TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: October 17, 2014 Council Meeting

Subject: H.R. 612: Safe and Efficient Transportation Act of 2013

Introduction

At the July 18, 2014 Council meeting, Vice Mayor Burdick requested Council staff provide information on prospective federal legislation that would seek to increase the weight and length of trucks on the nation’s highway system. Accordingly, this agenda item provides a summary review of H.R. 612: Safe and Efficient Transportation Act of 2013 (SETA), which was recently introduced in Congress (see Exhibit 1). If passed, this act would revise current federal legislation to allow increases in truck size and weight limits beyond those that are currently allowed.

Background

Under current federal law there are weight limits for trucks on the Interstate Highway System (IHS), as well as width and length limits on the National Network (a system of approximately 209,000 miles of roads including the interstate system specifically designated in federal regulations). According to the Federal Highway Administration, national maximum weight standards applying to commercial vehicle operations on the IHS are:

- Single Axle: 20,000 pounds
- Tandem Axle: 34,000 pounds
- Gross Vehicle Weight: 80,000 pounds

On February 12, 2013, SETA was introduced as H.R. 612 during the 113th Congress (2013-2014). This bill would raise the federal truck weight limit from 80,000 pounds to 97,000 pounds. The bill would authorize states to allow trucks to exceed the federal weight limits on portions of the IHS within a state if: 1) the vehicle is equipped with at least six axles; 2) the weight of any single axle does not exceed 20,000 pounds; 3) the weight of any tandem axle does not exceed 34,000 pounds; 4) the weight of any group of three or more axles does not exceed 51,000 pounds; and 5) the gross weight of the vehicle does not exceed 97,000 pounds.
Analysis

The proposed legislation is supported by the Coalition for Transportation Productivity, numerous shipping companies, and allied associations (see Exhibit 2). These organizations maintain that the United States now lags behind major competitors in North America, Europe and Asia in the widespread use of six-axle vehicles that reduce their cost of delivery. The coalition asserts that “Providing states with the option to maximize the use of six-axle trucks is an effective and safe way to increase truck productivity and America’s freight capacity while reducing congestion, decreasing fuel use and emissions and improving fleet safety.”

However, a number of organizations oppose the proposed legislation. The Palm Beach County Board of County Commissioners has joined with the National Association of Counties in opposing legislation that seeks to increase truck size or weight limits beyond those in current federal law, because of concerns related to highway safety, infrastructure damage and transportation funding implications of such changes. Information in Exhibit 3 provided by the Coalition Against Bigger Trucks (CABT) highlights the following concerns with the legislation:

- Heavier trucks are more likely to roll over;
- Heavier trucks bring more energy to accidents;
- Heavier trucks are more likely to cause significant damage to bridges; and
- The proposed 97,000-pound six-axle trucks would only pay for about 50 percent of their costs for damages they do to roads and bridges.

Conclusion

A preliminary analysis of allowing heavier trucks on the IHS has identified proponents for and against the proposed legislation. The information provided by the federal government to support changing truck weight limitations does not make it clear that the gains in the freight productivity outweigh the highway safety concerns and additional wear and tear costs to the nation’s infrastructure. However, provisions in Map-21, the Moving Ahead For Progress in the 21st Century Act, require the U.S. Department of Transportation to conduct a comprehensive study addressing differences in safety risks, infrastructure impacts, and the effect on levels of enforcement between trucks operating at or within federal truck size and weight limits and trucks legally operating in excess of federal limits. This report is expected to be completed in November.

Currently, there have been no votes taken on H.R. 612, which was referred to the House Committee on Transportation and Infrastructure, and the House Committee on Ways and Means on February 12, 2013. This could be a significant issue for the region that warrants monitoring and further analysis and recommendations once the comprehensive study of truck size and weight limits is finalized and if the proposal to increase truck weights remains in the proposed bill.

Recommendation

Council should direct staff to continue to monitor the progress of H.R. 612: Safe and Efficient Transportation Act of 2013 and report back to Council when additional information becomes available.

