly competitive industry with very low profit margins, many trucking companies are reporting that higher fuel prices are greatly suppressing profits, if they are making a profit at all. According to Avondale Partners, in the first quarter of 2008, nearly 1,000 trucking companies with at least five trucks failed. This represents the largest number of trucking-related failures since the 2001 third quarter. In another report, the U.S. Department of Labor said that for-hire trucking companies decreased payrolls by over 10,000 during the first five months of this year. In order to reduce both the economic impacts of

¹ The American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of other trucking groups, the industry-related conferences and its 50 affiliated state trucking associations, ATA represents more than 37,000 members covering every type of motor carrier in the United States.

² Global Insight. *U.S. Freight Transportation Forecast To...2018*, 2007.

³ *Ibid.*

⁴ Global Insight, Inc., "The U.S. Truck Driver Shortage: Analysis and Forecasts," Feb. 23, 2005.

escalating energy prices and the industry's environmental footprint, we must find a way to burn less fuel while meeting growing demands.

Under current federal and state truck size and weight regulations, the growth in freight demands will require a 41% increase in the number of commercial trucks, adding 3 million trucks to the road.⁵ While some have suggested that more freight should be moved by rail to relieve highway congestion, the fact is that even if the projected increase in intermodal rail tonnage doubled from 72.6% to 145.2% by 2018, the trucking industry would still move 69% of the freight instead of 70%, and intermodal rail's market share would be 2.5% versus 1.7%. This would have an imperceptible impact on truck traffic.

Mr. Chairman, barring unforeseen severe economic disruptions, the demand for trucks to move more freight in the future is inevitable. However, the projected increase in the number of trucks required to move this freight is a controllable factor, and we believe that with reauthorization pending, the time is right for Congress to review size and weight restrictions. The trucking industry can reduce the projected number of trucks required to move the Nation's freight, but we cannot act without changes in federal law that allow the industry to utilize fewer and more productive vehicles.

Congress will have an historic opportunity in the next surface transportation bill to define a new vision for freight transportation that allows all modes to operate at maximum productivity and efficiency, and at the highest possible safety standards. That vision should include a truck size and weight regime that is governed by engineering and scientific principals and recognizes the unique needs of different industries and geographic regions. Reform of size and weight regulations can, if employed responsibly, improve highway safety, relieve congestion, lower freight rates, alleviate the driver shortage, reduce energy use and improve air quality. The United States is facing unprecedented environmental, energy and transportation congestion crises, and our Nation can no longer afford to ignore the opportunities before us to address these challenges by making logical changes in federal law that authorize States to give the trucking industry the opportunity to more fully utilize our safest, cleanest and most economical vehicles.

CURRENT SIZE AND WEIGHT REGULATION

Today's size and weight regulations evolved over the course of many decades to meet economic demands, satisfy engineering standards and fulfill other objectives. The simplest description of size and weight regulation is as follows: the federal government has assumed the role of establishing both minimum and maximum weight limits on Interstate Highways to satisfy both interstate commerce and infrastructure preservation goals; in order to promote interstate commerce, the federal government has also established minimum truck length and width regulations on a 200,000 mile long federally designated National Network (NN) and on reasonable access routes which serve the NN. The States' role is to govern weight regulations off the Interstate System and to establish maximum length and height limits on all roads.

However, the system is much more complex than this simple description would suggest. Through a series of grandfather rights and exemptions, 38 States allow weight limits in excess of

⁵ *Ibid.*

the federal standard on at least some portion of their Interstate Highway Systems. In total, 48 States allow weight limits in excess of Federal maximums on some portion of their highway systems. Furthermore, all states except Hawaii allow trailers longer than the 48' minimum federal standard on substantial parts of their highway networks.

Where these exceptions in law exist, there is little uniformity from one state to another in terms of weight limits, routing requirements, equipment specifications, commodity exemptions, whether a permit is required and the details of the permit. While this can be problematic, in many cases these exceptions are designed to meet a specific need within a narrow geographic region and, sometimes, within a limited time-frame. For example, many exceptions are granted to assist farmers who must rapidly transport their crops from the field to storage facilities, processing plants or intermodal transportation facilities during harvest season before spoilage occurs.

Often these needs can be satisfactorily fulfilled under the current legal framework. However, in too many cases federal restrictions on size and weight limits force the State to make a difficult decision: put businesses and jobs at risk or allow trucks to use secondary roads that were not built to accommodate larger or heavier vehicles. This issue has been most prominently illustrated in Maine, where the State, in order to protect the viability of critical jobs-producing industries with high freight transportation costs and significant international competition, has made the difficult decision to allow heavier trucks to use the secondary road system despite the fact that Interstate highways, which were built to standards that can better accommodate these vehicles, run parallel to these routes and would make a far better, much safer alternative. Unfortunately, federal restrictions on Interstate operations prevent the State from shifting trucks to these safer, more efficient and better engineered highways. There are many other examples similar to Maine's situation. For example, the Minnesota legislature recently changed state regulations to allow heavier trucks to support the State's agriculture and timber industries. However, federal law prevented the State from allowing these trucks to operate on Interstate Highways. This situation repeats itself throughout the country.

THE CASE FOR SIZE AND WEIGHT REFORM

Despite these challenges, thanks to strong minimum federal size and weight standards and federal preemption of State law, most trucks have access to major highways throughout the United States. These interstate commerce protections are absolutely critical to an efficient freight transportation system and must continue. However, federal law in this area was last updated in 1982. Both the trucking industry and the U.S. economy have changed substantially over the last 26 years. Since the early 1980s, the U.S. population has grown by 32%, real GDP has increased by 82%, and since 1990 truck tonnage has increased by 39%.

While other modes have adapted their equipment to meet these growing demands, the capacity of the trucking industry's cargo-carrying equipment has remained essentially stagnant due primarily to federal restrictions on truck size and weight limits. One comparison of productivity changes in various modes due to equipment improvements⁶ found that trucking industry improvements

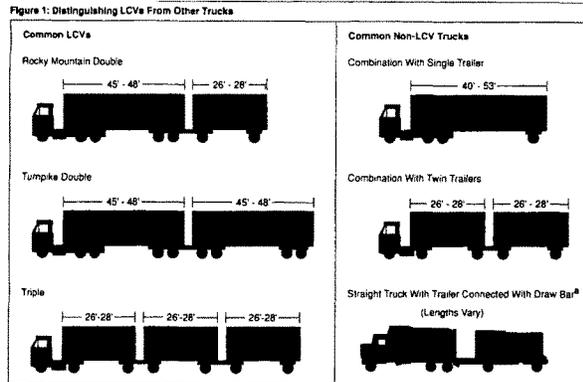
⁶ Berndt, Mark, Wilbur Smith Assoc., *Are Highways Failing to Enable a Seamless Intermodal Supply Chain?* Transportation Research Board Annual Meeting, Jan. 13-17, Session 502 Presentation.

have lagged far behind other freight modes since 1980. The author found that ocean intermodal vessel capacity has increased by 300%; rail intermodal capacity by 200%; grain train capacity by 93%; and aircraft capacity (weight) by 52%. In the meantime, the cubic capacity of a truck has increased by just 18% and the weight by 9%. The author also found that U.S. truck weights were lower than what is currently allowed on a broad scale in Canada, Mexico and the European Union. Federal restrictions have prevented the trucking industry from adapting to new economic realities as other modes have, and the U.S. is falling behind other countries who have recognized the benefits of more productive vehicles and have allowed their trucking industries to use safer, cleaner and more economical vehicles.

Mr. Chairman, modernization of federal size and weight regulations should be a priority in the next highway reauthorization bill. We understand that there may be concerns over the safety and infrastructure implications of size and weight reform. The trucking industry is extremely proud of the fact that the fatal crash rate for 2006, the latest year for which statistics are available, is the lowest on record.⁷ In fact, over the past 30 years the industry's fatal crash rate has declined by 58%. We know that we can do even more to reduce the number and rate of truck-involved crashes and ATA is advocating an aggressive safety agenda that includes: a national maximum speed limit of 65 mph for all vehicles; a requirement for all newly manufactured large trucks to be electronically speed limited to no more than 68 mph; a centralized clearinghouse for all positive drug and alcohol tests of commercial drivers; a national employer notification system for traffic convictions; and, regulatory and tax incentives for rapid adoption of advanced safety technologies that have demonstrated safety benefits. We have no interest in jeopardizing these gains or undermining our continuing efforts to improve safety by allowing unsafe trucks to operate on our highway system, and ATA will only support changes to both federal and state regulations that are likely to produce a safer highway environment. Truck size and weight reform is a key component of our efforts to reduce truck-involved crashes. Furthermore, ATA will not support changes to size and weight regulations that will likely produce a vehicle fleet which imposes additional, uncompensated costs on the highway system.

In order to help the subcommittee to better understand the subsequent discussion, the following illustration provides, for reference, a description of common vehicle types currently operating in the United States:

⁷ Federal Motor Carrier Safety Administration, *Large Truck Crash Facts 2006*.



Federal law currently restricts States' ability to control size and weight limits on their highways. However, decades of experience and volumes of research indicate that more productive vehicles can be operated without a detrimental effect on safety or the condition of highways and bridges.⁸

At the request of Congress, the Transportation Research Board (TRB) issued a report on the impacts of federal truck size and weight regulations.⁹ Among the report's conclusions was that the largely static and inflexible system of federal regulation that currently exists "...discourages private- and public-sector innovation aimed at improving highway efficiency and reducing the costs of truck traffic..." including costs related to accidents involving trucks.¹⁰

In a nutshell, the TRB report concluded that states should be given greater authority, with strong federal oversight, to make decisions with regard to the size and weight limits of trucks on highways under their jurisdiction. The report further recommended that federal regulatory oversight of weight limits should not be extended to the National Highway System, as recently introduced legislation seeks to do.¹¹

Here are just a few examples illustrating why federal regulations must be reformed:

Oregon, South Dakota, Ohio and Montana Overall Length Restriction

The 1991 ISTEA freeze on longer combination vehicles (LCVs) froze not only the length, weight and routes of operation of LCVs, but also any other state regulations pertaining to LCVs. The comprehensive nature of the freeze gives states almost no flexibility to make changes, even

⁸ See for example Transportation Research Board, Truck Weight Limits – Issues and Options, 1990, and New Trucks for Greater Productivity and Less Road Wear, 1990.

⁹ Transportation Research Board Special Report 267, Regulation of Weights, Lengths and Widths of Commercial Vehicles, 2002.

¹⁰ *Ibid.*, p. 5-1.

¹¹ H.R. 3929, S. 3021

when they are consistent with Congress' larger objective of ensuring that LCVs do not operate beyond their current dimensional, weight or geographic limits.

The legal length limits for Montana and Oregon, as codified under 23 CFR 658, Appendix C, place an overall length limit on triples (i.e. from the front of the tractor to the rear of the last trailer). For Montana the limit is 110' for a conventional tractor and 105' for a cabover (a tractor with a flat face). In Oregon, the overall length limit is 105'. Federal law also imposes overall length limits on South Dakota (110') and Ohio (105'; for Turnpike operations).

Some carriers would like to use sleeper cabs for their triples units to improve driver comfort and standardize operations. The Montana law would allow the use of some sleepers, but sleepers with a longer wheelbase would exceed the 110' limit. Oregon's length limit only allows triples to be operated with cabovers. However, U.S. manufacturers no longer build cabovers.

In 2001, Montana asked FHWA for permission to move from an overall length limit to a cargo-carrying length limit, provided that trailer length did not increase. FHWA agreed on the basis that Congress intended only to limit trailer length, not tractor length. In late 2004, Oregon asked FHWA for the same dispensation. This time, FHWA refused, citing ISTEAs' freeze on all LCV-related regulations. Subsequently, FHWA threatened Montana with sanction of the state's federal highway money if the state did not revert to an overall length limit on triples, and Montana responded by making the change.

