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# DUMP TRUCK FEES

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## HEARING BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

### H.R. 9580

TO AUTHORIZE THE COMMISSIONER OF THE DISTRICT OF COLUMBIA TO ENTER INTO AGREEMENTS WITH THE COMMONWEALTH OF VIRGINIA AND THE STATE OF MARYLAND CONCERNING THE FEES FOR THE OPERATION OF CERTAIN MOTOR VEHICLES

FEBRUARY 4, 1972

Printed for the use of the  
Committee on the District of Columbia



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(II)

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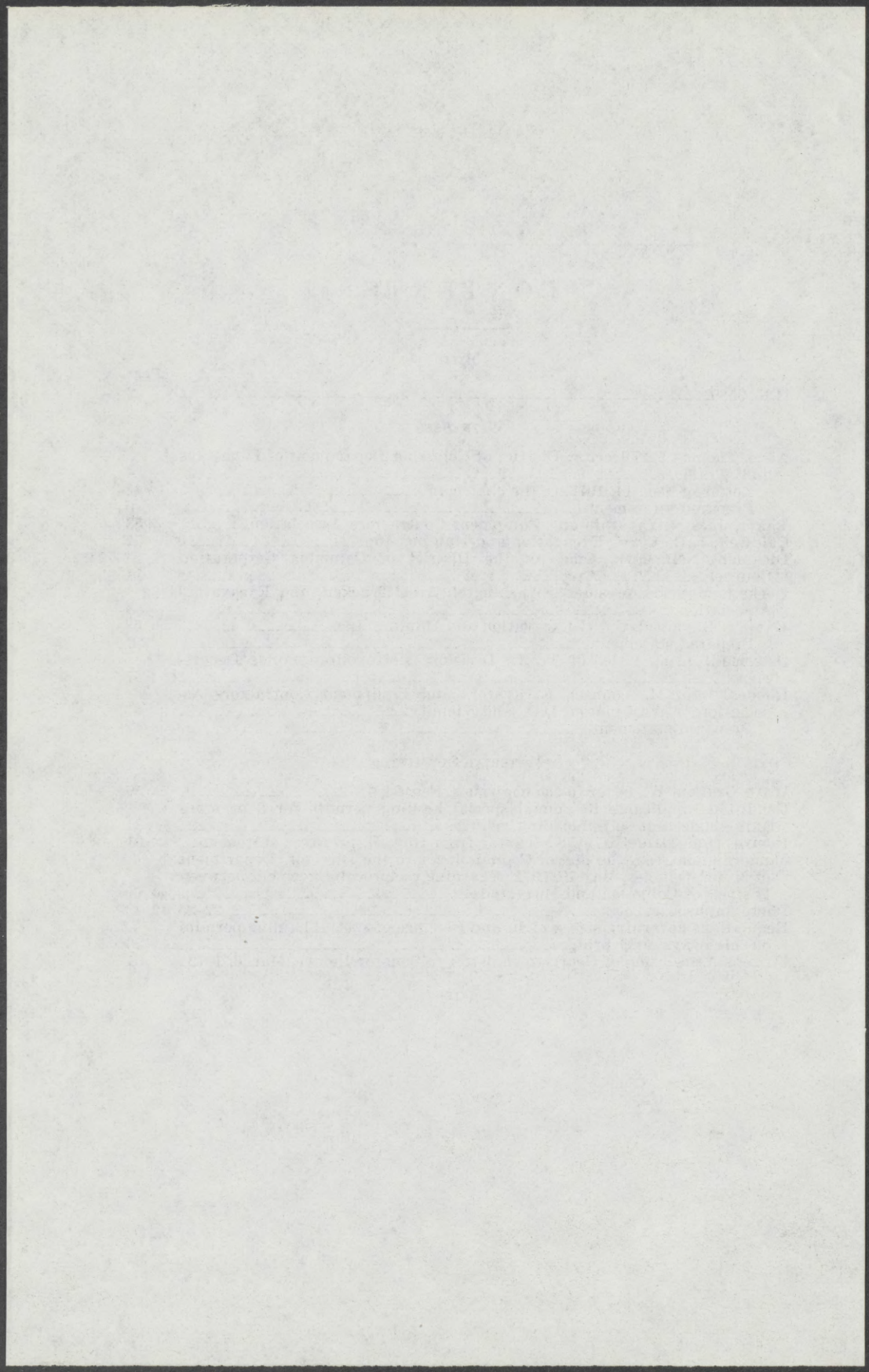
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# DUMP TRUCK FEES

FRIDAY, FEBRUARY 4, 1972

U.S. SENATE,  
COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*Washington, D.C.*

The committee met at 9:30 a.m., pursuant to notice, in room 6226, New Senate Office Building, Senator Thomas F. Eagleton (chairman of the committee) presiding.

Present: Senators Eagleton and Mathias.

Also present: Robert Harris, staff director; and Carolyn W. Johnson, minority staff director.

The CHAIRMAN. Good morning, ladies and gentlemen.

The Senate District of Columbia Committee is now in session to consider H.R. 9580, a bill which passed the House of Representatives on August 4, 1971, and which would authorize the Mayor of the District of Columbia to enter into agreements with the surrounding jurisdictions regarding licensing charges for dump trucks.

As I understand the problem at this point, each jurisdiction in which a dump truck operates, charges that dump truck a license fee and an operating fee and that what with the construction of the Metro there are now lots of dump trucks that load up in the District and dump their earth or other material in Maryland or Virginia thereby having to pay these fees to several jurisdictions. In essence three jurisdictions: Maryland, Virginia, and the District of Columbia. Obviously, the dump truck operators wish that there was some way that they could lower their fee burden and I guess just as predictably the District government will be telling us that they need the revenue obtained from the fees that they now charge.

I now place in the record a copy of H.R. 9580, the bill under consideration this morning.

(H.R. 9580 follows:)

92<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 9580

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, AUGUST 3), 1971

Read twice and referred to the Committee on the District of Columbia

---

## AN ACT

To authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

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

3        That the Commissioner of the District of Columbia may  
4        enter into an interstate agreement with the Commonwealth  
5        of Virginia or with the State of Maryland, or with both,  
6        which shall stipulate that any person—

7                (1) who operates in the District of Columbia and  
8        in the State which is a party to the agreement a single  
9        unit motor vehicle which has three or more axles and  
10       which is designed to unload itself;

1           (2) who has registered that motor vehicle in the  
2     District of Columbia or in that State; and

3           (3) who but for the agreement is required to pay  
4     the fee for an annual hauling permit prescribed by the  
5     fifth paragraph under the heading, "General Expenses"  
6     in the first section of the Act of July 11, 1919 (D.C.  
7     Code, sec. 5-316), and a similar fee imposed on the  
8     motor vehicle by that State;

9     shall not be required to pay a fee described in paragraph (3)  
10    which is imposed by a jurisdiction other than the jurisdiction  
11    in which the motor vehicle is registered. If the Commissioner  
12    enters into an interstate agreement under this Act, he may  
13    adjust the annual hauling permit fees of the District of  
14    Columbia referred to in paragraph (3) so that the total  
15    amount of fees (including registration and inspection fees)  
16    required for the operation in the District of Columbia and in  
17    each State which is a party to such agreement of the vehicles  
18    referred to in paragraph (1) shall be uniform.

Passed the House of Representatives August 4, 1971.

Attest:

W. PAT JENNINGS,

*Clerk.*

The CHAIRMAN. Our first witness is Mr. Tom Airis of the Department of Highways and Traffic, who is undoubtedly the local expert on this problem. Mr. Airis, we welcome you, and you may proceed.

**STATEMENT OF THOMAS F. AIRIS, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF HIGHWAYS AND TRAFFIC**

Mr. AIRIS. Senator, thank you very kindly.

I truly am glad to be here on this matter that is of great importance to the trucking industry, with whom we constantly work in the District.

Your opening statement, as I see it, is entirely correct. It is something we face and have to try and work out.

I have, sir, about a 17-page document that will take me about 40 minutes to get through. If you want me to I will submit it for the record and give a condensation.

The CHAIRMAN. I would appreciate it if you would highlight your prepared statement, the entirety of which will be printed in the record, but give us the principal essence of your position.

(The prepared statement follows:)

STATEMENT OF THOMAS F. AIRIS, DIRECTOR  
DEPARTMENT OF HIGHWAYS AND TRAFFIC, D. C.

Mr. Chairman. My name is Thomas F. Airis and I am the Director of the District of Columbia Department of Highways and Traffic. I appear before you today to comment on H. R. 9580, "A Bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles."

During my testimony, I will point out the effect that the passage of such a bill will have upon the District's street and road network. In addition, I will review briefly the developments which led to the establishment of the special fee for operation of certain heavy weight motor vehicles now in effect in the District of Columbia.

At the outset, it will perhaps be useful to clarify some terms referred to in the proposed legislation and which are often used when discussing this subject.

CERTAIN MOTOR VEHICLES

The proposed legislation uses the words "certain motor vehicles." In this case the term means large size dump trucks and motorized concrete mixing

trucks commonly used in modern construction activity. You see many of these three-axle trucks being driven over the streets and bridges of this city each day. These units have short wheel bases (16 to 17 feet) in order to afford maneuverability into and out of construction sites, and when fully loaded, they weigh 65,000 pounds or more. Because of their short wheel bases and the accompanying heavy wheel loads, they are especially destructive to streets and bridges. All too frequently dump trucks are overloaded as evidenced by the spilling of earth, gravel, etc. onto street pavement surfaces and even onto adjacent vehicles at times. Of the citizen complaints received by the Department of Highways and Traffic concerning the operation of all vehicles, a sizeable percentage concerns these large and very heavy dump and mixer trucks.