Attachments
H. R. 612

To amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2013

Mr. MICHAUD (for himself, Mr. RIBBLE, Mr. WALZ, Mr. SIMPSON, Mr. SCHRADER, and Mr. YOUNG of Alaska) introduced the following bill, which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, 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 “Safe and Efficient
5 Transportation Act of 2013”.
SEC. 2. MODERNIZED WEIGHT LIMITATIONS FOR CERTAIN VEHICLES.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(j) ADDITIONAL EXCEPTION TO WEIGHT REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a State may authorize a vehicle with a maximum gross weight, including all enforcement tolerances, that exceeds the maximum gross weight otherwise applicable under subsection (a) to operate on the Interstate System routes in the State, if—

“(A) the vehicle is equipped with at least 6 axles;

“(B) the weight of any single axle on the vehicle does not exceed 20,000 pounds, including enforcement tolerances;

“(C) the weight of any tandem axle on the vehicle does not exceed 34,000 pounds, including enforcement tolerances;

“(D) the weight of any group of 3 or more axles on the vehicle does not exceed 51,000 pounds, including enforcement tolerances; and

“(E) the gross weight of the vehicle does not exceed 97,000 pounds, including enforcement tolerances.
“(2) Special rules.—

“(A) Other exceptions not affected.—This subsection shall not restrict—

“(i) a vehicle that may operate under any other provision of this section or another Federal law; or

“(ii) a State’s authority with respect to a vehicle that may operate under any other provision of this section or another Federal law.

“(B) Increase in axle weight requirement.—A State may authorize a vehicle to exceed the maximum axle weight requirements under any one axle grouping in subparagraph (B), (C), or (D) of paragraph (1) by not more than 2,000 pounds.

“(3) State authorization.—A State seeking to authorize a vehicle to operate on the Interstate System routes within its boundaries under paragraph (1) or to increase the maximum axle weight requirements under paragraph (2) shall do so pursuant to authority provided under the laws of the State.

“(4) Reporting requirements.—
“(A) Annual report.—If a State authorizes vehicles described in paragraph (1) to operate on highway routes in the State in a fiscal year, the State shall submit to the Secretary for the fiscal year an annual report at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, the following:

“(i) An identification of highway routes in the State, including routes not on the Interstate System, on which the State authorizes vehicles described in paragraph (1) to operate.

“(ii) A description of the operating requirements and gross vehicle weight limits applicable to the vehicles described in paragraph (1).

“(iii) Safety statistics, including estimated vehicle miles traveled data, concerning the vehicles described in paragraph (1).

“(B) Public availability.—The Secretary shall make all information required under subparagraph (A) available to the public.
“(5) TERMINATION.—The Secretary may terminate the operation of vehicles authorized under this subsection on a specific Interstate System route segment if the Secretary determines that such operation poses an unreasonable safety risk based on an engineering analysis or an analysis of safety data or any other applicable data the Secretary may use.

“(6) WAIVER OF HIGHWAY FUNDING REDUCTION.—Notwithstanding subsection (a), the total amount of funds apportioned to a State under section 104(b)(1) for any period may not be reduced under subsection (a) if the State authorizes a vehicle described in paragraph (1) to operate on the Interstate System in the State in accordance with this subsection or subsection (k).

“(k) VEHICLES LAWFULLY OPERATING ON DECEMBER 31, 2012.—In addition to authority otherwise provided to a State under this section, a State may permit a vehicle with a gross vehicle weight that could have been lawfully operated on the Interstate System in the State on December 31, 2012, to operate on the Interstate System in that State upon the date of enactment of this subsection.”.
SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRA-

STRUCTURE IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 171. Safe and efficient vehicle bridge infrastruc-
ture improvement program

“(a) ESTABLISHMENT.—The Secretary shall estab-
lish a safe and efficient vehicle bridge infrastructure im-
provement program in accordance with this section.

“(b) APPORTIONMENT OF FUNDS TO ELIGIBLE
STATES.—

“(1) IN GENERAL.—On October 1 of each fiscal
year, the Secretary shall apportion, in accordance
with paragraph (2), the sums made available out of
the Safe and Efficient Vehicle Trust Fund for that
fiscal year to carry out this section.