Congress' intent when enacting the LCV freeze was not to limit tractor length. However, that is the effect in this case. A statutory change is needed to eliminate this unintended consequence of the freeze.

South Dakota Highway Access for LCVs

Since the 1991 federal LCV freeze took effect, several 2-lane highways were upgraded to 4-lane highways in South Dakota, including Highway 37 from Mitchell to Huron and Highway 12 between Aberdeen and Interstate 29. However, due to the freeze, LCVs cannot use these highways and instead must use less safe 2-lane routes. This restriction adds many miles to a carrier's route. If trucks could use Highway 12 this would cut their trips by approximately 220 miles, while using Highway 37 would save about 28 miles. Furthermore, transportation costs for the communities of Fort Pierre and Pierre could be substantially reduced by allowing LCVs to operate on a 32 mile section of 4-laned U.S. 83 from I-90, on which LCVs can currently operate.

These common-sense changes to LCV routes would reduce truck-involved accidents, save fuel, lower emissions and reduce transportation costs. The route changes are supported by state officials and the South Dakota trucking industry. However, federal law stands in the way of these very beneficial reforms.

Washington State Triples Access and Weight Increase

Both Oregon and Idaho allow triple trailer trucks to operate on their highways. While Washington State allows LCV doubles operations, triples are prohibited under federal law. Allowing triples to access very short stretches of highway into Washington would allow the

communities of Spokane and Vancouver, among others, to realize significant economic benefits resulting from reduced freight transportation costs.

Furthermore, the Washington State legislature has passed legislation authorizing a weight increase on Interstate Highways. However, federal law prevents this change in law from taking effect.

The following information describes the many benefits of truck size and weight reform. Additional details regarding the potential advantages of specific reforms are discussed later.

Safety Benefits

While it would not make sense from a safety or economic standpoint to allow larger or heavier trucks to operate on every highway, Congress should not continue to ignore the growing body of evidence that supports the fact that the use of more productive trucks can improve highway safety.

The use of more productive vehicles offers two safety benefits. First, carriers need fewer trucks to haul a given amount of freight, reducing accident exposure. Second, studies have consistently found that certain trucks with greater carrying capacity have a much better safety record than trucks that are in common use today. A study sponsored by the Federal Highway Administration found that the accident rate for longer combination vehicles (LCVs) is half that of other trucks.¹² Specifically, the study found the following accident rates (expressed in crashes per million miles traveled):

Single tractor-semitrailers: 1.93
 Double 28' trailers (non-LCV): 1.70
 Rocky Mountain Doubles (e.g. 48' + 28'): 0.79
 Turnpike Doubles: (e.g. 48' + 48'): 1.02
 Triples: 0.83

These figures are borne out by carriers' own experience. For example, one large operator of triple-trailer trucks reports that in 2007 the accident rate for triples was 0.43 per million miles traveled, while the comparable figure for the company's non-LCV doubles fleet was 1.95 accidents per million miles traveled.

Canada, which has similar roadways, vehicles and operating environments to the U.S., has produced a significant body of research on the safety of more productive vehicles. That research has conclusively and consistently found a safety benefit from the use of these vehicles.

One Canadian study found that LCVs have an accident rate that is five times lower than the rate for tractor-semitrailers.¹³ This study also found that during the 10-year period after LCVs were authorized to operate on a large scale in Alberta, the number of registered trucks dropped by 19 percent, even though the economy expanded and non-truck vehicle registrations grew by 23

¹² Scientex. *Accident Rates For Longer Combination Vehicles*, 1996.

¹³ Woodrooffe and Assoc. *Longer Combination Vehicle Safety Performance in Alberta 1995 to 1998*, March 2001.

percent. The report concluded that increased truck productivity due to expanded LCV use was the most likely reason for this reduction in truck registrations.

Another Canadian study,¹⁴ completed for the Canada Safety Council, reached the following conclusions:

While accident involvement rates of LCVs are clearly less than those of single trailer trucks in general operations, it would appear that there is little difference in accident involvement rates of LCVs and other trucks when operated under similar conditions of weather, road and driver experience. However, the use of LCVs means fewer kilometers of travel (reduced exposure), compared to single trailer vehicles. For example, a Turnpike Double would require 50% of the vehicle kilometers to move the same volume of freight...

When these exposure factors are taken into account, LCV's exhibit lower accident involvement rates than standard trucks, assuming constant freight demand.

A report commissioned by the Canadian Trucking Alliance found that expanded use of Turnpike Doubles in the Eastern Provinces and Northeastern U.S. states would eliminate 905 million vehicle-kilometers, or 10% of total truck VMT.¹⁵ A literature review conducted as part of that study found the following safety results from other Canadian studies:

- A study by Kenny et al. (2000) states that in more than 30 years of LCV operations in Alberta, LCVs have been found to be involved in fewer collisions per million vehicle kilometers of travel when compared to average commercial vehicles, due to the strict operating restrictions placed on their use.
- A study conducted by Trialpha Consulting (2000) noted the Saskatchewan Special Haul Programs fleet (that includes LCVs) had a collision rate of 0.15 collisions per million vehicle kilometers -- one-fifth of the provincial average for a traditional fleet. At the collision rates noted, and the annual number of kilometers traveled each year, this was estimated to save 18 truck collisions per annum.
- In a study for the Transportation Table on Climate Change (Nix, 1999) it was estimated that the use of Turnpike Doubles, in provinces not presently allowing these units, would result in fewer collisions in those provinces. The estimate was a reduction of 4,870 collisions over the period 2000 to 2020.
- A report completed on Long Truck Activity in Canada for the Canadian Trucking Research Institute (Nix, 1995) stated that there is no evidence that LCVs pose a particular safety hazard. The University of Manitoba report also reviewed several U.S. studies.

¹⁴ Barton, R. & Tardif, L-P., *Literature Review of the Safety Record of LCV in Canada*, Canada Safety Council, 2003

¹⁵ Barton, R. & Tardif, *Evaluating Reductions in Greenhouse Gas Emissions Through the Use of Turnpike Double Truck Combinations, and Defining Best Practices for Energy-Efficiency*, Dec. 15, 2006.

While lower accident rates are obviously beneficial, reducing accident exposure can also have a significant impact on the number of truck-involved accidents. FHWA's Western Scenario study¹⁶ found that expanding the use of LCVs in the western states where they currently operate, and making the regulations uniform, will reduce truck miles in those states by 25.5%. Therefore, even if the accident rates for LCVs and non-LCVs were the same, a 25.5% reduction in truck-involved accidents can be expected in those states. In addition, FHWA found that allowing 6-axle, 97,000 pound trucks nationwide would reduce truck miles – and therefore accident exposure – by 11% nationwide.¹⁷

Another important factor is the type of road that is being used. Because federal law restricts heavier trucks from using the Interstate System, many states have allowed heavier trucks to operate on non-Interstate roads, which are inherently less safe than Interstates. Maine allows 5-axle trucks weighing 88,000 pounds and 6-axle trucks weighing 100,000 pounds to operate on the Maine Turnpike (I-95). A study looking into the impacts of shifting that traffic from the Turnpike to secondary roads found that the fatal accident rate on the secondary roads was 10 times higher than on the Turnpike, and the injury accident rate was seven times higher.¹⁸ The study, which also examined the impacts of similar heavy trucks operating in New Hampshire, concluded further:

- If the current weight exemption on the Maine and New Hampshire Turnpikes were discontinued, these states combined would experience six additional crashes each year, with an annual economic impact of more than \$540,000.
- The state comparison analysis also found no correlation between states that allow GVW in excess of 80,000 lbs. in normal operations on state networks and high crash rates; in fact, the regression analysis found a positive correlation between low crash rates and high load factors. And, in comparison to other states the crash rate for heavier vehicles in Maine was slightly below the national average. Overall, the comparison of population and fatal heavy truck crashes showed both Maine and New Hampshire ranked where expected in comparison to other states.

Infrastructure Benefits

While ATA recognizes that significant resources will be needed to improve the condition of our highways and address highway congestion with or without size and weight reforms, the use of more productive trucks will allow Congress and the States to avoid some of these costs. Gross weight can be increased and not cause additional pavement damage as long as axle weight is controlled. This is why, for example, a turnpike double (typically twin 48' trailers) that weighs 126,000 pounds can cause half the damage of an 80,000 pound tractor-semitrailer on a ton-mile basis.

While increased weight may in some cases increase bridge maintenance costs, these costs are generally lower than the pavement savings and other benefits, such as lower shipper costs.¹⁹

¹⁶ U.S. Department of Transportation. *Western Uniformity Scenario Analysis*, 2004

¹⁷ U.S. Department of Transportation, *Comprehensive Truck Size and Weight Study*, August 2000.

¹⁸ Wilbur Smith Assoc., *Study of Impacts Caused by Exempting the Maine Turnpike and New Hampshire Turnpike from Federal Truck Weight Limits*, June 2004.

¹⁹ Transportation Research Board, *New Trucks for Greater Productivity and Less Road Wear*, 1990.

Proper bridge management can mitigate the impacts of heavier trucks on bridges. Unfortunately, some studies have exaggerated the effects on bridges by wrongly assuming that these trucks would have full access to the highway system and that any bridge not designed to handle multiple loadings of these vehicles would have to be replaced. In reality, the trucks would in almost all cases either be prohibited from using these bridges or the bridge would be strengthened, at much lower cost. For example, a study by the National Academy of Sciences found that allowing heavier trucks on California highways would overstress only six percent of the State's bridges. Nearly all of these bridges were on secondary routes that could easily be restricted by the State DOT without a significant impact on the heavier trucks' operations.²⁰

Energy and the Environmental Benefits

Size and weight reform is an effective strategy for mitigating the impacts of carbon dioxide on climate change and addressing the health effects of air pollution due to a reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage by up to 39%, with similar reductions in criteria and greenhouse gas emissions.²¹ In fact, the Environmental Protection Agency identified the use of double and triple trailer trucks as an effective emissions reduction strategy as part of its Smartway Transport Partnership program.²² In addition, a recent ATA evaluation of strategies to reduce the trucking industry's carbon footprint identified greater use of more productive trucks as the single most effective technique to lower the industry's greenhouse gas output.²³

Economic Benefits

In its 2007 *State of Logistics Report*, the Council of Supply Chain Management Professionals described a logistics system whose costs are rising at triple the pace of general inflation.²⁴ The report found that business logistics costs rose over 11% in 2006 to \$1.3 trillion, an increase of \$130 billion over 2005. Trucking costs alone increased by \$52 billion. Mr. Chairman, if we fail to act, these costs will continue to rise, and will translate into higher consumer prices and slower job growth, and weaken the United States' ability to compete in the global economy.

A number of studies have been conducted to determine the potential economic impacts of increasing size and weight limits. All generally predict a net positive economic return. The largest study to date was the U.S. DOT's *Comprehensive Truck Size and Weight Study* (2000), which looked at the potential impacts of various changes in size and weight regulations. Economic impacts are expressed as a change in shipper costs. According to the study, allowing heavier trucks to operate nationwide would produce savings of seven percent and extensive use of LCVs would reduce shipping costs by 11%.

²⁰ Transportation Research Board Special Report 267, *Regulation of Weights, Lengths and Widths of Commercial Vehicles*, 2002.

²¹ American Transportation Research Institute, *Energy and Emissions Impacts of Operating Higher Productivity Vehicles*, March 2008.

²² Environmental Protection Agency.

²³ American Trucking Assns., *Strategies for Further Reduction of the Trucking Industry's Carbon Footprint*, Oct. 2007.

²⁴ Council of Supply Chain Management Professionals, 18th Annual *State of Logistics Report*, June 6, 2007.