#### VEHICULAR REGISTRATION AND LICENSE PLATES

Registration of a vehicle means that upon payment of a specified fee and issuance of license plates, a vehicle may be domiciled and operated within pertinent over-the-road traffic limitations as set forth in the regulations applicable to the state jurisdiction. License plates consist of the identification plates familiar to every car owner. The cost of registration varies, of course, from state to state and by vehicle classification. Some states register commercial vehicles according to net chassis weight while others register to a combination of net chassis weight and gross weight. Then again, some states register only by gross weight for special cases.

Because of these variations, it is difficult to compare jurisdictional registrations. However, for illustrative purposes, I have attempted to compare registration fees for commercial vehicles encompassing the type of truck under discussion.

In Table I, which follows, it should be noted that the reasonable figure for comparison, as shown in the first column, is the gross vehicle weight ranging from 40,000 to 65,000 pounds. The basic registration fee in the District is approximately \$270, irrespective of gross weight, whereas the basic registration fee at 40,000 pounds in Maryland and Virginia is \$10 and \$28 higher than in the District. The difference increases more as the gross weight goes up to where it is \$65 and \$220 higher in Maryland and Virginia, respectively.

Table I shows that Maryland provides an optional "Special Dump Service" category for dump trucks and mixers that includes both registration and a special overweight fee. This combined registration and overweight fee ranges from a minimum of \$520 to a maximum of \$845.

The significant point is that the District of Columbia is substantially below the other jurisdictions. Only when the District's relatively new heavy load special permit fee is added does the District cost become somewhat more equivalent to Maryland's special dump service registration. I will discuss the District's new special permit fee later in my presentation.

TABLE I

| Gross Wt.<br>in Lbs. | District of<br>Columbia (4) | Maryland<br>(4) | Maryland (Special<br>Dump Service) | Virginia<br>(4) |
|----------------------|-----------------------------|-----------------|------------------------------------|-----------------|
| 40,000               | \$269.50                    | \$280.00        | \$520.00                           | \$298.00        |
| 45,000               | 269.50                      | 280.00          | 585.00                             | 370.00          |
| 50,000               | 269.50                      | 335.00          | 650.00                             | 490.00          |
| 55,000               | 269.50                      | 335.00          | 715.00                             | - - - -         |
| 60,000               | 269.50                      | - - - -         | 780.00                             | - - - -         |
| 65,000               | 269.50                      | - - - -         | 845.00                             | - - - -         |
|                      | (1)                         | (2)             | (3)                                | (5)             |

Footnotes:

- (1) District of Columbia cost is based on the registration of a typical dump truck having a minimum net chassis weight of 16,000 pounds and is irrespective of its operating gross weight.
- (2) Upper limit for ordinary registration in Maryland cuts off at 55,000 pounds, but the practical limit would be about 52,000 pounds because individual axle loading would control.
- (3) Dump service registration in Maryland includes special overweight fees that would be treated separately in most other states. This special registration is based upon \$13 per 1,000 pounds gross weight. This registration is not subject to axle weight control.
- (4) As contrasted with Maryland Dump Service, these registrations do not include special overweight fees.
- (5) Maximum practicable limit in Virginia stops at 50,000 pounds.

### TRAFFIC REGULATIONS

The terms "traffic regulations" and "motor vehicle laws" are generally synonymous. They include specified controls relative to vehicle weight, size and speed limitations necessary to insure the safe and efficient usage of the road and street system.

### RECIPROCITY

The principle of reciprocity most commonly relates to the registration and operation of a vehicle in a jurisdiction other than that for which it is registered and licensed without additional payment in return for reciprocal privileges. In the matter under discussion today, it is concerned with the operation of dump and concrete trucks hauling between jurisdictional areas and from one point to another point within a single jurisdictional area.

Generally speaking, present reciprocity practice in the area allows a truck registered in the District of Columbia to haul from one origin in the District to a destination in Virginia or Maryland as long as the driver/owner abides by the regulations prevailing in the local jurisdiction and vice versa. However, it is presently illegal for dump and concrete mixer trucks with foreign license plates to haul from an origin in the District to another point or destination in the District.

There is, however, one minor and limited exception on the basis of reciprocity between the District and Virginia. This provides for District licensed

trucks owned by construction contractors to operate in Virginia on the owner's contractual project within the metropolitan area of Alexandria, Arlington and Fairfax, and vice versa for Virginia licensed trucks to operate in the District. Furthermore, it limits the overnight stay in the foreign jurisdiction to four (4) consecutive nights in any one week period.

As previously explained in a footnote to Table I, reciprocity is usually exclusive of special overweight and oversize permits. There is no present reciprocity among the three jurisdictions on special hauling permits or on the fees accompanying their issuance.

The need to strictly control overweight operation is essential for the safety of streets and bridges and for the preservation of the public's huge capital investment. The principle purpose of the special permit fee is to at least partially compensate jurisdictions for damage caused by the overweight dump and mixer trucks.

ALLOWABLE GROSS WEIGHT

To operate a vehicle without a special overweight permit, it must be done in accordance with the allowable gross weight limits contained in the regulations of each state. The limits apply to all types of vehicles without exception. Additional factors applied to this normal operation are maximum allowable axle loads.

The following Table II illustrates the regulated gross weight limits generally applicable to these short wheel based dump and concrete trucks in the District, Maryland and Virginia. Depending upon the jurisdiction, the range is from 44,000 pounds to 50,000 pounds. As may be noted, the three are not unreasonably far apart with Maryland having the higher limits.

TABLE II

| <u>Distance in feet between extremes of any group of axles</u> | <u>Maximum load in pounds carried on any group of axles</u> |                 |                 |
|----------------------------------------------------------------|-------------------------------------------------------------|-----------------|-----------------|
|                                                                | <u>D. C.</u>                                                | <u>Maryland</u> | <u>Virginia</u> |
| 16 feet                                                        | 44,000                                                      | 48,500          | 44,000          |
| 17 feet                                                        | 45,000                                                      | 50,000          | 45,000          |

SPECIAL MOVES OF OVERWEIGHT AND OVERSIZE

Although the foregoing limitations are shown only for the District, Maryland and Virginia, similar limits are typical for every state. It is commonly accepted that all truck movements cannot be made in full compliance with the normal limitation. Hence, state and local jurisdictions are constantly confronted with requests for special moves of overweight and oversize. The District, as is customary in other states and local jurisdictions, has for many years utilized a system of special permits to guide and control such movements, within limits determined to be in the public interest.

Examples of such special moves are numerous and include such things as a 178-ton locomotive engine into the museum on Constitution Avenue, a 136-ton

surplus tug boat into the Kennedy Playground on 7th Street, inaugural parade floats, prefabricated structural building members, and a host of others. Many of these are one-time movements but some, such as the heavy special-purpose vehicles discussed today, are not.

In this connection, it has been proven repeatedly, with the result that the matter is no longer debatable, that damage to roads, bridges and streets is directly related to the amount of such overload, length between axles, and the number of load repetitions.

It is, therefore, clearly in the public interest to control such increased loads. On the other hand, material handling costs decrease perceptibly as equipment increases in size and weight. Since theoretically the savings are passed on to the consumer, it is also in the public interest to allow for increased truck weights where they can be justified. There is a continuous conflict between the size of equipment trends by manufacturers, which is constantly upward, and the resulting decrease in effective life of street and road structures due to increase in loads. Officials strive to reconcile the two conflicts and maintain a compromise that can be defended as being in the overall public interest.

Accordingly, the high frequency of dump and concrete mixer truck operation has dictated special treatment insofar as permits are concerned. It appears that an explanation as to how this is presently handled among the District,

Maryland and Virginia is in order.

DEVELOPMENT OF DUMP AND CONCRETE TRUCK PERMIT  
PROCEDURES IN THE WASHINGTON METROPOLITAN AREA

The District of Columbia presently issues annual hauling permits for dump and concrete mixer trucks to haul up to 65,000 pounds. However, for a number of years prior to 1971, gross weights were limited to 49,000 pounds when operating under a special hauling permit. Authority for the issuance of special permits is contained in Article XVII, Section 155(e) of the D. C. Traffic and Motor Vehicle Regulations.

The issuance of these special annual permits began as a gesture to the trend toward heavier equipment and as an aid to the construction industry. However, during the latter part of 1969 and the early part of 1970, the Department of Highways and Traffic, D. C. became convinced that a maximum gross weight of 65,000 pounds would be more realistic. This conclusion was reached after exhaustive research of the matter.

In order to partially compensate for damage to streets and bridges, the permit fee would, of necessity, have to be more than the \$28.00 previously charged for permits. To further mitigate damage to the street and bridge plant, it was also necessary that these heavy load permits restrict travel to certain lanes on certain structures. The special permits also identify each truck in the field by a special permit tag and establish other controls. The move to up weights and fees was supported by all interested parties, including

local trucking industry representatives.

Consequently, the Department drafted and supported legislation that ultimately was included in Public Law 91-650, 91st Congress, approved January 5, 1971.