“(2) RATIO TO ELIGIBLE STATES.—The sums
made available out of the Safe and Efficient Vehicle
Trust Fund shall be apportioned among eligible
States in a ratio that—

“(A) the total vehicle miles traveled on
Interstate System highways by vehicles author-
ized to travel on such highways pursuant to sec-
tion 127(j) in each eligible State, as determined
by the Secretary; bears to
“(B) the total vehicle miles traveled on Interstate System highways by vehicles authorized to travel on such highways pursuant to section 127(j) in all eligible States, as determined by the Secretary.

“(c) ELIGIBLE PROJECTS.—An eligible State that receives an apportionment in a fiscal year under subsection (b) shall use the amounts of the apportionment for bridge projects eligible for assistance under this chapter that are located on the Interstate System.

“(d) CONTRACT AUTHORITY.—Funds made available out of the Safe and Efficient Vehicle Trust Fund to carry out this section shall be available for obligation in the same manner as if the funds were made available from the Highway Trust Fund (other than the Mass Transit Account).

“(e) ELIGIBLE STATE DEFINED.—In this section, the term ‘eligible State’ means a State that authorizes a vehicle described in section 127(j) to operate on the Interstate System within its borders.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“171. Safe and efficient vehicle bridge infrastructure improvement program.”.
SEC. 4. SAFE AND EFFICIENT VEHICLE CHARGES.

(a) IN GENERAL.—Subsection (a) of section 4481 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"In the case of the use of any highway motor vehicle described in section 127(j) of title 23, United States Code, if that vehicle is used on the Interstate System with a gross weight in excess of 80,000 pounds, in lieu of the rate in the table, the rate shall be equal to the lesser of—

"(1) $100 per year, plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds, or

"(2) $800 per year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 5. SAFE AND EFFICIENT VEHICLE TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end the following new section:

"SEC. 9512. SAFE AND EFFICIENT VEHICLE TRUST FUND.

"(a) CREATION OF FUND.—There is hereby established in the Treasury of the United States a fund to be known as the 'Safe and Efficient Vehicle Trust Fund', consisting of such amounts as may be—

*HR 6121H*
“(1) appropriated to the Safe and Efficient Vehicle Trust Fund as provided in this section, or
“(2) credited to the Safe and Efficient Vehicle Trust Fund as provided in section 9602(b).
“(b) TRANSFER TO SAFE AND EFFICIENT VEHICLE TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Safe and Efficient Vehicle Trust Fund amounts equivalent to the taxes received in the Treasury under section 4481(a) which are attributable to the use of any highway motor vehicle described in section 127(j) of title 23, United States Code, if that vehicle is used on the Interstate System with a gross weight in excess of 80,000 pounds.
“(c) EXPENDITURES FROM SAFE AND EFFICIENT VEHICLE TRUST FUND.—Amounts in the Safe and Efficient Vehicle Trust Fund shall be available, as provided by appropriations Acts, for fiscal years beginning 1 year after the date of the enactment of this section for projects eligible for assistance under section 171(c) of title 23, United States Code.”.

(b) CONFORMING AMENDMENTS.—
(1) Paragraph (1) of section 9503(b) of such Code is amended by striking the period at the end and inserting “, and taxes received under section 4481 shall be determined without regard to those re-
ceived in the Treasury under section 4481(a) which
are attributable to the use of any highway motor ve-
hicle described in section 127(j) of title 23, United
States Code, if that vehicle is used on the Interstate
System with a gross weight in excess of 80,000
pounds.”.

(2) The table of sections for subchapter A of
chapter 98 of such Code is amended by adding at
the end the following:

“Sec. 9512. Safe and Efficient Vehicle Trust Fund.”.

(c) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act.
February 28, 2013

Dear Member of Congress:

The Coalition for Transportation Productivity is a group of over 200 shippers and allied associations dedicated to giving state governments the ability to allow appropriate interstate access for heavier six-axle trucks. The Safe and Efficient Transportation Act (SETA), recently reintroduced as H.R. 612, would allow states to decide where and when to utilize six-axle trucks with gross vehicle weights of up to 97,000 pounds. Twenty-two states currently allow heavier six-axle trucks on some portion of their state road networks. SETA would allow them to optimize their network by opening select interstate routes to these trucks as well.