A 1990 Transportation Research Board study found that simply lifting the 80,000 pound gross weight cap (and retaining bridge formula and axle weight limits) nationwide would reduce truck costs by 2.1%, or net overall savings of 1.4%. Adopting Canadian limits would reduce costs by 11.7%, and 8.8% on a net basis. These are averages - savings differ substantially depending on commodity, configuration and other factors.²⁵

A study by Oak Ridge National Labs for FHWA concluded that the use of LCVs in a truckload operation could reduce a shipper's logistics costs by between 13% and 32%, depending on the truck's weight and configuration, the difference in the price charged between an LCV shipment and a single-trailer truck, and the lane volume and length.²⁶

Cornell University studied the economic benefits of New York State's overweight divisible load permitting system, and found that it produced direct benefits of up to \$708 million annually, with additional infrastructure costs of no more than \$35 million.²⁷

A Montana State University study of the impacts on that state's economy if size and weight limits were brought down to the federal limits, found a projected reduction in Gross State Product of 0.4%. However, different economic sectors would suffer disproportionately. For example, transportation costs for dairy products would increase 54%, wood chips 37%, cement 31%, and fuel 40%.²⁸

Congestion Benefits

According to the most recent report on congestion from the Texas Transportation Institute, in 2005 drivers in metropolitan areas wasted 4.2 billion hours sitting in traffic, burning 2.9 billion gallons of fuel.²⁹ ATA views size and weight reform as a key component of a long-term strategy to address highway congestion, along with our proposals to address critical freight bottlenecks. Reducing truck VMT through changes in size and weight limits could allow States to avoid costly, disruptive highway expansion projects. Furthermore, some States have explored the possibility of building truck-only lanes on corridors with high levels of congestion and significant truck traffic. Allowing trucking companies to operate more productive vehicles on these lanes would attract truck traffic away from general purpose lanes and help offset additional costs if toll financing is used. However, the rigidity of federal size and weight regulations would, in many cases, prevent States from allowing more productive vehicles to operate on these separate lanes.

PROPOSED REFORMS TO FEDERAL TRUCK SIZE AND WEIGHT REGULATIONS

²⁵ Transportation Research Board, Special Report 225 – Truck Weight Limits: Issues and Options.

²⁶ Middendorf, David P. and Michael S. Bronzini. Oak Ridge National Labs for Federal Highway Administration. *The Productivity Effects of Truck Size and Weight Policies*, Nov. 1994.

²⁷ Meyburg, Arnim H., et. al., School of Civil and Environmental Engineering, Cornell U., *Impact Assessment of the Regulation of Heavy Truck Operations*, Sep. 1994.

²⁸ Hewitt, Julie, et. al. Montana State University, *Infrastructure and Economic Impacts of Changes in Truck Weight Regulations in Montana*, July 1998.

²⁹ Texas Transportation Institute, *2007 Urban Mobility Report*.

Mr. Chairman, ATA recommends eight limited reforms to federal truck size and weight regulations. It should be noted that other than recommendations 5, 7 and 8, none of these proposals would require states to make changes to their regulations. Instead, federal law would simply give states the flexibility to change their own regulations. The proposed changes would give States the authority to require a permit, limit the routes on which the vehicles can operate, specify gross and axle weight and vehicle length limitations, restrict the new authority to specific commodities, or impose any other regulation or limitation allowed under federal and state law. In short, Mr. Chairman, ATA's proposals would give States significant flexibility, while retaining restrictions designed to ensure safe operations and preservation of highway infrastructure.

1. Allow western states to harmonize longer combination vehicle laws and regulations.

In April 2004, the Federal Highway Administration released its "Western Uniformity Scenario Analysis." The report looked at the impacts of allowing uniform western state longer combination vehicle (LCV) use, including the impacts if LCV use was expanded to the entire western region's Interstate Highway System (excluding California, Arizona, New Mexico and Texas).

The report found a 25.5% reduction in total truck vehicle miles, and little impact on rail market share or profitability. The study found a slight reduction in pavement maintenance costs, but estimated that bridge costs would more than double. Overall, infrastructure costs would rise by between \$43 million and \$133 million per year in the study region. The reduced VMT would result in 12% lower energy consumption, 10% less noise, and 12% lower emissions. Shipper savings would total just over \$2 billion per year, about a 4% cost reduction.

2. Allow states to authorize 6-axle, 97,000 pound tractor semi-trailers.

ATA recommends the authorization of single-trailer trucks with a GVW of 97,000 lbs, provided the truck has six axles, including a tridem axle on the rear of the trailer. Maximum weight on the tridem axle is limited to 51,000 lbs. While current single and tandem axle weight limits would continue, this vehicle would exceed the GVW allowed under the current bridge formula.

Operation of this vehicle, along with the vehicle described in #6 below, is expected to produce positive safety, energy, environmental, congestion, economic and infrastructure preservation benefits. The U.S. Department of Transportation estimated that nationwide operation of these trucks along with the configuration described in recommendation 6 below would reduce overall truck vehicle miles traveled by 11%. This would produce measurable reductions in the number of truck-involved accidents and levels of congestion. In addition, the vehicle's higher payload, despite a slight fuel economy penalty, would produce a 19% decrease in fuel consumption and emissions versus an 80,000 lbs GVW truck, when measured on a ton-mile basis. There is also substantial evidence to suggest that adoption of this vehicle, on either a nationwide or regional basis, will lower shipping costs, thus reducing costs to U.S. manufacturers, farmers, retailers and, ultimately, to consumers. Finally, the additional axle would offset the extra weight of this truck, eliminating negative pavement impacts, and in fact producing cost savings as a result of the reduction in the number of trips expected due to the vehicle's greater payload. While there are

potential negative cost impacts for bridges, the ability of states to regulate routes of operation should allow them to minimize these costs, and may actually produce cost savings if heavier vehicles shift from secondary roads to Interstate Highways that have stronger bridges.

3. Remove gross weight limit on 5-axle combination vehicles.

Maintain current federal axle weight and bridge formula limits, but lift the 80,000 lbs GVW cap. This will have two benefits. First, for those trailers with tandem axles that slide independently, spreading the axles 96 inches or more allows the axles to be weighed independently as single axles, thus allowing up to 20,000 lbs on each axle, for a maximum GVW of 86,000 lbs. Another benefit is that the absence of a GVW cap will help to compensate for the increased weight of tractors due to federal emissions regulations and state and local idling restrictions.

4. Allow limited expansion of LCVs beyond western scenario states.

Longer Combination Vehicles operate on a limited basis in states beyond those in the western uniformity scenario. LCV doubles and triples are currently allowed on the Ohio Turnpike and Indiana Toll Road. LCV doubles are also allowed on the Florida Turnpike, New York Thruway and Massachusetts Turnpike. In addition, LCV doubles and triples operate on a short section of I-15 in Arizona and in Alaska. Limited expansion in states that are interested in allowing these configurations can help relieve congestion, improve air quality, reduce crashes, and reduce fuel usage.

5. Standardize 53 foot trailer length.

Current federal law establishes 48' as the minimum trailer length on the National Network (NN). There is no federal limit on trailer length, and all states impose length restrictions. Trailer length on the Interstate System is limited to 53' except in the following states, which allow trailers longer than 53': Alabama, Arizona, Arkansas, California, Colorado, Florida, Kansas, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, Oklahoma, Texas, Washington, and Wyoming. In addition, 53' trailers are not allowed on I-95 in New York City or on I-295 in Washington, DC. Some jurisdictions restrict the movement of trailers longer than 48' on National Network highways that are not part of the Interstate System.

While national trailer uniformity is federally protected for 48' trailers, 53' trailers have become the industry standard. Federal law should be brought up to modern standards to ensure the continued protection of the flow of interstate commerce by changing minimum trailer length limits to 53'. In addition, ATA supports capping trailer length at 53' except in states where longer trailers are currently allowed.

6. Allow states to authorize double 33-foot trailers.

Transportation Research Board Special Report 267 recommended nationwide operation of double 33' trailers, with no gross weight cap and weight limited by the current federal bridge formula and axle weight limits. According to the TRB report, the bridge formula would allow for a maximum weight of 111,000 lbs on 9 axles. The double 33' trailer combination is appropriate

for operation on most highways because its operational characteristics are similar to a 45' tractor-semitrailer combination.

7. Allow a 10% axle and gross weight tolerance for auto transporters.

In 2007, more than 52% of the motor vehicles sold in the United States were either minivans, pick-up trucks, or sport utility vehicles. Because these vehicles are heavier than passenger cars, many auto haulers cannot legally load their equipment to maximum capacity and also meet the 80,000 pound gross weight limit. In many instances, there is space on the truck for one or two additional vehicles, but adding additional vehicles would make the truck overweight under federal law.

While larger vehicle sales are declining in the face of higher fuel costs, sales of hybrid vehicles are increasing substantially. A large hybrid SUV can weigh up to 1,900 pounds more than the non-hybrid version of the same vehicle, while the weight of a hybrid passenger car can exceed its non-hybrid counterpart's weight by more than four hundred pounds.

A 10% axle and gross weight tolerance would allow auto transporters to reduce the number of trips needed to deliver passenger vehicles, reducing accident exposure, fuel use and emissions. Fewer trips also mean lower transportation costs for the automobile manufacturing industry.

8. Ensure nationwide adoption of weight exemption for Alternative Power Units.

One highly effective way to reduce fuel use by the trucking industry is to limit the amount of fuel burned by idling the main engine through installation of an alternative power unit (APU). Unfortunately, the weight of these units are a disincentive to some carriers, who want to avoid the productivity loss they would experience by trading off the loss of cargo capacity for the energy efficiencies gained by installing the APU. To address this issue, Congress included in the Energy Policy Act of 2005 (Public Law 109-58 Section 756(c)), a 400 pound weight exemption for APUs. Congress' intent was to override state law and mandate the weight tolerance. However, according to the Federal Highway Administration's Final Rule issued February 20, 2007 (*72 FR 7741*), the tolerance is permissive rather than prescriptive. This means that while states may allow the tolerance without risk of federal sanction for exceeding federal gross or axle weight limits, they are not required to grant the exemption.

This presents a number of problems. First, states would have to adopt the exemption individually, which could take years. Second, even a single hold-out would present a problem for an interstate carrier, who would be reluctant to install the APUs knowing that they risk a ticket if they enter a state that does not allow the tolerance.

Based on conversations with Congressional committee staff and the Member of Congress who sponsored and supported the tolerance language, ATA strongly believes that Congress' clear intent was to override state law and mandate the weight tolerance for APUs. In fact, some carriers installed the units following passage of the Energy Bill based on this assumption, and

have been surprised when states have issued citations for an overweight violation. We urge Congress to revise the statute to ensure immediate nationwide of the APU weight exemption.

CONCLUSIONS

Mr. Chairman, more productive vehicles are operating throughout the United States today, and they are doing so safely. They also help U.S. businesses to remain competitive and their use reduces energy consumption and emissions. To give one example, the operation of LCVs on the Ohio Turnpike lowered truck VMT on that highway by at least 2.4 million miles in 2006. LCVs prevent more than 404,000 gallons of fuel from being burned on the Turnpike, which means a reduction of nearly 4,500 tons of carbon dioxide each year. ATA urges Congress to allow the States to take advantage of the many potential benefits that can be gained from reforming size and weight regulations while continuing the federal role of ensuring the efficient movement of interstate commerce through minimum size and weight standards on the Interstate System and National Network highways.

We want to stress that our proposals would in most cases simply authorize States to change their own laws, and shifts the authority to make changes in law from federal to State hands. This is appropriate given that States are responsible for the safety and maintenance of the vast majority of the Nation's highways. We urge you to give States and the trucking industry the necessary tools to save lives, reduce energy consumption and emissions and address critical economic challenges.