This legislation provides in part as follows:

"The fifth paragraph under the heading 'Genral Expenses' in the first section of the Act of July 11, 1919 (D. C. Code, sec. 5-316), is amended by inserting immediately after the period at the end thereof the following: 'Notwithstanding the provisions of the preceding sentence and section 7 of the Act of February 22, 1921 (41 Stat. 1144), in the case of a single unit motor vehicle which has three or more axles and is designed to unload itself and which is operated in the District of Columbia under an annual hauling permit of the District of Columbia, the fee for such permit shall be as follows:

'(1) \$680 if such motor vehicle is first placed in service after July 1, 1970.

'(2) If such motor vehicle is in service on or before July 1, 1970, and operated at a gross weight --

'(A) in excess of the weight permitted under normal operations under applicable regulations of the Commissioner of the District of Columbia but less than 50,000 pounds, a fee of \$380;

'(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of \$480;

'(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of \$580; or

'(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of \$680.

"The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by paragraphs (1) and (2), taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of the motor vehicles for which hauling permit fees are prescribed under the preceding sentence. Proceeds from fees from annual

hauling permits for such vehicles shall be deposited in the highway fund created by the first section of the Act entitled, 'An Act to provide for a tax on motor vehicle fuels sold within the District of Columbia, and for other purposes,' approved April 23, 1924, (D. C. Code, sec. 47-1901)."

"(b) The amendment made by subsection (a) shall take effect on the nineteenth day following the date of enactment of this Act."

As previously explained, permit fees referred to are, of course, separate and in addition to the regular license plate fee of about \$270 for District registration.

The net result of Public Law 91-650 was to establish a realistic overweight special permit fee for these trucks. It further provided for the deposit of all such fees into the Highway Fund. This is in order to partially fund a program needed to repair damage caused by the heavy loads. In essence, it provided the financial basis to up the gross load to a maximum of 65,000 pounds.

In Maryland, the State Highway Administration (formerly the State Roads Commission) has authority to issue permits. However, the special dump permit is actually handled as shown in column 3 of Table I by incorporating a fee structure comparable to the District's into the regular license plate procedure. Under paragraph 3-806 of the Maryland Motor Vehicle Laws, authority is granted to the State Motor Vehicle Administration (formerly the Department of Motor Vehicles) to issue a special dump service registration on a graduated weight basis for up to 65,000 pounds gross vehicle weight. The fee ranges

from \$520 to \$845 depending upon the gross vehicle category. By this means, trucks are able to operate in lieu of a special permit above the normal over-the-road weight limitations.

It is again important to understand that Maryland combines the registration and heavy load fees into a single schedule so that the amount that might ordinarily be equated to an overweight permit is not distinguishable.

As contrasted with the District of Columbia and Maryland, the Commonwealth of Virginia is more restrictive in issuance of permits for dump and concrete trucks.

Under paragraph 46.1-343 of the Highway Laws of Virginia, authority is granted to the State Highway Commission and local authorities in cities and towns to issue, at their discretion, special permits for oversize or weight moves. However, it has long been the policy of the Commission not to issue special overweight permits for three-axle dump and concrete mixer truck operations, except as is mandatory by a proviso in the law. This proviso directs the issuance of special overweight permits of up to 50,000 pounds gross weight, without cost, for coal hauling and transit concrete mixer truck operation. Another proviso directs the issuance of special overweight permits of up to 43,900 pounds, without cost, for hauling of road construction

materials. This is applicable only to the very short wheel base trucks, under 16 feet, since the typical truck can haul this amount without a permit. It should be noted that the proviso is explicit as to the type of operation I have just mentioned. Therefore, no specific proviso is made for issuance of an overweight permit for dump truck operation that would haul anything other than materials for road construction or the hauling of coal; furthermore, the maximum gross load for mixer trucks is limited to 50,000 pounds.

In past testimony concerning these special overweight permits and fees, representatives of the Department of Highways and Traffic, D. C. have talked about estimated figures. We now have a firm fix on these numbers for the 1972 Fiscal Year, as may be noted in Table III, which follows.

As of September 1, 1971, the District has issued 548 overweight annual permits on dump and concrete trucks amounting to \$364,640 in revenue. Insofar as distribution of registration is concerned, District vehicles accounted for 30.38% of the total, Maryland vehicles represented 67.01% and Virginia vehicles accounted for the remaining 2.61%.

As previously mentioned, the revenue derived from this source is based upon the fee schedule authorized by Public Law 91-650.

TABLE III

| GROSS WEIGHT     | FEE      | NUMBER OF VEHICLES | REGISTRATION | ANNUAL REVENUE | TOTAL REVENUE |
|------------------|----------|--------------------|--------------|----------------|---------------|
| 50,000<br>pounds | \$380.00 | 6                  | D. C.        | \$ 2,280.00    |               |
|                  |          | 0                  | Maryland     | 0.00           | \$ 2,280.00   |
|                  |          | 0                  | Virginia     | 0.00           |               |
| 55,000<br>pounds | \$480.00 | 11                 | D. C.        | \$ 5,280.00    |               |
|                  |          | 5                  | Maryland     | 2,400.00       | \$ 7,680.00   |
|                  |          | 0                  | Virginia     | 0.00           |               |
| 60,000<br>pounds | \$580.00 | 15                 | D. C.        | \$ 8,700.00    |               |
|                  |          | 15                 | Maryland     | 8,700.00       | \$ 17,400.00  |
|                  |          | 0                  | Virginia     | 0.00           |               |
| 65,000<br>pounds | \$680.00 | 139                | D. C.        | \$ 94,520.00   |               |
|                  |          | 343                | Maryland     | 233,240.00     | \$337,280.00  |
|                  |          | 14                 | Virginia     | 9,520.00       |               |
|                  |          |                    |              | TOTAL          | \$364,640.00  |

## SUMMATION BY REGISTRATION

| REGISTRATION | NUMBER OF VEHICLES | ANNUAL REVENUE | REVENUE DISTRIBUTION BY PERCENTAGE |
|--------------|--------------------|----------------|------------------------------------|
| D. C.        | 171                | \$110,780.00   | 30.38                              |
| Maryland     | 363                | \$244,340.00   | 67.01                              |
| Virginia     | 14                 | \$ 9,520.00    | 2.61                               |
| TOTALS       | 548                | \$364,640.00   | 100.00                             |

PROBABLE EFFECT ON THE DISTRICT OF COLUMBIA

Although the bill, as now written, is permissive and merely provides authorization for the District of Columbia to enter into reciprocal agreements with the adjoining two states, its obvious intent is to apply the reciprocity principle to special hauling permits issued for the operation of dump and concrete mixer trucks. The net effect would be the substantial elimination of the special heavy weight fees authorized by Public Law 91-650 to compensate, in part, for damage to bridges and streets caused by these heavy laden vehicles.

In this connection, it should be noted that a major portion of the earth moving and concrete hauling of the area is carried on the roads and streets of the District of Columbia. But, as shown in Table III, approximately 70 percent of the trucks engaged in these movements are licensed in Maryland. There are reasons for this, which I will not review in this brief document, but the trend away from District registration is continuing. One large moving firm relocated to Maryland comparatively recently. It now has 49 permits on Maryland registered trucks. It is expected that if this legislation is passed, most of the remaining D. C. licensed vehicles in these two categories will follow similarly.

It is believed unlikely that there would be significant change in the number of Virginia registered trucks since a change in Virginia's 50,000 pound gross

load limitation does not appear likely in the foreseeable future.

Therefore, it appears that the immediate effect of passing H. R. 9580 will be a loss to the District of \$244,000 now paid annually in the special heavy load fee by Maryland based vehicles, followed by a gradual loss of \$111,000 presently paid annually by District based vehicles as they are switched to Maryland registry. The total loss would ultimately include an additional \$10,000 paid annually on Virginia based vehicles.

Since nearly all of the street and bridge reconstruction projects will be eligible for Federal-Aid in categories ranging from 50-50 to 75-25 ratios, the actual loss incurred by the District may well be much greater. This outlook becomes serious in view of the District's crucial financial situation. Without matching funds, we could not expect to keep in repair and to replace the capital improvements that will be damaged by these heavily concentrated loads.

Although fleet owners might obtain some immediate benefit, ultimately deteriorating street surfaces and bridge structures, with resulting traffic congestion, will surely result in higher truck operating costs far above the present cost of special heavy weight fees authorized by Public Law 91-650 that the trucking interests and the Congress so recently favored. Additionally, there is distinct possibility that deteriorating street conditions may force cancellation of all short-wheel based vehicle load permits in excess of

44,000 pounds gross.

#### CONCLUSIONS

It is concluded, therefore, that if the bill becomes law, the end results may be very undesirable. For example:

1. The District of Columbia will be in jeopardy of directly losing annual permit revenue of about \$365,000.
2. The District of Columbia may very well suffer an additional loss of \$365,000 or more in annual matching Federal-Aid funds making the total loss upwards of \$730,000 on an annual basis.
3. The loss of these funds for rebuilding damaged streets and bridges may have serious consequences on the economic vitality of the city since the economic gross pay load of 65,000 pounds may have to be reduced to about 44,000 pounds.
4. The closing of some bridges may eventually become necessary.
5. Additionally, the District may also lose about \$56,200 on annual registration tags as D. C. registered trucks re-base in surrounding jurisdictions.

This bill can only be detrimental to the best interest of the District of Columbia. It may eventually be found not to be in the best interest of the trucking industry.

Therefore, I do not recommend its passage. Thank you.

Mr. AIRS. Very well. I will try and do that. I will dispense with some of the minor points and try to touch on the highlights.

Now, if you would like to, sir, just take the statement and we will run through it page by page and I will have a few comments. I have a few photographs and a few other things that you may wish to put into the record.