The US now lags our major competitors in North America, Europe and Asia in the widespread use of six-axle vehicles that reduce their cost of delivery. Providing states with the option to maximize the use of six-axle trucks is an effective and safe way to increase truck productivity and America’s freight capacity while reducing congestion, decreasing fuel use and emissions and improving fleet safety.

There is a great deal of misinformation being generated about SETA and we offer the following information for your consideration. We also encourage you to visit the CTP website where you will find a broad array of detailed research data from throughout the world supporting our arguments, as well as an advocacy packet with concise summaries of the major findings.

Facts to Consider about H.R. 612

FACT: H.R. 612 is long overdue. The bill addresses a decades-old limitation that doesn’t account for the transportation innovations of the 21st Century. In 1998, the Transportation Equity Act for the 21st Century (TEA-21) requested recommendations on truck weight reform from the National Academy of Sciences’ Transportation Research Board (TRB). One of TRB’s top recommendations was that Congress establish pilot programs to allow heavier 6-axle rigs on select interstate highways. The Safe and Efficient Transportation Act (SETA, H.R. 612) would finally address this recommendation by giving states the opportunity to utilize heavier, six-axle vehicles on select roads and bridges. It places the decision of where to allow these trucks with state transportation authorities, rather than leaving that decision to Washington.

FACT: Congress did not reject the Safe and Efficient Transportation Act in the last Congress. In February 2012, in a complex procedural motion, some provisions of SETA were linked with separate language regarding longer combination vehicles. A substitute amendment replaced this hybrid provision with a Department of Transportation (DOT) study on “truck size and weight.” This study – which will include a review of extensive research from numerous state, international and academic sources – will soon be added to the expansive body of existing literature demonstrating that wider use of six-axle rigs would enable shippers to be safer, greener and more productive. The federal study will help inform states of issues relevant to the use of these vehicles and give guidance for safe implementation.
FACT: SETA trucks leave a lighter footprint on any given stretch of highway than do 5-axle rigs loaded to 80,000 pounds because of the additional 6th axle and its ability to displace weight over four additional tires. This lighter footprint, combined with the need for fewer truckloads to deliver a given amount of freight, would result in reductions in pavement restoration costs for states. The 2009 Wisconsin DOT study concluded that the savings on pavement restoration would exceed any increased cost of bridge repair. Minnesota, Vermont and Maine DOTs, which have examined SETA-like configurations in operation, have determined the additional impact of these trucks on their bridge networks to be minimal.

Regarding bridges, SETA requires an increase in the Heavy Vehicle Use Tax to $800 from $550 per participating truck, with those additional funds to be directed to bridge inspection and maintenance. This 45% increase in the fee is greater than the 33% increase in cargo that can be carried on the six-axle vehicle. In addition, an overall increase in the federal diesel fuel tax has wide support from a number of trucking industry stakeholders. It is Congress that has blocked an increase, not the transportation stakeholder community.

FACT: SETA is not a mandate allowing unrestricted access for these vehicles, but merely allows a state to utilize heavier, six-axle trucks where bridges are capable of carrying the loads.

CTP is fully confident that the engineers and highway experts employed by State DOTs throughout the nation are capable of making informed, data-driven decisions about the appropriate use of these vehicles. SETA won’t put heavier trucks on every bridge but will allow states to develop critical commerce corridors feeding into ports and intermodal facilities and to consider using these trucks on routes that balance economic and infrastructure needs in the state. SETA will also help states prioritize their bridge infrastructure for needed upgrades.

Some argue that SETA will create a patchwork quilt of conflicting state weight limit laws. We already have such a patchwork quilt. SETA will begin to bring some uniformity to the network and put heavier loads on more capable trucks, where they belong.

FACT: Shippers are interested in SETA because it will reduce the environmental impacts of their truck transportation. By improving the ton-miles per gallon of their truck transportation by some 17%, shippers using this configuration will save fuel, reduce carbon emissions and lower the carbon footprint of every item on the truck.