Statement of the American Farm Bureau Federation

TO THE HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

RE: TRUCK WEIGHTS AND LENGTHS: ASSESSING THE IMPACT OF
EXISTING LAWS AND REGULATIONS

July 9, 2008

Presented by Mike Spradling
President, Oklahoma Farm Bureau

*AFBF is the unified national voice of agriculture
working through our grassroots organizations to enhance
and strengthen the lives of rural Americans and to build strong,
prosperous agricultural communities.*

Farm Bureau represents more than 6,000,000 member families across the nation and Puerto Rico with organizations in approximately 2,500 counties.

Farm Bureau is an independent, non-governmental, voluntary organization of families united for the purpose of analyzing their problems and formulating action to achieve educational improvement, economic opportunity and social advancement and, thereby, to promote the national well-being.

Farm Bureau is local, county, state, national and international in its scope and influence and works with both major political parties to achieve the policy objectives outlined by its members.

Farm Bureau is people in action. Its activities are based on policies decided by voting delegates at the county, state and national levels. The American Farm Bureau Federation policies are decided each year by voting delegates at an annual meeting in January.

Good morning. I am Mike Spradling, president of the Oklahoma Farm Bureau. I am here today on behalf of the American Farm Bureau Federation (AFBF). Farm Bureau is a grassroots organization representing a diverse range of agricultural producers from all 50 states and Puerto Rico. My wife and I operate a cattle and pecan operation near Sand Springs in Tulsa County, Oklahoma.

AFBF appreciates the opportunity to share the impact that truck weight limits imposed by the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) and the Federal Motor Carrier Safety Regulations (FMCSRs) are having on farmers and ranchers hauling their own products to market.

AFBF Is Concerned with the Safety of Rural Roads

My family and I, like most rural Americans, must travel significant distances to earn our living, attend school, see our doctors and visit our friends and neighbors. I assure you the safety of our nation's roads is a high priority for Farm Bureau members.

Farm Bureau appreciates the enormous responsibility this committee has for ensuring the safety of our roadways and the thoughtful deliberation that you put into crafting the laws that govern that safety. Additionally, we appreciate your efforts to accommodate the transportation needs of America's small farmers and ranchers within their own states by relieving farmers of the need to comply with hours of service regulations if they are traveling within 100 air miles of the farm during peak operating seasons. However, the nature of farming has changed through the years and farmers and ranchers need the ability to travel longer distances without being considered a commercial motor carrier.

While Farm Bureau recommends changes to the FMCSA's rules regarding Commercial Motor Vehicles (CMVs) for farmers and ranchers hauling their own goods, we are in no way seeking to relieve farmers of the obligation to operate their farm vehicles in a safe manner or maintain those vehicles in a safe working order.

Difficulties Getting Goods to Market

Several factors make it difficult for small farmers and ranchers to get their products to market. Concentration within the agriculture industry has reduced the number of grain elevators, cotton gins and livestock markets forcing farmers and ranchers to drive longer distances, often across state lines, to sell their commodities. FMCSA's decision to define a commercial motor vehicle at the lowest weight authorized by SAFETEA has created an impossible threshold for farmers and rancher to legally transport their goods between states. Additionally, overzealous or uninformed regulators in some states have seized the federal definition of a commercial motor vehicle as a means to broaden their own sphere of influence.

Farm Bureau believes that the Secretary of Transportation and the Administrator of the FMCSA have the authority to address two of these factors by increasing the CMV weight limit to 26,001 lbs. and creating a uniform system for interpretation and application of the

FMCSA. Despite numerous contacts with FMCSA describing the hardships imposed by the agency's decisions, FMCSA has refused to grant small farmers and ranchers any relief. Therefore, we need your help.

FMCSA Treats Farmers and Ranchers Like Long-Haul Commercial Operators

SAFETEA gave the Secretary of Transportation some flexibility in defining the weight requirements for CMVs. Public law defines a CMV as a motor vehicle used in commerce to transport passengers or as a motor vehicle used to transport property that has a gross vehicle weight rating (GVWR) or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds.

The FMCSA chose to define a CMV as a vehicle with a GVWR or gross combination weight rating (GCWR) of 10,001 pounds or more. Under those same regulations, a state may exempt CMVs up to 26,001 pounds if the vehicle is engaged solely in intrastate commerce.

For many farmers and ranchers the closest market, grain elevator, port or cotton gin is just over a state line. Under current regulation, crossing state lines changes the classification from intrastate carrier to interstate carrier, triggering commercial requirements such as the need for a commercial driver's license and compliance with hours of service. Establishing a national threshold of 26,001 pounds would eliminate the inconsistent and confusing system currently in place and free small farmers and ranchers from being regulated like commercial truck drivers.

While 10,001 pounds sounds like it would apply to a large commercial vehicle, the truth is it takes very little to reach that threshold. For instance, a half-ton pickup can easily have a GVWR of 6,800 pounds. An empty 6 feet by 16 feet 2 axle steel canvas topped stock trailer can weigh over 4,100 pounds. By hitching such a trailer to a half-ton pickup, a farmer or rancher creates an articulated vehicle that weighs more than 10,001 pounds—and that's before he loads a single cow, horse or hog in the trailer. This lower weight limit causes the greatest hardship for the small livestock producer who takes only a small number of animals to market.

While increasing the threshold to 26,001 pounds will solve some producers' problems with the weight limit, it will not eliminate the issue. The vast majority of farm commodities, even those transported by small farmers, weigh more than 26,001 pounds. Fruit and vegetable growers, grain and cotton farmers, livestock producers and growers of nursery crops all report that raising the weight limit to 26,001 pounds will not free them from the unnecessary requirements, despite the fact that they are hauling their own goods. However, as SAFETEA and 32 states recognize this limit as the definition of a CMV, we understand the need for uniformity.

Lack of Uniformity Causes Greatest Problems

Thirty-two states define a CMV as weighing 26,001 pounds or more. Some states have an even higher weight threshold for the definition. However, if a farmer or rancher hauling his own commodities crosses a state line between two of these states he triggers the federal definition of a CMV and is subject to all the requirements aimed at commercial long-haul drivers of vehicles weighing more than 10,001 pounds.

As you can imagine, this has caused much confusion. It makes no sense that, if a farm truck is considered safe in two contiguous states, crossing a state line suddenly makes the vehicle unsafe.

Oklahoma, my home state, is a prime example of the frustrations farmers face. In our panhandle region, the closest market may be in Oklahoma, Kansas, Colorado, New Mexico or Texas. Except for New Mexico, all of these states define a CMV as weighing 26,001 pounds or more. When Oklahoma farmers and ranchers choose to access markets in other states, they are often ticketed.

Possible Solutions

There are several possible remedies to the problems caused by the Federal Motor Carrier Safety Regulations.

Requiring FMCSA to exempt border crossings between states with similar weight restrictions for farmers and ranchers hauling their own goods is one such remedy. If states have compatible CMV definitions, it makes no sense to add another definition. AFBF has heard the argument that this would allow some unscrupulous operators to cobble together cross-country truck routes. However, we propose this option only for farmers transporting their own goods.

A second possible remedy is for Congress to raise the weight limit for CMVs to at least 26,001 pounds or more for farmers and ranchers hauling their own goods. Congress granted FMCSA the ability to devise a workable definition that would not impede commerce. The agency has refused to consider this flexibility.

The FMCSRs created some exemptions for farmers and ranchers hauling their own goods within a 150 air mile radius of their own farms. For many farmers and ranchers a state line lies within that 150 air mile radius. The third possible solution is to provide an exemption to the CMV for farmers who cross a state line within the prescribed radius. However, this solution is less than ideal. It would be difficult for law enforcement to determine which farmers are in compliance of the rule.

Conclusion

I appreciate the time and attention you have given to hearing about problems caused for farmers and ranchers by the FMCSA's definition and enforcement of the CMV provisions of SAFETEA. Farmers and ranchers hauling their own goods to market across relatively short distances should not be captured by regulations intended for commercial long-haul drivers.

Farm Bureau believes that there are viable alternatives to the agency's current regulations. Options include exempting border crossings between states with similar weight restrictions, raising the weight limit for CMVs to at least 26,001 pounds, or exempting state border crossings within the 150 air mile radius currently recognized by FMCSA. Farm Bureau looks forward to working with you to find a remedy to this costly and frustrating problem.

V:stm/transportation-testimony08.0702



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

August 7, 2008

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

Mr. Mike Spradling, President, Oklahoma Farm Bureau
c/o
Mr. Mark Maslyn
Executive Director
Public Policy
American Farm Bureau Federation
600 Maryland Avenue
Suite 1000W
Washington, DC 20024

Dear Mr. Quade:

On July 9, 2008, the Subcommittee on Highways and Transit held a hearing on **Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations**.

Attached are questions to answer for the record. I would appreciate receiving your written response to these questions no later than August 29th, 2008 so that they may be made a part of the hearing record.

Sincerely,

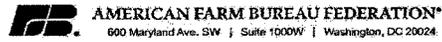
A handwritten signature in cursive script that reads "Peter A. DeFazio".

PETER A DeFAZIO
Chairman
Subcommittee on Highways and Transit

**Questions for Mr. Mike Spradling
President
Oklahoma Farm Bureau
Highways and Transit Subcommittee Hearing
July 9, 2008**

Questions from Chairman Oberstar

1. Mr. Spradling, does American Farm Bureau have a position on enacting fees for heavier vehicles that exact a toll on the road surface which leads to faster deterioration of the road? Would you support charging fees for vehicles seeking agricultural exemptions for weights in excess of 80,000 pounds?



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VIA FACSIMILE 202-226-1270

August 28, 2008

The Honorable Peter A. DeFazio
Chairman
Subcommittee on Highways and Transit
United States House of Representatives

Dear Representative DeFazio:

This letter is in response to the question for the record posed to the American Farm Bureau Federation as a follow up to the July 9, 2008, Subcommittee on Highways and Transit hearing on Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations.

Farm Bureau was asked if we have a position on enacting fees for heavier vehicles that impact the road surface and may lead to faster deterioration of the road. Also asked was whether or not Farm Bureau would support charging fees for vehicles seeking agricultural exemptions for weights in excess of 80,000 pounds.

Farm Bureau supports harvest season permits allowing maximum weight limits of 100,000 pounds for vehicles traveling on federal highways except where additional axles are permitted.

We believe that farmers hauling their own commodities to market in their own vehicles should not be subject to additional fees or taxes. Such fees, if enacted, would be particularly regressive for smaller farmers and ranchers who transport their commodities comparatively short distances over relatively short periods of time.

AFBF appreciates the opportunity to offer our opinion on this important issue and we look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Maslyn'.

Mark Maslyn
Executive Director
Public Policy

July 16, 2008

Dear Mr. Chairman and Members of the Highways and Transit Subcommittee:

On behalf of the undersigned companies and associations, we are writing you today in support of testimony provided by Tom Carpenter, representing International Paper and the Americans for Safe and Efficient Transportation coalition, during the July 9 hearing titled "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations."

As shippers, carriers, manufacturers, and interested associations, we represent a vast array of different entities that move freight throughout this country. Our commodities and industries may be different but all of us share a common thread – we must utilize trucks to move our goods throughout the nation. Trucks currently haul over 80% of all the freight moved in the U.S. and that has continued to increase over time given the growing economy, just-in-time delivery needs and an increase in intermodal connections. The question before this committee is not whether or not there will be an ever-growing demand for trucks to move our products, but whether or not we want to slow that growth by permitting more productive vehicles on our federal highways.