Looking at the first page we have a definition of what we are talking about. "Certain motor vehicles" in this legislation refers to dump trucks and to concrete mixers. Now, just to show you what we are talking about I have a few photographs I will ask Mr. Wallace, my deputy, to pass out to you. Some are taken, actually, right out of the window of my office.

It happens that the office is on Pennsylvania Avenue and as you know there is a great amount of Metro construction going on. These are vehicles I see parading back and forth on the street every day.

(The photographs referred to follow :)



*Date:* Feb. 2, 1972.

*Location:* Pennsylvania Ave. NW., near 12th St.

*Contractor:* Marvaco.

Hauling from Metro construction on "G" St.



*Date:* January 31, 1972.

*Contractor:* Hutchison Bros.

*Location:* Naval Research Laboratory and Exit No. 295.

*Hauling To:* Blue Plains Land Fill.

Appears to be overloaded.



*Date:* February 2, 1972.

*Location:* Pennsylvania Ave., NW., near 12th Street.

*Contractor:* Excavation-Construction Co.

Hauling from—unknown.



*Date:* July 29, 1971.  
*Location:* Chain Bridge.  
*Subject:* Deck condition.

Mr. AIRIS. Then going to vehicular registration and license plates, the present practice is explained on ensuing pages 2 and 3. There is a table on page 4 that indicates present practice on normal registration of the vehicles.

The point is made here that except for Maryland this is normal registration. Maryland has what is known as a special dump service and that includes a special permit service charge to compensate for damage done to their roads.

Here, in the District, we have an entirely separate special permit that compensates the District for damage which the heavy duty loads of the dump trucks and their short wheelbase does to the roads in the District.

Now, the special permit fee for the District is not shown there but is mentioned in the succeeding footnotes (1) through (5).

Then we go on to page 5 and talk about traffic regulations. Our traffic regulations are shown on a table which is available here. I will pass a few copies to Senator Mathias and you, sir. On page 3 if you will look at the 16- and 17-foot distance between axles, that indicates 44,000-45,000 pounds gross load which is the maximum without a special permit. This has been in force for many years.

(The regulations follow :)

**REGULATIONS  
GOVERNING SIZE, WEIGHT AND ISSUANCE  
OF SPECIAL HAULING PERMITS ON  
HIGHWAYS AND BRIDGES**

**And  
INDEX OF STRUCTURES APPROVED  
FOR SPECIAL PERMIT MOVES,  
INCLUDING UNDERCLEARANCES**



**Issued By  
THE DIRECTOR  
DEPARTMENT OF HIGHWAYS AND  
TRAFFIC  
DISTRICT OF COLUMBIA**

**March 1965**

AN EXTRACT  
of  
THE TRAFFIC AND MOTOR VEHICLE  
REGULATIONS  
for  
THE DISTRICT OF COLUMBIA  
As Amended

ARTICLE XVII

*Size, Weight Loading, Inspection, and Construction*

- A. It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway or street any vehicle or vehicles of a size or weight exceeding the limitations stated in this Article or otherwise in violation of this Article.
- B. The provisions of this Article governing size, weight, and load shall not apply to fire apparatus, or to a vehicle operated under the terms of a special permit issued as herein provided.

SECTION 153

*Width, Height and Length*

(a) Width—The total outside width of any vehicle or the load thereon shall not exceed 8 feet, except that buses may have an overall width up to 8 feet 6 inches if travel is confined to routes approved by the Board of Commissioners, D.C.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

(b) Height—No vehicle, including any load thereon, shall exceed a height of 12 feet 6 inches.

(c) Length—No single unit motor vehicle, including any load thereon, shall have an overall length, inclusive of front and rear bumpers, in excess of 40 feet: Provided, That a semi-trailer or full trailer, in itself, shall not be subject to a 40 foot limit, but in no event shall the combination of a towing vehicle plus semi-trailer or full trailer being towed exceed a total overall length of 50 feet, including any load thereon.

No combination of vehicles coupled together shall consist of more than two units except that three units may be coupled together by the double saddle-mount method. No such combination of vehicles, including any load thereon, shall have an overall length in excess of 50 feet; provided, that the limitations as to length of vehicles and loads above stated, shall not apply to any load upon a pole-trailer operating in the daytime, when transporting poles, pipes, or structural material which can not be dismembered, nor to such vehicles transporting such objects at night when required for emergency repair of public utility or public service facilities, except that no pole, pipe or other material exceeding 80 feet in length shall be transported either in the daytime or at night, unless a permit has first been obtained as provided in Section 155 (e). Provided further, that in respect to such night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance markers on both sides, and marker lamps upon the extreme ends of any projecting load, to clearly mark the dimensions of such load.

The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall

not extend more than 3 feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than 6 feet beyond the rear of the bed or body of such vehicle.

(d) Spilling load—No vehicle other than a streetcar shall be driven or moved on any street or highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on the roadway in cleaning or maintaining such roadway.

(e) Unnecessary noise—No vehicle shall be operated or used in such a manner as to cause unnecessary or disturbing noise.

(f) Load limits—securing of loads—The weight of the load carried on any truck, tractor, trailer, or combination thereof, shall not exceed the manufacturer's rated load capacity of such truck, tractor, trailer, or combination thereof, and loads carried on such vehicles shall be adequately secured to prevent shifting or toppling or in any other manner becoming a hazard. Any tarpaulin or other covering used to protect the load carried on any such vehicles shall be securely fastened so as to prevent its detachment. (C.O. 61-2466)

(g) Tailgates—No vehicle shall be parked unattended nor left standing upon the streets of the District, except while actually being loaded or unloaded, unless the tailgate shall be closed; provided, however, that this section shall not apply to vehicles so loaded that a portion of the load extends upon and is supported by the tailgate.

#### SECTION 154

##### *Towing*

(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipes, machinery, or other objects of structural nature which cannot readily be dismembered; provided, however, that where chain, rope or cable is used as the connection between the front and rear vehicle, with no rigid coupling, there shall be a driver for both the front and rear cars, except where the rear car is being towed by a crane or where the rear car is lashed to the front car.

(b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(c) Trailer couplings and safety chains.

1. Trailer and semi-trailer hitches and couplings shall be of such design and strength values as to conform to the requirements of these regulations.
2. Safety chains shall be used on all trailers and trailer combinations when operated on the streets and highways of the District, in addition to the hitch bar, and connected to the tractor vehicle and the drawn vehicle and of sufficient strength to hold the trailer on a hill if the hitching bar becomes disconnected.

## SECTION 155

*Wheel and Axle Loads—Gross Weights*

(a) Permissible Weights—The gross weight imposed upon the highway exerted through the wheels on any one axle of a vehicle shall not exceed 22,000 pounds: Provided, That any one axle exceeding 18,000 pounds shall be equipped with four properly inflated conventional-type tires or with two properly inflated wide-base tires designed specifically for application as a replacement for conventional dual tires and rated equivalent in load carrying capacity.

(b) For the purposes of this section, an axle load shall be defined as the total load imposed upon the highway through all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

(c) No group of two or more consecutive axles shall carry a weight in pounds exceeding the value given in the following table corresponding to the distance in feet between extreme axle centers of the group, measured longitudinally to nearest foot:

| Distance between axle centers of any two or more consecutive axles<br><i>Feet</i> | Maximum weight carried on any axle group<br><i>Pounds</i> | Distance between axle centers of any two or more consecutive axles<br><i>Feet</i> | Maximum weight carried on any axle group<br><i>Pounds</i> |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------|
| 4                                                                                 | 38,000                                                    | 24                                                                                | 52,000                                                    |
| 5                                                                                 | 38,000                                                    | 25                                                                                | 53,000                                                    |
| 6                                                                                 | 38,000                                                    | 26                                                                                | 54,000                                                    |
| 7                                                                                 | 38,000                                                    | 27                                                                                | 55,000                                                    |
| 8                                                                                 | 38,000                                                    | 28                                                                                | 56,000                                                    |
| 9                                                                                 | 38,000                                                    | 29                                                                                | 57,000                                                    |
| 10                                                                                | 38,000                                                    | 30                                                                                | 58,000                                                    |
| 11                                                                                | 38,730                                                    | 31                                                                                | 59,000                                                    |
| 12                                                                                | 39,500                                                    | 32                                                                                | 60,000                                                    |
| 13                                                                                | 41,000                                                    | 33                                                                                | 61,400                                                    |
| 14                                                                                | 42,000                                                    | 34                                                                                | 62,800                                                    |
| 15                                                                                | 43,000                                                    | 35                                                                                | 64,000                                                    |
| 16                                                                                | 44,000                                                    | 36                                                                                | 65,000                                                    |
| 17                                                                                | 45,000                                                    | 37                                                                                | 65,800                                                    |
| 18                                                                                | 46,000                                                    | 38                                                                                | 66,600                                                    |
| 19                                                                                | 47,000                                                    | 39                                                                                | 67,400                                                    |
| 20                                                                                | 48,000                                                    | 40                                                                                | 68,200                                                    |
| 21                                                                                | 49,000                                                    | 41                                                                                | 69,000                                                    |
| 22                                                                                | 50,000                                                    | 42                                                                                | 70,000                                                    |
| 23                                                                                | 51,000                                                    |                                                                                   |                                                           |

(d) Inspection—Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighting of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales.

Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under these regulations. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(e) Special Permits—The Director of Highways and Traffic may in his discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to op-

erate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in these regulations. The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular streets or highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(f) Special permits issued under the provisions of paragraph (e) of this Section by the Director of Highways and Traffic may establish seasonal or other limitations within which the vehicles described may be operated on the streets or highways indicated, or otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or other structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer and no person shall violate any of the terms or conditions of such special permit.

(g) Damage to streets or highways, or highway structures—Any person driving any vehicle, object or contrivance upon any street or highway or highway structure shall be liable for all damage which said street or highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in these regulations but authorized by a special permit issued as provided in this Article. Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

## ARTICLE XVIII

### *Bridge Regulations*

#### SECTION 156

#### *Vehicles Crossing Bridges*

The gross weight to be permitted on bridges in the District of Columbia shall be in accordance with the provisions of Article XVII, Sec. 155: Provided, That no vehicle, the total weight of which, including its load, exceeds 70,000 pounds, shall cross any bridge in the District of Columbia without written permission of the Director of Highways and Traffic: Provided further, That no vehicle, the total weight of which, including its load, exceeds the weight limit for which any bridge is posted, shall cross the bridge so posted without written permission of the Director of Highways and Traffic.

Self-propelled cranes, motorized 3-axle concrete mixers, 3-axle dump trucks and certain tractor-trailer flatbeds and pole-trailers may be granted annual permits listing the bridges over which such vehicles may cross. Such permit shall be carried in the vehicle at all times. Crossing any bridge not listed on the permit for such vehicle shall be sufficient cause for revocation of said permit.

CONDITIONS APPLICABLE TO ANNUAL SPECIAL HAULING  
PERMITS FOR 3 OR MORE AXLE SINGLE UNIT SELF UNLOADING VEHICLES

(THESE CONDITIONS ARE A PART OF THE PERMIT)

1. Permit and conditions must be kept in the vehicle while in operation in the District of Columbia.
2. Vehicles shall meet legal width, height and length requirements.
3. Trucks shall not travel with a gross weight that exceeds the allowable gross weight authorized by the permit.
4. Special tags, as may be issued with the permit, must be installed in a visible location on the front and rear of the vehicle.
5. Authorized vehicles SHALL USE only the structures listed below and SHALL USE the required lane of travel. No convoying over structures will be permitted. This list superseded previous lists and is valid only for current permit year, effective on current year revision date shown in lower right corner.

Structure

Required Lane of Travel

NORTHWEST

|                                         |                             |
|-----------------------------------------|-----------------------------|
| Calvert St. over Rock Creek             | Lane right of centerline    |
| Chain Bridge over Potomac River         | Curb lane                   |
| Connecticut Avenue over Klinge Rd.      | Lane right of centerline    |
| Dupont Circle Underpass                 | Curb lane                   |
| K St. over Rock Creek                   | Lane right of center median |
| Key Bridge over Potomac River           | Lane right of centerline    |
| Massachusetts Avenue over Rock Creek    | Curb lane                   |
| Michigan Ave. over Park Place           | Center of road              |
| Military Rd. over Joyce Road            | Lane right of center median |
| Military Rd. over N. Capitol St.        | Lane right of center median |
| New York Ave. over N. Capitol St.       | Lane right of center median |
| North Capitol St. over Irving St.       | Lane right of center median |
| Porter St. over Klinge Road             | Lane right of center median |
| Porter St. over Rock Creek              | Lane right of center median |
| Q St. over Connecticut Ave.             | Lane right of centerline    |
| Rhode Island Ave. over N. Capitol St.   | Lane right of center median |
| Scott Circle Underpass                  | Curb lane                   |
| Soldiers' Home Rd. over N. Capitol St.  | Lane right of centerline    |
| T St. over North Capitol St.            | Lane right of centerline    |
| Thomas Circle Underpass                 | Inner lane                  |
| Virginia Ave. over E St. Expressway     | Curb lane                   |
| Washington Circle over K St. Expressway | Curb lane                   |
| Wisconsin Avenue over C & O Canal       | Lane right of centerline    |
| 16th St. over Military Road             | Lane right of centerline    |
| 21st St. over E St. Expressway          | Lane right of centerline    |
| 22nd St. over K St. Expressway          | Lane right of centerline    |

NEW ISSUE 4/1/71

CONDITIONS - HAULING PERMITS FOR SINGLE UNIT SELF UNLOADING VEHICLES WITH 3 OR MORE AXLES.

| <u>Structure</u> | <u>Required Lane of Travel</u> |
|------------------|--------------------------------|
|------------------|--------------------------------|

NORTHWEST (Cont'd)

|                                |                          |
|--------------------------------|--------------------------|
| 23rd St. over E St. Expressway | Lane right of centerline |
| 23rd St. over Virginia Ave.    | Lane right of centerline |
| 24th St. over K St. Expressway | Lane right of centerline |

NORTHEAST

|                                            |                             |
|--------------------------------------------|-----------------------------|
| Anacostia Freeway over East Capitol St.    | Center of road              |
| Benning Rd. access over Kenilworth Ave.    | Center of road              |
| Benning Rd. Viaduct over Kenilworth Ave.   | Curb lane                   |
| C St. over Stadium North Entrance          | Center of road              |
| Division Ave. over Watts Branch            | Lane right of centerline    |
| East Capitol St. over Anacostia River      | Curb lane                   |
| Eastern Ave. over Kenilworth Ave.          | Lane right of centerline    |
| Franklin St. over B & O RR                 | Lane right of centerline    |
| Independence Ave. over Stadium South Entr. | Lane right of centerline    |
| Gault Pl. over Watts Branch                | Center of road              |
| Kenilworth Ave. over Dean Ave.             | Center of road              |
| Kenilworth Ave. over Watts Branch          | Lane right of centerline    |
| Minnesota Ave. over East Capitol St.       | Lane right of center median |
| Monroe St. over B & O RR                   | Lane right of centerline    |
| New Hampshire Ave. over B & O RR           | Curb lane                   |
| New York Ave. over PRR                     | Lane right of center median |
| New York Ave. over South Dakota Ave.       | Lane right of center median |
| New York Ave. over Wash. Terminal Yds.     | Lane right of center median |
| South Dakota Ave. over B & O RR            | Lane right of centerline    |
| 35th St. over East Capitol St.             | Lane right of centerline    |
| 44th St. over Watts Branch                 | Lane right of centerline    |
| 48th Pl. over Watts Branch                 | Lane right of centerline    |
| 55th St. over Watts Branch                 | Lane right of centerline    |
| 58th St. over Watts Branch                 | Lane right of centerline    |

SOUTHWEST

|                                                    |                |
|----------------------------------------------------|----------------|
| Anacostia Freeway over Chesapeake St.              | Center of road |
| Anacostia Freeway over Laboratory Rd.              | Center of road |
| Anacostia Freeway over Oxon Run Bay                | Center of road |
| East Basin Dr. over Tidel Basin                    | Curb lane      |
| S.W. Frwy. Bridges from 14th St. to S. Capitol St. | Center of road |
| Independence Ave. over 12th St. Expressway         | Curb lane      |

NEW ISSUE 4/1/71

CONDITIONS - HAULING PERMITS FOR SINGLE UNIT SELF UNLOADING VEHICLES WITH 3 OR MORE AXLES.

StructureRequired Lane of TravelSOUTHWEST (Cont'd)

|                                           |                          |
|-------------------------------------------|--------------------------|
| S. W. Freeway over 4th St.                | Center of road           |
| 7th St. over S. W. Freeway                | Lane right of centerline |
| 9th St. over S. W. Freeway                | Lane right of centerline |
| 9th St. Ramps to S. W. Freeway            | Center of road           |
| 11th St. over PRR & D St.                 | Center of road           |
| 14th St. over Channel Approach            | Center of road           |
| 14th St. over Haines Point                | Curb lane                |
| 14th St. over Hot Shoppe access Rd.       | Center lanes             |
| 14th St. over Maine Ave.                  | Curb lane                |
| 14th St. over Mt. Vernon Mem. Highway     | Center lanes             |
| 14th St. over Potomac River (North)       | Center lanes             |
| 14th St. over Potomac River (South)       | Center lanes             |
| 14th St. over Underground Parking (D St.) | Curb lane                |

SOUTHEAST

|                                               |                             |
|-----------------------------------------------|-----------------------------|
| Anacostia Freeway over Suitland Pkwy.         | Curb lane                   |
| Anacostia Freeway Ramp to South Capitol St.   | Curb lane                   |
| Anacostia Freeway Ramp to 11th St. Bridge     | Curb lane                   |
| Anacostia Freeway over Firth Sterling Ave.    | Center of road              |
| Anacostia Freeway over Howard Rd.             | Center of road              |
| Anacostia Freeway over Penna. Ave.            | Center of road              |
| Anacostia Freeway over Portland St.           | Center of road              |
| Anacostia Freeway over PRR                    | Center of road              |
| Anacostia Freeway over S. Capitol St.         | Center of road              |
| Atlantic St. over Oxon Run                    | Lane right of centerline    |
| M St. over South Capitol St.                  | Lane right of center median |
| Penna. Ave. over Anacostia River              | Curb lane                   |
| Portland St. over South Capitol St.           | Lane right of center median |
| South Capitol St. over Anacostia River        | Curb lane                   |
| South Capitol St. over Barnaby Run            | Lane right of centerline    |
| South Capitol St. over Oxon Run               | Lane right of centerline    |
| South Capitol St. over Suitland Pkwy. (North) | Center of road              |
| Wheeler Rd. over Oxon Run                     | Lane right of centerline    |
| 4th St. over Oxon Run                         | Lane right of centerline    |
| 11th St. Bridge (East and West Structure)     | Curb lane                   |
| Southern Ave. over Barnaby Run                | Curb lane                   |
| S. E. Freeway over Virginia Ave. & N. J. Ave. | Center of road              |
| S. E. Freeway over 3rd St.                    | Center of road              |
| S. E. Freeway over 4th St.                    | Center of road              |

NEW ISSUE 4/1/71

Mr. AIRIS. On page 5, sir, I talk about reciprocity and outline what reciprocity is. At the present time we have full reciprocity, I would like to point out, on normal weights with the State of Maryland and a little less so with the State of Virginia—but there is reciprocity on those points. When it comes to special permits, however, the normal reciprocity does not apply fully.

