

111TH CONGRESS
1ST SESSION

S. 398

To permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2009

Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Idaho Efficient Vehicle
5 Demonstration Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) States including Montana, Nevada, Utah,
2 and Wyoming have been grandfathered the right to
3 operate up to 129,000-pound or greater vehicle com-
4 binations on 9 axles or more on Federal highways;

5 (2) laws governing Federal highway funding ef-
6 fectively impose a limit of 105,500 pounds on the
7 weight of vehicles permitted to use the Interstate
8 System within the State of Idaho;

9 (3) the State of Idaho is surrounded by the
10 States specified in paragraph (1) that allow higher
11 weight limits on the Interstate System, which puts
12 the State of Idaho at a disadvantage in moving
13 freight within Idaho and into those surrounding
14 States;

15 (4) in 2003, the legislature of the State of
16 Idaho adopted House Bill 395, which established a
17 10-year pilot project that allows vehicle combinations
18 up to 129,000 pounds to be operated on 10 axles on
19 specific routes in that State, but does not address
20 the Interstate System;

21 (5) in enacting the pilot project program in
22 House Bill 395 of the State, the legislature required
23 the Idaho Transportation Department to report to
24 the legislature on the effect of the program;

1 (6) the Idaho Transportation Department is re-
2 quired to submit reports every 3 years during the
3 10-year life of the pilot project program that de-
4 scribe the results of monitoring and evaluation of all
5 important impacts, including impacts to safety,
6 bridges, and pavement, on all pilot project routes;

7 (7) the pilot project program terminates on
8 July 1, 2013, unless the program is otherwise ex-
9 tended or sooner repealed by the legislature;

10 (8) the administration of the pilot project, cou-
11 pled with the fact that vehicle combinations cannot
12 operate at 129,000 pounds on the Interstate System,
13 has forced those heavier vehicle combinations to di-
14 vert onto small State and local roads on which high-
15 er vehicle weight limits are allowed under State law;

16 (9) the diversion of those vehicles onto those
17 roads increases fuel costs because of increased idling
18 time and total travel time along those roads;

19 (10) the cost of transportation fuel has in-
20 creased more than 80 percent between calendar
21 years 2007 and 2008; and

22 (11) permitting commercial vehicles to travel on
23 a select few Interstate System highways within the
24 State at increased weight limits would provide—

1 (A) significant savings in the transpor-
 2 tation of goods throughout the State; and

3 (B) substantial data and an opportunity
 4 for analysis of the impacts of the vehicles on
 5 bridges, highway safety, and pavements.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) COVERED INTERSTATE SYSTEM HIGH-
 9 WAY.—The term “covered Interstate System high-
 10 way” means any portion of a highway designated as
 11 a route on the Interstate System that, as of the date
 12 of enactment of this Act, is not exempt from the re-
 13 quirements of subsection (a) of section 127 of title
 14 23, United States Code, pursuant to a waiver under
 15 that subsection.

16 (2) DIRECTOR.—The term “Director” means
 17 the Director of the Idaho Transportation Depart-
 18 ment.

19 (3) INTERSTATE SYSTEM.—The term “Inter-
 20 state System” has the meaning given the term in
 21 section 101(a) of title 23, United States Code.

22 (4) PILOT PROJECT.—The term “pilot project”
 23 means the 10-year pilot project of the State, estab-
 24 lished in 2003 under House Bill 395 of the State,
 25 that permits vehicle combinations weighing up to

1 129,000 pounds to be operated on specific routes in
2 that State.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

5 (6) STATE.—The term “State” means the State
6 of Idaho.

7 **SEC. 4. WAIVER OF HIGHWAY FUNDING REDUCTION RELAT-**
8 **ING TO WEIGHT OF VEHICLES USING INTER-**
9 **STATE SYSTEM HIGHWAYS.**

10 (a) PROHIBITION RELATING TO CERTAIN VEHI-
11 CLES.—Notwithstanding section 127(a) of title 23, United
12 States Code, the total amount of funds apportioned to the
13 State under section 104(b)(1) of that title for any period
14 may not be reduced under section 127(a) of that title if
15 the State permits a vehicle combination described in sub-
16 section (b) to use a covered Interstate System highway
17 in the State in accordance with this Act.

18 (b) COMBINATION VEHICLES IN EXCESS OF 105,500
19 POUNDS UP TO 129,000 POUNDS.—A vehicle described in
20 this subsection is a vehicle that—

21 (1) has a weight in excess of 105,500 pounds
22 but not more than 129,000 pounds;

23 (2) consists of a power unit hauling 2 or more
24 trailers or semitrailers;

1 (3) does not exceed any vehicle weight limita-
2 tion that is applicable under State law to the oper-
3 ation of the vehicle on highways in the State that
4 are not part of the Interstate System, as those laws
5 are in effect on the date of enactment of this Act;
6 and

7 (4) is limited to travel only on—

8 (A) the portion of Interstate Route 15 ex-
9 tending from the Montana border to the junc-
10 tion with Interstate Route 86;

11 (B) the portion of Interstate Route 86 ex-
12 tending from the junction of Interstate Route
13 15 to the junction with Interstate Route 84;
14 and

15 (C) the portion of Interstate Route 84 ex-
16 tending from the Utah border to the Oregon
17 border.

18 (c) TERMINATION OF AUTHORITY.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 this section and the authority provided under this
21 section shall terminate on July 1, 2013.

22 (2) EXCEPTIONS.—This section and the author-
23 ity provided under this section shall terminate on—

1 (A) a date that is later than the date spec-
2 ified in paragraph (1), if the project is extended
3 to that later date by the State; or

4 (B) any date that is before, on, or after
5 the date specified in paragraph (1), if the Sec-
6 retary—

7 (i) determines that—

8 (I) operation of vehicles described
9 in subsection (b) on covered Interstate
10 System highways has adversely af-
11 fected safety on the overall highway
12 system; or

13 (II) the Director has failed to
14 collect the data described in section
15 5(2); and

16 (ii) publishes the determination, to-
17 gether with the date of termination of this
18 section, in the Federal Register.

19 (d) CONSULTATION REGARDING TERMINATION FOR
20 SAFETY.—In making a determination under subsection
21 (c)(2)(A)(i), the Secretary shall consult with the Director.

22 **SEC. 5. RESPONSIBILITIES OF STATE.**

23 For the purpose of section 4, the State shall be con-
24 sidered to meet the conditions under this section if the
25 Director—

1 (1) submits to the Secretary a plan for use in
2 meeting the conditions described in paragraph (2);
3 and

4 (2) collects data on the net effects that the op-
5 eration of vehicles described in section 4(b) on cov-
6 ered Interstate System highways in the State has on
7 the safety of the overall highway system, as required
8 by House Bill 395 of the State.

○