As Mr. Carpenter's testimony clearly stated, the freight industry is at a crossroads. Congestion is reaching critical levels, diesel fuel prices have skyrocketed, new tougher engine emission standards have been enacted, hours-of-service regulations have been adopted, and yet nothing to help improve the productivity of the trucking industry has yet to be considered by Congress. Without making any changes to improve productivity and efficiency, American companies will face challenges like we have never seen before in our ability to transport goods across the country.

Nearly every one of America's trading partners has been afforded the ability to haul heavier trucks with six axles or more longer-combination vehicles (LCVs) than we are allowed. In addition, several states are now allowing the use of longer trailers. Our ports and border crossings are more congested than ever and the US DOT predicts nearly a doubling of total freight moved via truck over the next 20 years. This simply means greater emissions, the potential for more accidents and ultimately higher prices for the general public. We have already seen consumer prices rise as the price of diesel fuel careens out of control. Allowing the use of heavier and longer trucks will not only improve the competitiveness and efficiency of the industry, but will also lead to positive environmental impacts by reducing fuel usage and emissions.

There is no panacea for this problem. Increased infrastructure funding, improved technology, and improving the efficiency of the current transportation system will all be crucial in the years ahead. That being said, lifting the freeze on truck size and weight, when done smartly and incrementally, will have a positive effect on both safety as well as the bottom line for all of our industries. The safety statistics have been studied for years and the conclusions have been consistent – lowering the amount of truck-miles-traveled and putting heavier, six-axle trucks or limited LCVs on our federal highways will lead to fewer accidents. As the country's infrastructure continues to decline, the freight industry is committed to helping improve the situation by agreeing to put more money into the system as part of the agreement to lift the freeze on truck size and weight.

July 16, 2008

Taking trucks off the road and improving safety is in everyone's best interest and we take this objective very seriously. Trucking companies face unprecedented hurdles and we must help them find better ways to move freight. Just like in any business, if you aren't moving forward then you are falling behind. Improving the productivity of the trucking industry is another way for us to compete smarter and safer and the time for its adoption has arrived.

We hope you will consider the importance of this issue and we encourage you to contact us if you have any questions or concerns. Thank you for your consideration.

Sincerely,

AbitibiBowater, Inc.
American Beverage Association
American Feed Industry Association
American Forest & Paper Association
American Gypsum Corporation
American for Safe & Efficient Transportation
Babineau Logging, Inc.
Boscov's Department Stores, LLC
California Grain & Feed Association
California Pear Growers
California Warehouse Association
CRST International, Inc.
Forest Resources Association
Grocery Manufacturers Association
Heidtman Steel
JC Penney
Kansas Grain & Feed Association
Maverick Transportation
Mizar Motors
National Private Truck Council
National Retail Federation
Oklahoma Grain & Feed Association
Pacific Egg & Poultry Association
Parkway Transport
Snack Food Association
Tandem Transport
Texas Grain & Feed Association
The National Industrial Transportation League
Weyerhaeuser Company



**INCREASE TRUCK WEIGHT LIMITS
FOR AGRICULTURAL TRANSPORTATION
FROM 80,000 TO 97,000 POUNDS**

**Statement of the Agricultural Transportation Efficiency Coalition (AgTEC) to the House
Subcommittee on Highways and Transit**

July 9, 2008

The Mission of the Agricultural Transportation Efficiency Coalition is "to improve the efficiency of transporting raw, unprocessed agricultural and forest products from farms and forests to processing facilities."

Increasing truck Gross Vehicle Weights (GVW) on the federal highway system, while keeping individual axle weight limits at the current level, will improve productivity, fuel conservation, air quality, infrastructure conservation, and public safety, while reducing carbon emissions and traffic congestion.

In the case of unprocessed forest and farm products, which have relatively low value but are the basis of important value-adding industries, efficient and inexpensive transportation is especially important, since pulling out costs low in the chain magnifies savings higher in the chain. In recognition of this reality, these sectors have striven to build secondary processing facilities as close to the resource as possible, to minimize haul distances. Because of the short hauls—typically under 150 miles—and decentralized points of origin for forest and farm products, trucking is the only practical option for transport for the first leg from the forest or farm. It is also heavily favored in subsequent distribution among processors and markets.

- Trucks are the leading transport mode for the movement of fresh fruits and vegetables in the United States, with a market share of over 90 percent.
- Trucks are the largest carrier of produce to ocean ports for export.
- Ninety-five percent of livestock transportation is handled by truck, and fresh dairy products are primarily handled by trucks over relatively short distances.
- Nearly 90 percent of all raw wood (logs and pulpwood) is transported to the point of primary processing by trucks.

According to the U.S. Department of Agriculture's latest grain transportation modal share analysis released in October 2004, trucks transported 68.4 percent of all domestic grain in the United States during the year 2000. Rail and barge shares are still declining, making trucks the increasingly dominant mode for grain transport in the United States. This trend is expected to continue. (The 2004 report is the latest data available from USDA on grain transport modal shares.)

Improving Global Competitiveness

U.S. global competitors haul their agricultural commodities to processing facilities at much higher Gross Vehicle Weights than is allowed in most U.S. states. Although liberal vehicle weights are allowed on some state and local roads, most agricultural and forest commodity transport is restricted to 80,000 pounds on federal highways. By comparison, the truck GVW limit for most European countries exceeds 110,000 pounds, with Finland and Sweden allowing seven axle trucks to haul up to 132,000 pounds.

- 2 -

The Place of Higher GVW in Trucking Efficiency Improvement

Forest and farm transporters have little control over the unit cost of fuel, and although these sectors are developing many means of improving trucking efficiency to reduce fuel consumption per ton-mile of cargo, such as reduced tare weights, innovative dispatching systems to increase percent-loaded-miles, and fuel-efficient driving techniques, increasing GVW is an important complement to these efforts and effectively multiplies their benefits. One study (University of Georgia's *Status and Future Sustainability of the U. S. Wood Supply System, 2006*) estimates up to an 18 percent cost reduction in the forest products industry for trucking logs to processing facilities if the legal GVW for trucks were increased from 80,000 to 97,000 pounds. (Summary attached.)

These benefits are important to the farm and forest trucking sector, but allowing increased GVWs on federal Interstates also provides real benefits to the public, such as:

- Allowing trucks loaded to state-legal maximums to use federal bypasses and avoid adding to congestion and traffic hazards in urban areas.
- Conserving fuel and thus reducing total emissions.
- By rationalizing haul routes and optimizing loads, reducing total infrastructure impacts and thus reducing highway maintenance costs.

It is important to stress that AgTEC is not recommending any increase to individual axle weight limits, in order to keep braking distances and road wear within current norms.

Research Supports Higher Truck Weights

As recent as December 2006, the Energy Security Leadership Council recommended increasing truck weights to boost fuel efficiency and reduce our dependence on foreign sources of oil. In 2002, Congress's own Transportation Research Board reported: "*U.S. weight limits are lower than the limits of most of the nation's trading partners, and heavier six-axle semi trailers... would be well suited to carrying international containers. Indeed, the benefits of increased truck productivity may appear more attractive today because of emergent concerns over capacity constraints throughout the freight transportation system.*" Even as far back as 1974, a study by the U.S. Department of Transportation called for a GVW limits to be increased of up to 105,500 pounds.

As trucks move more and more raw, unprocessed agricultural and forest commodities from fields and forests to points of primary processing, it will be essential to reform truck weight limits on our federal Interstates to meet just-in-time shipper and processor requirements, reduce congestion to make our roads safer, and reduce fossil fuel energy use to help make our environment cleaner.

Steve Jarvis
Agricultural Transportation Efficiency Coalition
600 Jefferson Plaza, Suite 350 Rockville, Maryland 20852
Phone 301-838-9385 -- Fax 301-838-9481
www.ag-haul.org

HELP KEEP U.S. AGRICULTURAL AND FOREST PRODUCTS MOVING!

The Honorable Peter A. DeFazio, Chairman
Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

Dear Chairman DeFazio:

I am writing in regards to your subcommittee's upcoming July 9th hearing, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," and would like to request that my letter be submitted to the hearing record. I actually wish I wasn't writing this letter at all because my reason for caring about this subject is that my husband was killed in a truck crash on February 13, 2006. Jorge was 46, and he left behind a son, 3 stepsons, a mom, several other family members and me.

The truck driver who killed Jorge was over his hours and had cocaine in his system. Unfortunately, I know that I am not alone in grieving a loved one killed in a truck crash. From 2001 to 2006, there were 365 fatalities in crashes involving a large truck in Oregon and more than 4,600 people were injured. Last year alone, there were 1,245 truck crashes in Oregon that involved a fatality, injury or disabling damage to any vehicle. Our family is just one of these numbers, but I am determined to do what I can to protect others from being another "just one." I urge you and the other members of the subcommittee to join me and protect all motorists – you and your families, your constituents, your community members, and your friends. We are all at risk and the danger will increase if your subcommittee allows truck sizes and weights to increase.

There is no tricking physics. The bigger the truck, the longer it takes to stop and the more likely it is to be involved in a fatal crash. A 100,000 pound truck takes 25 percent longer to stop than a 80,000 pound truck. And, a big truck weighing even a legal 80,000 pounds is 50 to 100 percent more likely to be involved in a fatal crash than a truck weighing 50,000 to 65,000 pounds. The chances of a big truck crash resulting in deaths and serious injuries increase with each extra ton of weight over the 80,000 pound gross vehicle weight limit in federal law. The federal weight limits are used by many states as the upper limit on truck weight on state roads built to lower design and safety standards. If you increase the federal weight limits, undoubtedly states will follow in those dangerous footsteps.

Oregon's roads are also in dangerous conditions. I have learned that Oregon has the sixth highest percentage of structurally deficient bridges in the nation. This not a ranking of which our state can be proud. I urge you to take action immediately to stop our roads from becoming even more perilous by allowing bigger, heavier trucks to travel on them and cause additional damage. Several states and organizations have issued reports or studies over the past several years showing that overweight trucks and dramatically increasing both road and bridge damage, and that there are insufficient resources and revenue to keep up with big truck highway and bridge destruction. Simply put, it makes no sense to make a bad situation

7/8/2008

worse.

Five thousand people being killed on America's roads every year is not acceptable. To even consider taking action to increase, and not decrease, this number is unexplainable. You are in the proverbial driver's seat and I urge you to steer us in a safer direction.

Thank you.

Sincerely,

Kimberly Couto

7/8/2008


FOREST RESOURCES ASSOCIATION INC.

 600 JEFFERSON PLAZA, SUITE 350
 ROCKVILLE, MARYLAND 20852

PHONE: 301/838-9385

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**TECHNICAL
RELEASE**
O6-R-18
POTENTIAL IMPACTS OF 97,000-GVW ON LOGGING COSTS
Trucks/Trucking: efficiency/productivity
August 2006
www.forestresources.org/members/serpub/06-R-18.html

INTRODUCTION: With fuel prices rising, improving trucking efficiency is now more crucial than ever. Fuel costs are reducing the profit margins on every industry in the economy, and logging is certainly no exception. This study evaluated the cost implications for haulers of raw forest products associated with increasing the maximum allowable Gross Vehicle Weight (GVW) of tractor-trailers from the current limit in most states of 80,000 pounds to 97,000 pounds.

In addition to providing fuel-cost savings, increasing the allowable GVW also would streamline trucking across national borders. Current maximum GVWs allowed by Mexico and Canada are 106,920 pounds and 95,900 pounds, respectively. According to the Americans for Safe and Efficient Transportation (ASET), the payload increase would make trade more parallel and obtain \$14.5 billion of potential savings in shipping costs. For an individual truck, ASET also states that tractor-trailers (with 6 axles rather than 5) can reduce vehicle miles traveled (VMT) by 11% and reduce fuel usage by 6%. Accidents would decrease as well, as fewer trucks driven by a smaller pool of more highly qualified drivers would be on the road.