We talk about the allowable gross weight on pages 6 and 7. Table II, in my testimony, confirms the gross weights given in this little pamphlet which I have handed to you.

Now then on page 7, sir, we talk about special moves of overweight and oversize. With your permission this is fairly short. I would like to just read over it here to be sure I don't miss some of these important things that go into this particular problem.

Although the foregoing limitations are shown only for the District, Maryland, and Virginia, similar limits are typical for every State. It is commonly accepted that all truck movements cannot be made in full compliance with the normal limitations. Hence, State and local jurisdictions are constantly confronted with requests for special moves of overweight and oversize. The District, as is customary in other States and local jurisdictions, has for many years utilized a system of special permits to guide and control such movements, within limits determined to be in the public interest.

Examples of such special moves are numerous and include such things as a 178-ton locomotive engine into the museum on Constitution Avenue. On this particular movement we had to check all the utilities on the street surface to be sure they wouldn't be crushed or broken and we had to select particular routes for this particular movement. Likewise a 136-ton surplus tugboat into the Kennedy playground on 7th Street and inaugural parade floats. Every 4 years we get many of these and some of them are extremely heavy. Prefabricated structural building members, and a host of others. As you know we built over 300 buildings in the last decade and a half and these buildings all require heavy steel movements on the street and these are accomplished through the means of the special permit.

In this connection, it has been proven repeatedly, with the result that the matter is no longer debatable—this is an important point gentlemen, and I want to make it and make it as strongly as I can—damage to roads, bridges, and streets is directly related to the amount of such overload, length between axles, and the number of heavy load repetitions. It is beyond question that this is the thing that causes the major damage to road and bridge structures.

It is, therefore, clearly in the public interest to control such increased loads. On the other hand and this also is important and this is where this department is exactly in the middle on this subject, material handling costs decreases perceptibly—this applies particularly to dump trucks, sir—as equipment increases in size and weight. Since theoretically the savings are passed on to the consumer, and I think generally they are, it is also in the public interest to allow for increased truck weights where they can be justified. Thus, there is a continuous conflict between the size of equipment trends by manufacturers, which is constantly upward, and the resulting decrease in effective life of street and road structures due to the increase of these loads. Officials strive to reconcile the two conflicts and maintain a

compromise that can be defended as being in the overall public interest. This, of course, is the problem.

Accordingly, the high frequency of dump and concrete mixer truck operations has dictated special treatment insofar as permits are concerned. It appears that an explanation as to how this is presently handled among the District, Maryland, and Virginia is in order.

Now, I won't attempt to fully read the next two or three pages but I will try and summarize them. Development of dump and concrete truck permit procedures in the Washington metropolitan area is the next title. The thing that I think is a matter of importance is that Public Law 91-650, which was endorsed and even recommended by the trucking industry and was passed here a few years ago, permits the upping of truck weights available under the special permit procedure from the 44,000-45,000, which I pointed out to you in the pamphlet, to 65,000. This is a large increase and it prescribes fees to provide remedial work to the roads that will be damaged by the use of these heavy or special permit loads. The law, itself, is covered and extracted on pages 10 and 11.

The CHAIRMAN. Page 10 shows a fee for gross weight of 50,000 pounds up to 55,000 of \$480. The highest fee is \$680. Is that right?

Mr. AIRIS. Yes, sir.

The CHAIRMAN. What is the connection between that and the table on page 4 which seems to have a constant fee of \$269.50?

Mr. AIRIS. The \$269.50 is a registration fee just like you get for your car.

The CHAIRMAN. I see. Nothing in this proposed legislation affects that.

Mr. AIRIS. That's correct. In other words that is additive.

The CHAIRMAN. I see. So you have a registration fee of \$269 and then under the present law you have to get an additional permit, depending on the gross weight, as described on page 10.

Mr. AIRIS. That's correct. Of course, if the weight complies with the normal hauling limits, as prescribed in that pamphlet, there would be no fee. I want to make that clear.

The CHAIRMAN. If you are going to haul 60,000 pounds or more you have to pay the additional fee.

Mr. AIRIS. That's correct. If you are under 44,000 or 45,000 depending on the length of the vehicle there is no fee. As I tried to point out the trend in the industry is generally always up. And as you go up your highway officials, not only us, but all over the United States, are kind of caught in the middle. We try to go along with the trucking interests because the costs to the consumer are lowered and at the same time try to protect the State and D.C. structures so they aren't ruined too fast or try to provide some money in the heavyweight damage that will revert to the District so this damage can be repaired. This is the object of the exercise, sir.

Was I able to answer your question, Mr. Senator?

The CHAIRMAN. Yes.

Mr. AIRIS. I would like to extract a few sentences on page 11 on interpretation of this law. The net result of Public Law 91-650 was to establish a realistic overweight special permit fee for the particular trucks we are talking about. It further provided for the deposit of all such fees into the highway fund. That was in order to take care of the damage caused. This was in order to partially fund a program needed

to repair damage caused by the heavy loads. In essence, the financial basis for upping the gross load to a maximum of 65,000 pounds. As I mentioned from 44,000 to 45,000 in table 2 gives the start. No special permit fee on those loads until you get up to 65,000. However, there is this \$680 fee that is for damage to roads in the District.

Maryland has the same problem and they have their special permit fee and registration fee combined. I explain that in the succeeding paragraph.

Likewise on pages 12 and 13 we go into the situation in Virginia. I would like to point out that on the bottom of page 13 we indicate about the maximum of the amount of revenue that is derived from this. The figure of \$304,640 in the second to last paragraph, if we want an update on that it is about \$400,000 that the District takes in.

The CHAIRMAN. Annually?

Mr. AIRIS. Annually, sir; that is right. On the succeeding pages I pointed out that added to your Federal grant this money, District money using it to match a Federal grant gets up into a sizable amount of funding in order to take care of problems that develop on the streets and the bridges.

Now, there is a table on page 14 that gives a summation of the revenue taken in. Again to update it to the present time I have to change that total \$304,640 to \$400,000. I can answer any questions you have regarding that table but I won't dwell on it unless you have something.

Going to page 15, sir; the probable effect on the District of Columbia of H.R. 9580, I would like to run through that. I will do it as fast as I can, sir.

The bill as now written is permissive and merely provides authorization for the District of Columbia to enter into reciprocal agreements with the adjoining two States. Its obvious intent is to apply the reciprocity principle to special hauling permits issued for the operation of dump and concrete mixer trucks.

The net effect would be the substantial elimination of the special heavy weight fees authorized by Public Law 91-650 to compensate, in part, for damage to bridges and streets caused by these heavy laden vehicles.

The CHAIRMAN. As you read the bill, and you are speaking on behalf of the District government, nothing is obligatory or compulsory insofar as the bill is concerned, is it?

Mr. AIRIS. That's right.

The CHAIRMAN. It gives discretion to the Mayor, if he so desires, to enter into such an agreement?

Mr. AIRIS. That is how I read it, sir. I would like to point out the realities of the situation. I am sure the Highway Department, the Mayor, and the whole District government would be subjected to the pressures that involve politics, et cetera. The fee is set forth as a specific purpose and should not really be reciprocal. Our position is that there really isn't any need for the legislation but I will point that out in just a moment as we run through here, sir. In this connection it should be noted that a major portion of the earth moving and concrete hauling of the area is carried on the roads and streets of the District of Columbia. Actually the estimate, gentlemen, for Metro alone is something like 10 million cubic yards and match that with a very heavy amount of building excavation that is going on and you will

see what is going on just from those photographs on heavy loads on the District streets. It is really a very heavy usage of our street plant and bridge plant here in the District.

But, as shown in table III, approximately 70 percent of the trucks engaged in these movements are licensed in Maryland. There are reasons for this which I won't take the time to review in this brief document, but the trend away from District registration is continuing. One large moving firm relocated to Maryland comparatively recently. It now has 49 permits on Maryland registered trucks. It is expected that if this legislation is passed, most of the remaining D.C.-licensed vehicles in these two categories will follow similarly.

It is believed unlikely that there would be significant change in the number of Virginia registered trucks since a change in Virginia's 50,000 pound gross load limitation does not appear likely in the foreseeable future.

The CHAIRMAN. All right. On page 15 you say it is expected most of the remaining D.C.-licensed vehicles in these two categories will follow similarly if the legislation were passed. Why would that be?

Mr. AIRIS. We think it would be just a hurry-up in the present trend. Largely, I think, due to the fact that if you are licensed in Maryland and have comparable privileges in the District of the vehicle in Maryland, of course you can work many other spots in Maryland. Maryland is much larger even though the bulk of the work at the present time is in the District. They would also have options of working in Annapolis and other cities in Maryland.

The CHAIRMAN. If there were a reciprocal arrangement—is the Maryland fee smaller than the District fee?