The idea that SETA would lead to more pollutants per ton mile is based on the assumption that railroads will not respond competitively in shipping corridors where they compete with efficient trucks.

FACT: It is wrong to suggest that the public will reject heavier truck weights under the conditions required in SETA. Asking the public how it feels about “bigger” trucks has no application to SETA since those trucks are only heavier, not larger. In 2009, CTP conducted its own poll to explore how people really felt about current weight limit laws and heavier trucks. We found that a majority of the public was quite open to having a fact-based conversation on the issue. When people learn about the benefits in safety and handling afforded by six-axle trucks that are no bigger than today’s five-axle trucks, they are not opposed to those trucks carrying greater weight. You can see a release on our poll here.

FACT: While railroads and trucks compete in some markets, SETA is primarily supported by shippers looking to improve the productivity of their truck transportation by allowing certain products on certain
routes to be moved with fewer truckloads. SETA would be of most use to shippers with short to medium haul business, a market dominated by truckload carriers, not railroads.

Regarding rail diversion, several years ago the Association of American Railroads hired researcher Carl Martland, who produced a study that predicted SETA would result in diversion of freight from rail to truck, *if the railroads did not respond by adjusting “terms of service, equipment or rates.”* Mr. Martland’s report goes on to suggest on page 18, however, that should railroads respond by reducing rates, diversion would not only be minimal, but that railroads would see a “5% reduction in rail traffic, while trucking would see a 7% reduction in truck miles.” Delivering the same volume of freight with fewer miles of both rail and truck use would seem to be an excellent reason for Congress to support SETA.

Opponents of SETA are really asking Congress to block the introduction of more productive trucks in order to reduce the pressure on the rail industry to offer competitive rates. The fact that SETA might result in a bit of healthy competition in transportation and help solve growing capacity problems is a reason to support it, not an argument against it. Shippers need both rail and trucking to be as competitive and efficient as possible to continue to help US manufacturers, growers and producers remain globally competitive.

**Help ensure the U.S. transportation system is more efficient and safer. Cosponsor H.R. 612 today!**

For these reasons, we urge you to support a thorough and timely DOT study that will guide states to safely implement the Safe and Efficient Transportation Act. We also hope you will cosponsor H.R. 612. Your support will signal to manufacturers, wholesalers, growers and producers throughout your district that you understand the challenges they face and are willing to work on a bipartisan basis to enact much needed improvements in transportation productivity.

Sincerely,

John Runyan
Executive Director
The Coalition for Transportation Productivity
202-543-0032

The Safe and Efficient Transportation Act is supported by the following organizations:
Supporting Associations

Agriculture Transportation Coalition (AgTC)  |  Illinois Manufacturers' Association  |  National Lumber & Building Material Dealers
Alabama Forestry Association  |  Intermountain Forest Association  |  Assoc.
Aluminum Association  |  International Foodservice Distributors  |  National Milk Producers Federation
American Beverage Association  |  Association  |  National Potato Council
American Forest & Paper Association  |  International Dairy Foods Association  |  National Private Truck Council
American Frozen Food Institute  |  Institute of Scrap Recycling Industries (ISRI)  |  National Taxpayers Union
American Iron and Steel Institute  |  Kentucky Forest Industries Association  |  Northeastern Loggers Association
American Soybean Association  |  Louisiana Forestry Association  |  North Carolina Forestry Association
American Trucking Associations  |  Maine Motor Transport Association  |  Northwest Food Processors Association
Black Hills Forest Resource Association  |  Maine Pulp and Paper Association  |  Ohio Forestry Association
California League of Food Processors  |  Manufacture Alabama  |  Ohio Manufacturers’ Association
Council for Citizens Against Government Waste  |  Metals Service Center Institute  |  Oregon Potato Commission
Colorado Potato Administrative Committee  |  Michigan Forest Products Council  |  Paper & Forest Industry Transportation Committee
Colorado Timber Industry Association  |  Midwest Shippers' Association  |  Pulp & Paperworkers' Resource Council
Florida Chamber of Commerce  |  Minnesota Timber Producers Association  |  Shelf-Stable Food Processors Association
Florida Forestry Association  |  Mississippi Forestry Association  |  Snack Food Association
Florida Pulp & Paper Association  |  Mississippi Loggers Association  |  Sports Video Group
Fresh Produce Association  |  Missouri Forest Products Association  |  Steel Manufacturers Association
Food Marketing Institute  |  National Association of Chemical Distributors  |  United Fresh Produce Association
Forest Resources Association  |  National Association of Manufacturers (NAM)  |  Virginia Forest Products Association
Grocery Manufacturers Association  |  National Association of Wholesale-Distributors  |  Washington State Potato Commission
Hardwood Federation  |  National Black Chamber of Commerce  |  Western Growers
Idaho Grown Shippers Association  |  National Confectioners Association  |  Wisconsin Manufacturers & Commerce
Idaho Potato Commission  |  National Council of Farmer Cooperatives  |  Wisconsin Paper Council