DATA AND ANALYSIS: This study specifically compared the costs of operating a standard logging tractor-trailer at 80,000-pound GVW to that of a tractor-trailer designed for a 97,000-pound GVW, on a cost per ton-mile basis. To permit the higher GVW, at a minimum the trailer would require an additional (or third) axle, thus creating a 6-axle instead of a 5-axle rig. Retrofitting existing trailers by adding a third axle did not appear to be generally feasible, judging from discussions with trailer manufacturers. To take advantage of this greater GVW opportunity, trailers would instead have to be replaced with those manufactured with the additional axle.

There are other costs associated with increasing payload, but while many of these are intuitively obvious, they are difficult to estimate. A truck equipped for and designed to handle a GVW of 80,000 pounds could likely haul the extra weight, but with sacrifices in fuel mileage, travel speed, and wear and tear on truck engine, transmission, suspension, and other components. To try to assess these potential impacts, we evaluated the cost of a heavier, more powerful, and more expensive truck with an assumed longer lifespan.

We used cost data wherever possible from the Wood Supply Research Institute trucking study performed by Auburn University (summarized in FRA Technical Releases 05-R-1 and 05-R-8) to permit comparisons between studies and to exploit their recent research. We obtained additional information from truck dealers and from logging contractors with experience operating trucks rated for higher GVW.

We considered three truck configurations:

- **Current Rig:** A five-axle tractor-trailer combination typical of those operated today, with maximum GVW of 80,000 pounds.
- **97,000 GVW with 3-axle trailer:** Same tractor as in base case but pulling a 3-axle trailer, allowing it to haul 97,000 pounds GVW. Many contractors will face this "trailer replacement situation" if the higher GVW is allowed.
- **97,000 GVW with larger engine and 3-axle trailer:** In this configuration, the tractor uses a larger engine to pull a 3-axle trailer. Some feel that trucks will require these types of upgrades to handle higher GVW effectively; in some states, where GVWs greater than 80,000 pounds are now allowed, these rigs are common.

ASSUMPTIONS: Tare weights for the three scenarios were 28,200 pounds, 29,250 pounds, and 32,885 pounds, respectively, resulting in allowable payloads of 25.90 tons, 33.88 tons, and 32.06 tons. Fixed costs for trucks and trailers were estimated assuming that trucks were bought new, paid for in four years, and operated for a total of six years. We calculated a monthly payment assuming 80% of the entire purchase price was financed at 7.5% interest for 48 months. Since payments would be made in only two-thirds of the years in which the truck was owned and operated, we multiplied the monthly payment by two-thirds to allocate the fixed cost evenly over the life of the truck.

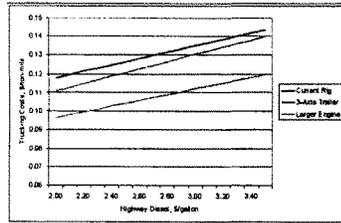


Fig. 1: Trucking cost per ton-mile as affected by highway diesel costs on an average haul of 60 miles.

The base case tractor purchase price was assumed to be \$90,000, and the tractor with the larger engine was assigned a price of \$110,000. Two-axle trailers were priced at \$19,000, compared to \$22,300 for three-axle trailers. Annual insurance and tax/tag costs were set at \$4,850 and \$1,200, respectively, for each scenario.

current rig, \$.0015 for the 3-axle trailer, and \$.0020 for the larger rig case. These factors are illustrated as the slope of each line, and the slope is directly dependent upon the fuel mileage of each rig and the payload. The larger engine configuration with the lowest fuel mileage and not the largest payload has the steepest slope, indicating that it is most affected by increases in fuel prices. As fuel price rises, the 3-axle case is the most efficient at maintaining a lower ton-mile cost, indicated by having the most gradual slope, due to its maximum payload and moderate fuel mileage.

RESULTS: Fuel prices have a direct and immediate effect on any transportation costs, including those of log trucking (Fig. 1). In general terms, a \$0.50 per gallon increase in diesel prices increases cost per ton-mile by 1 to 2 cents. For every \$.10 increase in fuel price, the ton-mile cost increases by a factor of approximately \$.0017 for the

Haul distance also directly impacts trucking costs (Fig. 2). Log trucking costs are commonly quoted on a cost per ton-mile basis, with a minimum haul distance of 30-50 miles, to account for the fixed times while loading in the woods and unloading at the mill. Beyond a minimum haul distance, as haul distance increases, the cost per ton increases. However, the cost advantage enjoyed by the higher GVW rigs is even larger as haul distance increases.

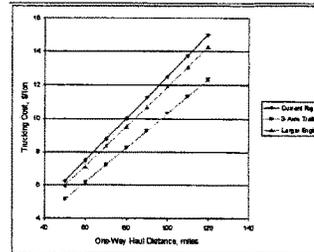


Fig. 2: Trucking cost per ton as affected by one-way haul distance.

Trucking of raw forest products in the U.S. South does not enjoy GVW or payloads similar to those of our competitors in other parts of the world, where GVWs of 50-60 metric tons (110,000-132,000 pounds) may be allowed. If the U.S. were to permit a 97,000-pound GVW on major highways, significant cost savings could be available to log truckers if they modified their rigs to take advantage of these possibilities. Trucking cost reductions of up to 18% appear to be available if contractors can replace their 2-axle trailers with 3-axle trailers and continue to use their existing current tractor unit.

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Reviewed by:
Rick Meyer
Appalachian/
Southeastern Region Manager

Laredo Urban
Transportation Study



October 16, 2008

Congressman Peter A. DeFazio, Chairman
Subcommittee on Highways and Transit
Room B370A, Rayburn House Building
Washington, DC 20515

Dear Congressman DeFazio,

I want to thank you for providing me the opportunity to testify on behalf of small MPO's and the City of Laredo at the July 9, 2008 hearing. Please find attached brief responses to the questions submitted earlier this month. I consider it a great honor to have had the privilege to present my thoughts on these very important issues and am available to assist the Subcommittee on future endeavors if you so desire.

Sincerely,

A handwritten signature in cursive script that reads "Samuel Keith Selman".

Samuel Keith Selman, AICP
MPO Director

QUESTIONS FOR MR. SAMUEL KEITH SELMAN, AICP
DIRECTOR OF PLANNING & ZONING AND DIRECTOR OF LAREDO MPO
CITY OF LAREDO, TEXAS

HIGHWAYS AND TRANSIT SUBCOMMITTEE HEARING

SEPTEMBER 18, 20008

Questions from Chairman DeFazio

1. Should MPO's be more engaged in the defining and the planning of our nation's trade corridors as we try to address the issue of goods movement?

Currently MPO's are engaged in the planning of the goods movement as the major urban centers are our transportation network hubs. However, I'm not sure that MPO's have to date focused on this issue as they look to reconcile mobility issues. They should. While the MPO must be kept abreast of major transportation improvements and should have a voice in those creating intercity links, MPO authority should not be expanded to encompass the links between the nodes/hubs.

2. A number of witnesses discussed efforts to link "authority with funding." Do you believe creating that linkage will develop more accountability in the surface transportation program? Would this affect how project programming decisions are made?

Will the link create more accountability? No.

If linked, can project decisions be affected? Potentially, as empirical project identification and programming could be compromised by political desires.

3. How are MPO's adjusting to changing transit ridership demands in the planning process? For example, transit agencies are reporting record ridership numbers, how will MPO's capture this increase and build it into longer-range planning? How will this impact future investments decisions?

While inclusion of transit is required in the MTP update currently underway, it will likely get increased and renewed emphasis given the ridership spike. Transit supporters have always claimed that transit can reduce congestion on the roadway systems. While recent numbers support this, the notion that availability alone will provide the mode shift is not substantiated given the external circumstances (gas prices) that likely attributed to the spike. However, I think transportation planners are generally excited by the trend and will look for, and expect, transit to provide congestion relief and transit options are more likely to be incorporated into the MTP updates. Scenario planning should be incorporated into the MTP and allowable by FHWA.

4. How are MPO's integrating emissions reduction approaches into the planning process? What more can be done?

Non-attainment areas are presumably complying.

5. Moving freight by rail has increased substantially. Has this increase caused the freight railroads to be more active participants in the planning process? If so, what steps have been taken? If not, what needs to be done to bring the freight railroads to the table as active participants in the planning process?

- a. The increased freight has not caused the railroads to be more active in the planning process. The railroads do what they want, when they want, how they want, and appear to be most keen on protecting their interests. If not true, appearances are truly deceiving.
- b. Union Pacific and Kansas City Southern both have rail lines bisecting the community. Both have representation on the MPO Technical Committee. Both seldom attend.
- c. They will likely never acquiesce to being a true partner in reconciling mobility issues until such time that public needs and profits juxtapose.

6. Is there a need to adjust the size or the make-up of MPO's? We have indications that the size and organization of MPO's has an impact on performance.

From the perspective of a small MPO, the answer is no. However, large MPO's may have efficiency deficiencies.

7. Do you feel that you and your MPO colleagues around the country have the authority necessary to carry out comprehensive missions?

Yes, but only if those missions are planning in nature. In theory, the planning effort should be comprehensive.

8. Recently there has been a push for increased private investment in the nation's infrastructure. Given the magnitude of the nation's surface transportation investment needs and the limited resources available to make the necessary improvements, can you discuss the impact private resources and private partners have – or will have – on your planning efforts, particularly in the case of proposals that are generated through unsolicited bids.

Privatization will have very little impact on planning efforts as long as the private improvements are channeled and authorized through the MPO. In the absence of MPO review and approval, privatization will have a drastic, unaccountable, and potentially devastating impact to any planning effort.

9. According to the U.S. Department of Transportation, land use and transportation are symbiotic: development density and location influence regional travel patterns and, in turn, the degree of access provided by the transportation system can influence land use and development trends.
- In your opinion, are land use and transportation planning sufficiently linked? If you would argue that they are, please provide us with examples. If you would argue that they are not, please provide us with specific strategies that can be employed at the federal, state, or metro area levels.

They are not sufficiently linked.

Various options: (1) Highways could be designed and built based on reasonable land use projections and trip generation. (2) Access can be determined and permitted in the planning stages of a new facility. (3) Substantial improvements to existing roadway facilities could trigger a mandate to plan and implement access management. (4) Substantial improvements to existing facilities could trigger a mandate to plan for and incorporate transit facilities. (5) Require or perform traffic impact analysis on any new development along a facility and mandate mitigation. (6) Purchase additional land along the corridor and resale with covenants prohibiting

certain activities. (7) Purchase certain use activities on properties adjacent to a facility and thereby establishing through acquisition essentially an inverse easement.

10. The Surface Transportation Policy Project (STPP) recently released a study on performance measures in transportation planning. It suggested that an expanded list of performance indicators could include: financial transparency; efficient land use; transportation choice and mode share; energy efficiency; health impacts; and environmental impacts.

- What types of performance measures, in your opinion, should states and MPO's be required to consider when fulfilling their transportation roles?

In addition to the above include: congestion relief (travel times, etc.), access to jobs, and environmental justice.

11. What changes do you believe would be necessary to the current planning process and surface transportation governance structure to be truly effective and performance driven? In other words, do you believe such a program could be developed in a cost-effective manner without looking at the way resources are allocated under the current programs and is there a better way to do this to create a more accountable, performance-driven program?

Speed. Millions and possibly billions of dollars have been lost due to the time consumed between project inception and construction. Projects can be, and frequently are, waylaid due to simple scrivener errors. While we spin our wheels constantly ensuring the "i's" are dotted and the "t's" are crossed, resources are being absorbed by inflation and material cost increases.