Mr. AIRIS. No; it is comparable. As a matter of fact it is a little bit larger, but you see what would happen if a District truck were to go in and work in Maryland as is true in the District, it would not be able to pick up and discharge and make local hauls in Maryland.

In other words let me be specific. A District truck would not be able to go out and take a load from Baltimore and dump it in Maryland. The reciprocal privilege would probably not cover this.

The CHAIRMAN. Could we, in this bill, give authority or create the authority for a District-registered truck to operate in Maryland, say, to make a haul from, as you specified, Annapolis to Bethesda?

Mr. AIRIS. I think that would be a State law, sir.

Senator MATHIAS. Isn't the purpose of this bill simply to provide authority for the District of Columbia to make those reciprocal agreements? We are not saying we can, as the Congress, dictate to either the government of the Commonwealth of Virginia or State of Maryland. It would be up to you, or the Mayor, or whoever was going to be the executive of the District to work out the terms of the reciprocity that were available.

Mr. AIRIS. Well, Senator, I just consulted with our man who handles permits and it would be our feeling that this element of reciprocity would be most difficult to put through if there was to be a sum kind of reciprocal arrangement on the permit itself. That is this: Where either Virginia based trucks or D.C. trucks could actually go out and do local work in Maryland. This is against all types of reciprocity of which I am aware. Now, that is number one, and number two the folks that would be based in Maryland will be a short distance out of the District boundary and can well come into the District which is the centroid of

the work. Whereas a District truck that is based or would be based in the District to do work in the far reaches of Maryland it would be very difficult for him to move that distance in order to take advantage of any reciprocal arrangement, if it could be worked out for local hauling within the confines of Maryland alone.

The CHAIRMAN. Mr. Airis, I am going to have to leave and testify before the Finance Committee. Senator Mathias will carry on and I will attempt to return if they put me on promptly.

The point I was trying to make, and I am not certain of this, is that if some system of reciprocity were worked out in this three-jurisdictional area, Maryland, the District, and Virginia, a precondition of that reciprocity could be that District-based dump trucks could operate as much in Maryland as Maryland dump trucks can operate in the District and vice versa. It would be truly reciprocal. What is fair for one would be fair to the other. Otherwise you would be discriminating against District-based trucks—but I am not speaking as an oracle on this point. It is not my special area of expertise by a long shot. It is just an impression I have.

In any event, if you will excuse me and continue with your testimony I will attempt to get back as quickly as I can.

Senator MATHIAS. My impression is the same as that of the chairman. With reciprocity established the reciprocity has to work both ways. Say you had an operator whose headquarters were somewhere up in Northeast, up on North Capitol Street, he is not really very much farther from the situs of the Maryland job than a Maryland operator who might be located somewhere up off Georgia Avenue in Silver Spring. The operational economics wouldn't really be very different for those two people; whereas you are providing them by this means a wider market in which each of them could operate. If there are any clinkers in that, that is the purpose of the hearing.

Mr. AIRIS. Well, sir, I have tried to be unbiased on this. As I tried to point out we are always caught in the conflict with heavy earth equipment going up all the time and the problem of trying to accommodate this heavy equipment in the stream of traffic and not ruin the structures. This is the problem.

Senator MATHIAS. This is like the National Park Service. It foresees trends for bigger vehicles constantly and tries to inhibit it by providing low bridges. I could appreciate your concern. I am not sure that is the most realistic way to do it.

Mr. AIRIS. We haven't come to that yet. There are some inhibitions on bridge heights around here, but in accommodating these special moves we even move houses and buildings across some of the bridges across the Potomac. You couldn't certainly do it in a tunnel or under a bridge.

Senator MATHIAS. I am interested in your statement that there is existing a limited reciprocity with Virginia operators in the area of Alexandria, Arlington, and Fairfax. Is there a statutory basis for that or is that just a result of custom and practice?

Mr. AIRIS. Well, I think my answer on that, sir, this goes back for many years, at least 20 years, it is probably largely policy although we think and we are not experts on Virginia law, we think there is something in the Virginia law that gives a legal basis for the Virginia code. I don't think there is any in ours.

Senator MATHIAS. I would think in order to perhaps legitimize that situation, from the District's point of view, this point wouldn't be necessary or else that reciprocity could be challenged by some operator from either the District or Maryland who didn't have the advantage of it and claim some discrimination. I don't know. That is not considered legal opinion but at least on the surface it would raise that question.

Mr. AIRIS. Any comment by us would simply be speculative.

Senator MATHIAS. I won't ask you to speculate.

I am only saying that it appears to me to be something that the committee is going to have to think about as it looks at the picture now. Of course, one of the serious concerns you have, and one which I would share as a member of this committee, is the question of loss of revenue. Do you know of any situations where an agreement for reciprocity, and I would suppose this would have to be tri-party between Virginia, Maryland, and the District, could include some pooling of the revenues and equalize them on the basis of mileage?

Let me give you an example: The bus lines, say, running in the District through Maryland, Delaware, New Jersey, and into New York City, work out a revenue-sharing operation based on mileage traveled within each of those jurisdictions. Now, I don't know that we need to spell it out in the law, but as you attempt to execute it administratively, could that kind of arrangement be worked out?

Mr. AIRIS. Well, I suppose there is some leeway there whereby some kind of arrangement could be worked out on the use of these special fees but the trouble with the special fee is that it is set up on the basis of cost for the unit that is setting it up. In other words the Maryland folks need the money that their fee portion of their combined dump truck service brings in for the damage caused to their structures by this traffic and likewise the District needs the amount that it has assessed for the same purpose for the District structures.

Now, you can't, just by simply the magic words of reciprocity, make more money for the two jurisdictions and that, of course, is where this theory breaks down.

Senator MATHIAS. But isn't, really, what we are looking at here the other side of that coin, which is the equity to those who are engaged in this business who pay more than their share because they are being charged—if the District were a geographical, economic entity in which people stayed and worked out the whole economic life of a truck and never went out of the District, then it seems to me you are entitled to every penny of the charges you make. The same would be true of Maryland.

Mr. AIRIS. I see your point, but even though the District is not large geographically we have many structures, we have a higher percentage of the structures in the District by far than they do in the rather open counties surrounding the District. I will cover two or three alternatives at the end here, but it gets down to this: Either we assess the damage and get the money from the sources that are causing the damage or we face two other alternatives. Don't repair the damage in which case you get into a progressive closure of structures, and we have several in the District we have actually had to close. T Street bridge is the most recent example and we have a number of others, sir, that we are hard pressed to keep in operation.

It is a fair assessment of the costs due to the wheel loads of the short-based wheeled vehicles on both bridges and roads. The money

really should come from the source that is causing the damage and that is what we have tried to do. If you don't get that money you have to close your structure down or you have the third alternative of obtaining the money from other than the proper source, from somebody else, from the general user, the other types of trucking, or some other type of a tax. But it is very impossible to get something for nothing is what I am trying to get at. This is the problem.

Senator MATHIAS. I understand that. I certainly don't object to that at all. I think that those who are getting this particular use out of the roads and highways, it is only fair and equitable to expect them to pay for that use.

Mr. AIRIS. That is our position.

Senator MATHIAS. But Gilbert and Sullivan called it "Let the punishment fit the crime."

Mr. AIRIS. Exactly.

Senator MATHIAS. And I think maybe in the zeal to do this on the part of the District government and on the part of the State of Maryland and on the part of the Commonwealth of Virginia, each one is right as far as their own concern goes, but given the peculiar economics of the metropolitan area, where each one devises the same punishment, then the punishment is a little bit of the crime.

Mr. AIRIS. It is a case of over-kill.

Let me pass out some photographs of the damage caused by heavy wheel loads. I made an attempt to keep them current but this is what we constantly face.

Senator MATHIAS. Of course our distinguished chairman and friend, who served many years in the House, had a different solution the other day. He said we should give all the District streets back to Maryland and then Maryland could issue a single permit.

Mr. AIRIS. That is one way of doing it.

You may have a question as you thumb through those photographs. This is what we are constantly faced with here.

Senator MATHIAS. To what extent does that represent the obvious damage and cracking that would normally be expected and to what extent does it represent the growth, both in numbers of vehicles and also size and weight of vehicles, beyond the engineering projections at the time the structures were built?

Mr. AIRIS. Some of our structures, as you know, are quite old and many of our streets are quite old.

Senator MATHIAS. Here is Chain Bridge, for example, which is obviously carrying a load today beyond its designed capacity.

Mr. AIRIS. Well, let me answer that this way: Chain Bridge for instance, you are looking at the projection at the time that was built, probably, I have gone back and checked it, was for much lower than its actual usage. As you know we upgraded Canal Road and made it one way and the actual usage is much higher than was anticipated. I think I could say just off hand and be right on it. Now, the loads that have developed in the ensuing years probably that is the increase in loads. Well, the dump trucks we are talking about today I don't think those were anticipated. That is the trends of industry were not anticipated.

Now the damage that you refer to is almost solely caused by not the repetitions of the light loads, but the repetitions and increases in the heavy loads. Partially the mixture and dump trucks—the short-wheelbased vehicles. I say that for this reason: The damage you are

looking at is not entirely due to the heavy wheel loads in itself, but the heavy wheel loads are the catalysts that cause the damage. The heavy wheel loads flex the concrete deck very slightly and in flexing it, because concrete is a rigid substance, there are a lot of hair cracks in the deck. Then what takes over is: Freeze-thaw cycles, moisture, wet and dry, chemicals and all those things work right with the heavy wheel loads in order to give deterioration to the structures and the roads.