Supporting Companies

A & M Transport, Inc.  |  Domtar  |  Safe Handling Inc.
Air Products  |  Flambeau River Papers  |  Safeway, Inc.
American Gypsum Company  |  Floyd Wilcox & Sons, Inc.  |  Savage Services
Anheuser Busch  |  FMC Corporation  |  Schwen Food Company
Anthony Forest Products  |  Fuel Transport US, Inc.  |  SC Johnson
Archer Daniels Midland (ADM)  |  Georgia Pacific  |  Seaboard
Ball Brothers Produce  |  Glattfelder  |  Seaboard
Basic American Foods  |  GPPOD of Idaho  |  Shipping Matters
Bear Trucking, Inc.  |  Gray & Oscar, LLC  |  Simplex
Bose Cascade LLC  |  Green Bay Packaging  |  Sun Glo of Idaho, Inc.
Bosie Inc.  |  H-E-B  |  Sunny D
Campbell Soup Company  |  The Hershey Company  |  SuperValu Inc.
CEMEX, Inc.  |  Home Depot  |  Sysco Corporation
Challenger Motor Freight  |  Houg Special Services, Inc.  |  Taylor Produce, Inc.
Chicago Consulting  |  Idaho Forest Group  |  Temple-Inland
Claremont Forest Inc.  |  International Paper  |  Thomas and Sons, Inc.
Coca-Cola Company  |  ITS Logistcs  |  Total Transportation Services
Columbia Forest Products  |  James Burg Trucking Company  |  Transportation Mgmt Solutions
Con-way  |  Koch Companies Public Sector  |  Transact Technologies
Cotton Transp. & Warehousing  |  Kraft Foods, Inc  |  True Value
CRST International  |  Larsen Farms  |  Tyson Foods
Dairy Marketing Services, LLC  |  Lepino Foods  |  UPM, Blandin Paper
Darcon  |  Longview Fibre Paper & Packaging  |  U.S. Xpress
Dean Foods  |  LP Corp.  |  US Foodservice/Alliant Logistics
Deere & Company  |  Lyondell Basell Industries  |  Unilever United States
Delta Timber Company  |  Manuel Huerta Trucking, Inc.  |  United Aluminum Corporation
Diageo  |  Mavensick USA  |  Verso Paper
Evergreen Packaging  |  Maxum Petroleum  |  Wada Farms
Mennen Milling Company  |  Miller/Coors  |  Werner Enterprises
Mills Transfer  |  Minnesota Forest Industries  |  West Central Cooperative
Modern Transportation Services  |  MWV  |  Weyerhauser
National Frozen Foods Corp  |  Neiman Enterprises, Inc.  |  Weyerhauser
Exhibit 3

H.R. 612: Bigger Trucks, Bigger Dangers

Legislation has been introduced in Congress to raise the federal truck weight limit from 80,000 pounds to 97,000 pounds. This bill, H.R. 612, is nearly identical to legislation that was overwhelmingly opposed by law enforcement, first responders, local elected officials, AAA, and engineers in previous Congresses.