- (1) Remove barriers to project changes and amendments.
- (2) Remove one layer of review either by the state DOT or FHWA.
- (3) Establish a more equitable balance between accountability and project facilitation as true accountability is compromised when millions of taxpayer's dollars are lost or wasted in the very processes designed for accountability.

12. What tools or incentives can be developed at the federal level to foster more collaboration between State DOT's and MPO's?

True collaboration can only occur in an atmosphere of equality. Currently, MPO's are operating in a subordinate role to the DOT's.

- (1) Provide a DOT performance evaluation to include measurable standards for collaboration to be conducted by the MPO, with poor performance scores resulting in definitive consequences.

**Parents Against Tired Truckers**

July 3, 2008

The Honorable Peter A. DeFazio, Chairman
The Honorable John J. Duncan, Jr., Ranking Member
Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515
VIA FAX: 202-226-1270

Dear Chairman DeFazio and Representative Duncan:

I am writing in regards to your subcommittee's upcoming July 9th hearing, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," and would like to request that my letter be submitted to the hearing record. I believe I provide a unique voice to the discussion that will ensue during this hearing, as I am not a paid lobbyist or an industry representative with a large financial interest in this issue. Nonetheless, I am equally if not more vested in this subject, as I have dedicated countless hours to improving truck safety since the death of my son, Jeff, in a preventable truck crash on October 10, 1993.

I formed Parents Against Tired Trucks, P.A.T.T., a volunteer-based nonprofit, in May of 1994 to try to make a difference and protect other families from what I have gone through. It is precisely for that same reason that I strongly oppose any increases to truck weights and lengths, including H.R. 2263, the Commercial Truck Highway Safety Demonstration Program Act of 2007, which would create a pilot program and remove the federal truck weight limit in my home state of Maine. Special interest provisions such as this one will have regional and nationwide ramifications leading to increased deaths and injuries and accelerated destruction of our nation's infrastructure. Similarly, I oppose any thaw to the current Longer Combination Vehicle (LCV) freeze. Proceeding with either of these types of ill-conceived ideas will result in taxpayers paying with their lives and their wallets.

It is no secret that one of the trucking industry's top priorities is to increase truck sizes and weights throughout the United States. Historically, the strategy of the trucking industry has been to ratchet up truck weights by pressuring state after state to increase their weight limits, eventually forcing Congress to open the entire federal Interstate System to higher and more dangerous truck weights. While I am convinced that these anti-safety exemptions should never be enacted in legislation, it is especially inappropriate for Congress to consider increases or exemptions at a time when there has been no progress in reducing deaths in truck-involved crashes. Since 2001, over 30,500 people have died in truck crashes on our nation's streets and highways, approximately 5,000 fatalities annually. Instead of

considering increasing truck sizes and weights, the discussion should be focused on taking steps to stop this needless carnage.

The annual death toll from truck-related crashes is the equivalent of 52 major airline crashes every year, one crash every week resulting in 95 deaths. I was wondering if that many airplane crashes ever occurred, if the Subcommittee on Aviation would hold a hearing to discuss ways to make airplanes more dangerous. Why is Congress accepting that 5,000 people being killed every year is acceptable; that it is just the cost of doing business? There are numerous steps that could be taken to make our highways safer and increasing truck sizes and weights is certainly not one of them. To do so would be making a horrendous situation even worse and that is simply unacceptable and unbearable.

The laws of physics are not debatable. The chances of a big truck crash resulting in deaths and serious injuries increase with each extra ton of weight over the 80,000 pound gross vehicle weight (GVW) limit in federal law. A big truck weighing even a legal 80,000 pounds is 50 to 100 percent more likely to be involved in a fatal crash than a truck weighing about 50,000 to 65,000 pounds. (University of Michigan Transportation Research Institute (UMTRI) 1988; Federal Highway Administration 1997). Additionally, a 100,000 pound truck takes 25 percent longer to stop than an 80,000 pound truck. A 120,000 pound truck can travel as much as 50 percent further before stopping than an 80,000 pound truck, especially if these heavy trucks have unadjusted brakes. Truck inspections often find up to one-third of all trucks with out-of-adjustment brakes. Federal standards require passenger cars to stop in 215 feet, but big tractor-trailers are required to stop in only 355 feet (UMTRI, 1983; Insurance Institute for Highway Safety 2003; National Academy of Sciences 1990; National Highway Traffic Safety Administration 2004; Commercial Vehicle Safety Alliance 2000).

Moreover, because overweight trucks impose excessive damage and do not pay their fair share of the cost of repair to highways and bridges, taxpayers unfairly shoulder that financial burden for the trucking industry. Currently, there is a national backlog of more than \$118 billion in highway and bridge maintenance and repair improvement costs. Maine alone has reported that a portion of its \$641 million backlog, affecting some 17 key highway and bridge projects, is unfunded and has been deferred. Furthermore, an analysis by the Federal Highway Administration (FHWA) of Maine's interstate bridges indicates three-quarters are overstressed with the additional weights. In addition, the FHWA states at least 7 of Maine's interstate bridges could be stressed beyond yield point and that they could structurally fail. We cannot afford to saddle taxpayers with even greater government costs while big trucks destroy our roads and bridges at a dramatically accelerated pace.

As the target date for recess rapidly approaches, the threat level from anti-safety exemptions increases. Most of these special interest anti-safety riders being considered already were rejected in SAFETEA-LU and should be rejected again because they degrade highway safety and threaten the safety of commercial drivers and the public. I urge you to oppose any legislative assaults on truck safety and work with us to protect the safety of truck drivers and the motoring public by opposing any and all such exemptions.

Sincerely,



Daphne Izer, Lisbon, Maine
 Founder
 Parents Against Tired Truckers (P.A.T.T.)
 235 Ferry Road
 Lisbon, Maine 04250-6233



July 9, 2008

The Honorable James Oberstar
 Chair, Committee on Transportation and
 Infrastructure
 U.S. House of Representatives

The Honorable John Mica
 Ranking Member, Committee on Transportation
 and Infrastructure
 U.S. House of Representatives

The Honorable Peter DeFazio
 Chair, Subcommittee on Highways and Transit

The Honorable John Duncan
 Ranking Member, Subcommittee on Highways
 and Transit

Dear Representatives:

Public Citizen is submitting this letter to the Subcommittee concerning its hearings on the impacts of current law and regulation regarding truck weights and length. We would like to emphasize our position opposing any expanded rights for longer and heavier trucks to operate on our nation's highways. Public Citizen opposes removing the 1991 freeze on Longer Combination Vehicles (LCVs), any demonstration projects for longer, heavier trucks, and any special exemptions to states for the following reasons:

- Longer/heavier trucks are more dangerous to operate and are more dangerous to other drivers on the road.
- Heavier trucks more rapidly degrade highways and bridges.
- Switching to heavier and longer trucks will actually *waste* fuel, as shown by U.S. DOT in 2004, whereas shifting freight shipping to rail would more effectively reduce fuel consumption.

Safety

Large trucks make up just 3 percent of registered vehicles, but are responsible for 12-13 percent of all annual motor vehicle crash deaths. In a poll conducted by Lake Research Partners in 2008, 82 percent of motorists reported that they are concerned about driving near double and triple trailer trucks than single trailer trucks – and for good reason, since the Insurance Institute for Highway Safety estimates that in crashes between a passenger car and a big truck, 98 percent of the people who die are in the passenger vehicle. The same poll found that 66 percent of motorists oppose changing the law to allow larger trucks carrying heavier loads.

There are about 5,000 fatalities annually in vehicles involved in large truck crashes, including almost 700 truck drivers, making truck driving one of the most dangerous jobs. Larger, heavier trucks are more difficult to control, take longer to stop, and are more prone to roll over. To other drivers on the road a 97,000 pound truck looks indistinguishable from an 80,000 pound truck, but that 17,000 pounds make a difference for how the truck will handle. On increasingly congested highways, the margin of error for passenger cars and big trucks alike is getting narrower, and adding another variable like longer, heavier trucks could substantially increase the likelihood that drivers are killed.

The National Highway Traffic Safety Administration (NHTSA) estimates that the fatality rate for combination vehicles is more than double the rate for passenger vehicles at 2.24 fatalities per 100 million vehicle miles traveled, versus 1.10 per 100 million vehicle miles traveled for passenger vehicles. There has also been no real progress in reducing deaths in large truck crashes. The number of fatalities in 1998 (5,395) is not significantly higher than the number of fatalities in 2004 (5,235). Expanding Congressional permission to operate longer and heavier trucks, through any means, including the proposed six-state pilot program, puts too many people at risk, and fails to address the most pressing problems about how to improve truck safety.

Public Citizen supports maintaining the LCV freeze enacted in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Increasing truck weight and length will not significantly increase productivity as a result of increasing truck weight and length, as the U.S. DOT itself stated in a major 2004 study, nor will it reduce the number of trucks on the road. Allowing more of these trucks on the highways will only result in more fatal crashes and more destruction of highways and bridges.

Highway Degradation

The tragic 2007 collapse of the I-35 bridge in Minneapolis, Minnesota brought national attention to the deteriorating state of U.S. highway infrastructure. In its 2008 Infrastructure Scorecard the American Society of Civil Engineers gave the overall highway infrastructure a grade of D for condition and service. One 80,000-pound tractor-trailer does as much damage to roads and bridges as 9,600 cars. Studies by the National Academy of Sciences show that even small increases in truck weight dramatically reduce bridge service life, increase the chances of bridge failure, and the addition of more axles under heavier trucks does not reduce bridge damage.

The National Surface Transportation Policy and Revenue Study Commission released a report in December 2007, which found that the U.S. will need \$225 billion each year for 50 years to upgrade and maintain the roads and bridges. The Commission also found that bridge repairs are underfunded by 40 percent. The trucking industry is asking for permission to run more heavy trucks on the already crumbling infrastructure, but claims that infrastructure degradation is an external cost of doing business. Heavy trucks contribute only \$4.5 billion of the \$155 billion of annual highway and bridge funding. The first step Congress should take is to require these vehicles to pay their fair share of the damage done to the infrastructure.

The Heavy Vehicle Use Tax has not been increased in 24 years. It must be increased and inflation indexed to ensure that these vehicles are paying a fair share of the cost of damage to the highways. The U.S. needs to invest in improving the condition and functionality of existing infrastructure, while investing in modernizing the surface transportation system for the future. However, heavier trucks make this a Sisyphean task.

The Government Accountability Office stated that heavier trucks are an expensive burden on infrastructure that the U.S. cannot afford and its 2008 study just released showed that 100,000-pound trucks are paying only about 40 percent of their true cost responsibility for destroying our nation's highways and bridges. Debate over allowing longer and heavier trucks also detracts from the legislative dialogue that needs to be conducted about investing in modernizing freight rail capacity. To accomplish significant transportation goals into the long-term future, the U.S. must expand its freight shipping options and move away from increasingly expensive and environmentally harmful highway-based freight transport that only results in more deaths and more road and bridge damage.

Energy Concerns

Fuel prices have been rapidly rising in the past year, with the average price of a gallon of diesel rising 50 percent from 2007 to 2008, according to the Energy Information Administrations Short-Term Energy Outlook for June 10, 2008. High diesel prices have sharply affected the trucking industry, and truck drivers have been calling for relief in the face of diesel prices that have risen over \$5 a gallon in some areas.

The trucking industry has forwarded the claim that longer combination vehicles are more efficient than single-trailer vehicles. However, according to the 2004 *Western Uniformity Scenario Analysis*, 97,000-pound 6-axle trucks are 10 percent less fuel efficient than 5-axle, 80,000-pound trucks. Diverting more freight to highways will continue the oil-dependence of commerce, and will do nothing to reduce greenhouse gas emissions.