The significant highway safety and infrastructure quality concerns raised by bigger trucks led the House Transportation and Infrastructure Committee to vote in bipartisan fashion 33-22 to strip nearly identical provisions from the transportation bill passed by Congress last year and direct the US Department of Transportation to study the safety, infrastructure, modal diversion, environmental, and financial implications of bigger trucks.

This study is due to Congress in 2014, but the bigger truck lobby is pushing ahead anyway. We believe Congress should wait for the results of the DOT study before considering any change to truck size or weight limits.

Below are our concerns about the provisions in H.R. 612.

- The bill would allow trucks weighing up to 97,000 pounds on Interstates – an increase of up to 17,000 pounds per truck – as long as they have a sixth axle.
  - When trucks get heavier, the weight is typically added vertically, which raises the center of gravity making the truck more likely to roll over.
  - Heavier trucks traveling at the same speed as lighter trucks bring more energy into accidents, which must be dissipated in some way. This greater energy can make crashes that would have been minor become major and crashes that would have been major into fatal crashes.
  - Adding the sixth axle does add additional brakes to the truck, but truck brakes are precision instruments that must be in proper adjustment to operate correctly. Nearly 20% of the trucks inspected each year are taken out of service for some issue and by far the most frequent cause of out-of-service violations are brakes. When brakes don’t operate at their full capacity, stopping distances – particularly for heavier trucks – grow quickly.
  - Spreading the heavier load over an additional axle can help mitigate pavement damage in some cases. However, it makes the damage done to bridges significantly worse. Already nearly 20% of US bridges are structurally deficient or functionally obsolete according to the Federal Highway Administration and allowing heavier trucks would make this problem worse.
- The bill would charge heavier trucks a slightly higher fee to fund bridge improvements, but not nearly enough to cover the damage.
According to DOT’s last cost allocation study, 80,000-pound, five-axle trucks only pay for about 80 percent of their costs. The proposed 97,000-pound, six-axle trucks would only pay for about 50 percent of their costs.

In its comprehensive 2000 study, US DOT found that the additional bridge costs could be as high $65 billion – on top of the huge backlog of bridge needs.

- The bill gives states the option to allow heavier trucks, but the real goal is heavier trucks nation-wide.

- We’ve seen this before. Bigger truck proponents start by asking Congress to “let the states decide.” Then, they pressure states to allow bigger trucks individually. Because this checkerboard impedes interstate commerce, they inevitably come back to Congress and ask for national uniformity. In fact, some of the groups backing H.R. 612 claim that an unworkable patchwork exists today and would like Congress to set mandatory limits.

- We saw this in the debate last year. In addition to provisions like H.R. 612, groups successfully lobbied for expanded use of long double- and triple-trailer trucks as well as mandatory provisions that would have forced states to allow longer double-trailer trucks and heavier trucks carrying automobiles.
Proposed Bigger Truck Configurations

Triple-Trailer Trucks

- H.R. 7 (112th), the House Transportation and Infrastructure Committee’s draft transportation reauthorization proposal, would have thawed the existing freeze on the operation of longer combination vehicles (LCVs) and allowed expanded use of LCVS in states where they are currently route-restricted.

Long Double-Trailer Trucks

- H.R. 7 (112th) would have allowed expanded use of LCVs in states where they are currently route-restricted and would have required states to allow double 33-foot trailers (an increase from the current 28-foot requirement).
- In April 2013, the Chairman, President, and CEO of FedEx Corporation renewed the call for legislation requiring states to allow double 33-foot trailers in testimony before a House Transportation and Infrastructure Committee panel.

Heavier & Longer Single-Trailer Trucks

- H.R. 612 would allow states to raise the maximum weight limit for trucks on Interstates from 80,000 pounds to 97,000 pounds.
- H.R. 7 (112th) would have required all states to allow 53-foot trailers (an increase from the current 48-foot minimum), allowed states to raise the maximum Interstate weight limit to 97,000 pounds, allowed 126,000-pound trucks by permit on 25-mile stretches of Interstate, and required every state to allow 88,000-pound trucks hauling autos.