Looking toward the future, it would make more sense to put money into developing freight rail infrastructure. The Surface Transportation Commission report stated that heavy trucks take 12 times the energy as rail to transport freight. Existing rail infrastructure is substantially underused, with 88 percent of current infrastructure operating below capacity. Investment in freight rail infrastructure would put us on a path to accomplish long term transportation, safety and environmental goals.

Public Citizen concludes that bigger trucks will mean more infrastructure damage and increased loss of life and injury. It is important in considering the future of transportation to focus on maintaining existing infrastructure and developing a transportation system that will bring us into the 21st Century. The decision to build the interstate highway system shows that the U.S. knows the value of having functional, world-class transportation infrastructure.

Allowing longer and heavier trucks will undermine highway safety, national security and environmental protection. There are no compelling reasons to lift the freeze on these vehicles, as there is no evidence that heavier and longer trucks increase productivity or efficiency. We thank you for holding hearings to investigate these matters.

Sincerely,

Joan Claybrook, President
Public Citizen



Parents Against Tired Truckers and Citizens for Reliable and Safe Highways

July 3, 2008

The Honorable Peter A. DeFazio, Chairman
The Honorable John J. Duncan, Jr., Ranking Member
Transportation and Infrastructure Committee
Subcommittee on Highways and Transit
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515
VIA FAX: 202-226-1270

Dear Chairman DeFazio and Representative Duncan:

I am writing on behalf of the Truck Safety Coalition in regards to your subcommittee's upcoming July 9th hearing, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," and request that this letter be submitted to the hearing record. The Truck Safety Coalition is strongly opposed to any increase to the current federal truck size and weight limits and any thawing to the Longer Combination Vehicle (LCV) freeze.

In case you are not familiar with the Truck Safety Coalition, we are a partnership of the Citizens for Reliable and Safety Highways (CRASH) Foundation and Parents Against Tired Truckers (P.A.T.T.). We are dedicated to reducing the number of preventable deaths and injuries caused by truck-related crashes, providing compassionate support to truck crash survivors and families of truck crash victims, and educating the public, policy-makers and media about truck safety issues. There are hundreds of victims throughout the country who volunteer time to work with the Truck Safety Coalition to achieve our mission, including some who plan to attend the hearing. Their hard work and dedication are astounding. Like others who have been affected by motor vehicle deaths and injuries, they have taken their sorrow and turned it into strength.

At a time when 5,000 people are being killed every year in truck crashes and an additional 106,000 are injured, we find it inconceivable that Congress would proceed with any policy changes that would further endanger motorists. Large trucks are 9 percent of all vehicles involved in fatal crashes and represent 11-13 percent of all crash fatalities despite the fact that large trucks make up only 3 percent of all registered vehicles. These numbers are not anomalies. There is no real progress being made in dramatically reducing deaths produced by large truck crashes. Large truck crash deaths

and injuries are a public health crisis and we need Congress to take steps to improve current policies and laws, not weaken them.

Passenger vehicle occupants die in record numbers in collisions with large trucks because of the significant difference in weight between cars and large trucks. In two-vehicle crashes involving passenger cars and large trucks, 98 percent of the fatalities are occupants of the passenger vehicle. The chances of a big truck crash resulting in deaths and serious injuries increase with each extra ton of weight over the 80,000 pound gross vehicle weight limit (GVW). A big truck weighing even a legal 80,000 pounds is 50 to 100 percent more likely to be involved in a fatal crash than a truck weighing about 50,000 to 65,000 pounds (University of Michigan Transportation Research Institute (UMTRI), 1988; Federal Highway Administration (FHWA), 1997). Moreover, a 100,000-pound truck takes 25 percent longer to stop than an 80,000-pound truck. The serious problem of increased crash risk from overweight trucks was shown in Working Papers relied on by the Federal Highway Administration (FHWA) as the basis for its findings in the Comprehensive Truck Size and Weight Study, August 2000.

Additionally, the trucking industry is erroneously arguing that there will be increased fuel efficiency by allowing heavier trucks and a decreased number of overall trucks on our roads and highways. In fact, just the opposite will occur. Claims about fewer trucks operating if heavier trucks are allowed have absolutely no support in the history of truck weight increases in any state in the country over the past few decades. It is well documented that increases in truck weights do not reduce the number of trucks, but, in fact, can encourage the use of even more trucks, as was pointed out several years ago in the National Academy of Sciences Transportation Research Board Special Report No. 267, *Regulation of Weights, Lengths, and Widths of Commercial Motor Vehicles*, 2002.

Moreover, trucks carrying heavier loads are not more fuel-efficient. The Federal Highway Administration (FHWA) publication, *Western Scenario Analysis*, 2004, emphasizes in its conclusions that 5- or 6-axle heavy trucks that are allowed to increase their weight from 80,000 to 100,000 pounds, in fact, pay a fuel penalty. The study found that, on average, these overweight trucks' fuel mileage declined by more than 10 percent. Similarly, the report of the National Transportation Policy and Revenue Study Commission, released in December 2007, *Transportation for Tomorrow*, emphasized that trucking in general uses more than 12 times the energy of rail freight movement per ton-mile of travel, a serious policy and environmental issue given the increasing scarcity of petroleum and skyrocketing diesel fuel prices. The Commission's report also stressed that the more efficient rail transportation of freight was being underutilized.

In addition to being more dangerous, overweight trucks damage roads and bridges at rapidly increasing rates even when slightly overloaded. Several states and organizations have issued reports showing that overweight trucks are dramatically increasing both road and bridge damage, and that there are insufficient resources and revenue to keep up with big truck highway and bridge destruction. Major studies released by the National Academy of Sciences in recent years also show that adding axles to heavy trucks when transporting extra-heavy loads does not reduce bridge damage. In fact, these studies show that increases in weight from 80,000 pounds to 99,000 or 100,000 pounds

dramatically accelerate bridge deterioration by an order of magnitude and radically reduce remaining service life.

Transportation for Tomorrow is an alarming document that graphically documents the surface transportation crisis in the U.S. and the enormous shortfall in projected funding in the states to repair roads and bridges. The report in particular stresses the extent to which heavy trucks underpay their fair share of highway and bridge use. The Commission urged strong measures to correct this underpayment disparity, including an indexed diesel fuel tax retroactively applied to 1997, an increase in the Heavy Vehicle Use Tax levied by the federal government, imposition of weight-distance taxes for large trucks, and even an additional heavy truck infrastructure damage fee.

To date, however, organized trucking interests have resisted paying their fair share for the use of each state's highways and bridges. The industry strives to derail any proposals that would establish user fee equity in line with the findings of the updated FHWA *Highway Cost Allocation Study*, 2000, which showed that once heavy trucks pass the 70,000-pound threshold, underpayment radically increases with each additional 1,000 pounds of weight.

Finally, the public strongly opposes larger trucks. A May 2008 national survey conducted by Lake Research Partners revealed that two-thirds of Americans oppose the trucking industry's efforts to have Congress change the current law and allow trucks that would carry heavier loads onto U.S. highways. The poll also found that more than 80 percent of the public believe that trucks pulling two or three trailers are not as safe as single-trailer trucks.

There is clear, conclusive and compelling evidence about the dangers of overweight trucks to motorists and to our roads and bridges. The Truck Safety Coalition and families who have lost loved ones in truck crashes urge you to put the safety of motorists first and reject any weakening of current federal regulations.

Sincerely,



John Lannen
Executive Director
Truck Safety Coalition

Florida Chapter



Parents Against Tired Truckers and Citizens for Reliable and Safe Highways

July 7, 2008

The Honorable John L. Mica, Ranking Member
House Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515
VIA FAX: 202-225-6782

Dear Representative Mica:

We are writing in regards to the Subcommittee on Highways and Transit's upcoming July 9th hearing, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," and respectfully request that you submit this letter for the hearing record. As you know, this subject matter is near to our hearts as Jane Mathis's 23-year-old son David and his bride of only five days, Mary Kathryn, were suddenly and violently killed in a large truck crash on March 25, 2004.

In their honor, we have become devoted volunteers for the Truck Safety Coalition and are writing today to voice our strong opposition to any increase to the current federal truck size and weight limits and any thawing to the Longer Combination Vehicle (LCV) freeze. Florida has the dubious dishonor of being the third most dangerous state in the country for truck crash deaths. In 2006, Florida made up 7% of the nation's fatal crashes involving large trucks. We urge you and all of the Committee members to come up with ways to protect motorists, not consider action that will endanger more of us.

You may recall that in May, Jane flew to Washington, to participate in a press conference voicing outrage about a "fly-in" coordinated by the trucking and shipping industry front group, Americans for Safe and Efficient Transportation. The participating executives lobbied for a special interest pilot project to increase truck weights from 80,000 to 97,000 pounds in numerous states. We are dismayed to see on ASET's website that they are claiming their lobbying efforts were successful and that "several Members offered their support immediately." This group obviously doesn't care about "safe" transportation. This is a typical strategy of the trucking industry - get a few states to go along with a deadly plan and then force every state to accept these dangerous overweight trucks. We are urging you to keep this from happening.

The facts are clear. The bigger and heavier the truck, the more dangerous it is. The chances of a big truck crash resulting in deaths and serious injuries increase with each extra ton of weight over the 80,000 pound gross vehicle weight limit. A 100,000-pound truck takes 25 percent longer to stop than an 80,000 pound truck. A 120,000 pound truck can travel as much as 50 percent further before stopping than an 80,000 pound truck, especially if these heavy trucks have unadjusted brakes. Truck inspections often find up to one-third of all trucks with out-of-adjustment brakes. A big truck weighing even a legal 80,000 pounds is 50 to 100 percent more likely to be involved in a fatal crash than a truck weighing about 50,000 to 65,000 pounds (University of Michigan Transportation Research Institute 1998; Federal Highway Administration 1997). Furthermore, when crashes between passenger vehicles and large trucks occur, 98 percent of the fatalities are occupants of the passenger vehicle.

Not only do overweight trucks take longer to brake and are more prone to roll over in crashes, but they also damage roads and bridges at rapidly increasing rates even when slightly overloaded. Several states and organizations have issued reports over the past several years showing that overweight trucks are dramatically increasing both road and bridge damage, and that there are insufficient resources and revenue to keep up with big truck highway and bridge destruction. The Florida Department of Transportation spent \$200 million annually for pavement resurfacing and attributed the majority of this cost to truck traffic.

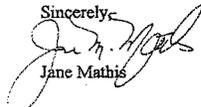
In addition, the trucking industry's claim that increasing federal size and weight limits will decrease the number of trucks on the road is simply false. Past increases in truck size and weight have not resulted in fewer trucks, fewer trips, or fewer miles traveled. The number of trucks on U.S. highways has consistently grown over the past few decades even after several increases in both the size and weight of large trucks.

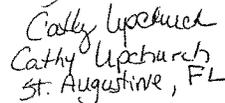
Lastly, large, extra-heavy trucks are highly fuel inefficient. The National Surface Transportation Policy and Revenue Study Commission found that per ton, freight transportation by truck uses 12 times more energy than rail transportation of commodities, a serious policy and environmental issue given the increasing scarcity of petroleum and skyrocketing diesel fuel prices (*Transportation for Tomorrow*, 2007). A *Washington Post* front-page article has also documented the much greater fuel efficiency of railroads for hauling freight (*Washington Post* April 21, 2008).

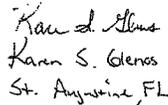
We urge Congress to do the right thing -- Stand up against special interest lobbying and protect American families traveling on our roads.

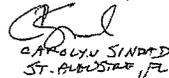
Thank you.

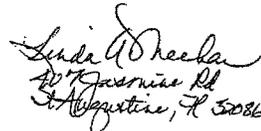
Sincerely,

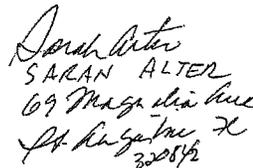

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