Now, there have been extensive tests put on in Illinois that prove, beyond any doubt at all, that damage to roads is due to the heavy wheel load.

Senator MATHIAS. Some of these impressive pictures of Chain Bridge would have a minimal impact from trucks because Virginia is more restrictive on their weight limits. There ought not to be as much traffic on Chain Bridge as on some of the others.

Mr. AIRIS. Well, I included them as they appeared. Our people take pictures and I just pulled them out. I think that is probably true. There are probably fewer trucks on Chain Bridge than on most of our other structures.

Senator MATHIAS. Of course.

Mr. AIRIS. We have some heavy loads coming down there though.

Senator MATHIAS. I think what we are looking at here, though, is terrible overloading of the highway system from every cause. Projections which are realized over every 5 years are positively amazing to me. They seem astronomical when they are made but if you live 5 years you see them happen.

Mr. AIRIS. We are constantly trying to remedy that and we are remedying it. There are a number of techniques, developed over the past 10 years, that hold this heavy damage to a minimum. That is why we can go up to 65,000 pounds. Now there are a lot of people who are against dump trucks going up to 65,000 pounds for other reasons. It causes spill. If you notice in some of those pictures they have large sideboards and the loads are heaped up, and this fill breaks windshields.

Senator MATHIAS. You occasionally see a little pile of clay or something.

Mr. AIRIS. Yes; on the District streets but part of that comes from climbing in and out of the excavation. It is the only one practical in cities for this type of work—16 or 17 feet. Beyond that if you could use on construction here in the city a long-wheelbased vehicle there would be no need for a permit because it is permissible under our laws. If you could get it 40 feet long that is no problem but it is the short wheelbase that gives you the damage and causes the spillage on the streets and all those things we are talking about.

(Subsequent to the hearing the following letter and photographs were received:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,  
DEPARTMENT OF HIGHWAYS AND TRAFFIC,  
Washington, D.C., February 14, 1972.

HON. THOMAS F. EAGLETON,  
*Chairman, Committee on the District of Columbia,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR EAGLETON: When we appeared before the Committee on the District of Columbia on February 4, 1972, on H.R. 9580, "A Bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees

for the operation of certain motor vehicles," one of the witnesses questioned the use of Chain Bridge by dump trucks.

I am enclosing a few photographs taken on February 10, 1972, that indicate the bridge does carry loaded dump trucks in addition to a variety of other types.

Some of them appear to be heavily laden and our Police-Highway Department weighing crews keep this artery under surveillance as they do others in the city.

I thought perhaps you would like to include these photographs in your published hearing record.

Sincerely yours,

T. F. AIRIS,

*Director, Department of Highways and Traffic, D.C.*

Attachments.



Chain Bridge looking toward Virginia from the District of Columbia. Photo showing heavy load usage. Feb. 10, 1972.



Chain Bridge looking toward Virginia from the District of Columbia. Photo showing heavy load usage. Feb. 10, 1972.

Senator MATHIAS. I have no further questions.

Mr. ATRIS. I would like with your permission, sir, to run through this last page or two of the testimony. I did hand out photographs of some of the damage. This is the problem and this is the net result of going up in heavy loads.

Now, starting on page 15 I would like to use my notes. It is believed unlikely that there would be significant change in the number of Virginia registered trucks since a change in Virginia's 50,000-pound gross load limitation does not appear likely in the foreseeable future. Therefore, it appears that the immediate effect of passing H.R. 9580 will be a loss to the District of \$244,000 now paid annually in the special heavy load fee by Maryland-based vehicles initially and fol-

lowed by the gradual loss of the other \$111,000 and wind up with a very small amount of special permit fees for the District.

Although fleet owners might obtain some immediate benefit, ultimately deteriorating street surfaces and bridge structures, with resulting traffic congestion, will surely result in higher truck operating costs far above the present cost of special heavy weight fees authorized by Public Law 91-650 that the trucking interests and the Congress so recently favored. I would like to point out here, although I may be repeating myself, this law did have the full backing of the trucking groups and actually they pioneered it.

Additionally, there is distinct possibility that deteriorating street conditions may force cancellation of all short-wheelbased vehicle load permits in excess of 44,000 pounds category.

I have some conclusions on page 17.

It is concluded, therefore, that if the bill becomes law, the end results may be very undesirable. For example: Based on the September 1, 1971, figures, the District of Columbia will be in jeopardy of directly losing annual permit revenue of about \$365,000. Actually, up that to \$400,000.

The District of Columbia may very well suffer an additional loss of \$365,000 or more in annual matching Federal-aid funds making a total upwards loss of \$700,000 or \$800,000—just under a million. That is a sizable amount of revenue in trying to fix the city streets which this Department, which I head, is constantly trying to do.

The CHAIRMAN. Could you clarify that point for my understanding?

Mr. AIRIS. I would be glad to, sir.

The CHAIRMAN. See if I have it correct. These fees that are now being collected total \$365,000 and even, as you say, today up to \$400,000.

Mr. AIRIS. Right.

The CHAIRMAN. These fees become eligible, as it were, for Federal-matching funds.

Mr. AIRIS. Yes.

The CHAIRMAN. Under what authority?

Mr. AIRIS. Federal Highway Authority. Of course it is Federal law that is based on the gas tax, fuel tax, and other taxes—Federal taxes and those are apportioned out to the States on either a 50-50 basis or thereabouts or the 90-10 basis. Of course if you are able to apply these amounts to 90-10 you get instead of just under a million dollars on the 50-50 you would get 10 times as much.

The CHAIRMAN. Could you tell me which one of those two programs the 50-50 or the 90-10 these fees now totaling \$400,000 falls into?

Mr. AIRIS. It is eligible for either one as long as it is District funds. It would depend where the damage to the structure is. If it would be straight maintenance, of course, or rebuilding it would probably be eligible for 50-50 participation. If it were rebuilding, and now I mean reconstruction not maintenance, but if it is reconstruction of a section of interstate, it would be eligible for 90-10—not maintenance now, sir.

The CHAIRMAN. What part of these fees goes into maintenance costs or payments and what part goes into reconstruction?

Mr. AIRIS. It would be a combination. I suppose it would vary from year to year depending on need.

The CHAIRMAN. But you don't get Federal matching for maintenance.

Mr. AIRIS. Not strictly maintenance but for reconstruction we are eligible.

The CHAIRMAN. For either 50-50 or 90-10 depending on which street is being reconstructed.

Mr. AIRIS. Right.

The CHAIRMAN. If it is an interstate bridge complex or something then it would be 90-10.

Mr. AIRIS. Right.

The CHAIRMAN. And if it is Connecticut Avenue, 50-50.

Mr. AIRIS. 50-50 or thereabouts. I think we have a little different than 50-50. Later on, as you well know, there is an intent—I don't believe it is law yet—to go to something like 70-30. so in future years that will probably be for both interstate-type projects.

The CHAIRMAN. Is there any authority in the District, either by ordinance or regulation, that requires these dump trucks to pursue a certain route? Must they take certain streets?

Mr. AIRIS. Earlier, in my testimony, I inserted a document that accompanies each permit at the time they are issued. This is revised periodically and indicates the streets on which they may travel and best able to accommodate this heavy duty-type traffic.

The CHAIRMAN. Are they required by ordinance to use those streets only?

Mr. AIRIS. Not by ordinance but conditions of the permit.

The CHAIRMAN. The permit does tell them.

Mr. AIRIS. Yes. This is part of the philosophy of the whole balance of transportation system whereby the heavy traffic is kept out of the neighborhood streets. We try very hard to do that. However, it is impossible to enforce entirely because of houses being built in a subdivision or a residential area or a building going up in a residential area. Trucks have to get into there, but you try to discourage them from using the residential streets which are not built to accommodate truck traffic. It leads to a whole host of complaints. "These trucks come around and they are scaring Johnnie and Johnnie might be killed and they are throwing gravel off on my street. They are crack-ing my house."

We get all kinds of those things. One of our remedial actions is to try to get them rerouted. I notice Chief Osterman is here and if you would like a long dissertation on this particular aspect of the problem he can give it to you.

The CHAIRMAN. I am not asking for long dissertations.

Mr. AIRIS. He can give you a very succinct one.

The CHAIRMAN. Go on please.

Mr. AIRIS. The loss of funds for rebuilding damaged streets and bridges may have serious consequences on the economic vitality of the city. That is true. As I say we try to keep abreast of industry trends and heavy equipment, but not yet make it so difficult to live in the city and repair the damage that is caused that the economic vitality goes backwards instead of forward.

The closing of some bridges may eventually become necessary. T Street Bridge over the B & O railroad yards is an example where a bridge had to be closed rather recently. We are trying to scratch around for funds and get that bridge rebuilt at the present time. Another one, of course, is the 9th Street Bridge that is in trouble and over the Pennsylvania Railroad yards in the same area. We have got to

do something about it pronto. I think we have means to take care of that at the present time, but it is a constant problem.

Additionally, the District may also lose about \$56,000 annually in registration tags as D.C.-registered trucks rebase in surrounding jurisdictions. That is rather obvious.

This bill can only be detrimental to the best interests of the District of Columbia, which, of course, I am representing here. It may be found not to be in the best interest of the trucking industry and I really believe that. We try to work with the trucking industry and do what we think is in the overall public interest.

Now, I would like to leave the matter with three very succinct observations: (1) we have agreed with the truckers in upping permissible loads under the permit conditions and in accordance with Public Law 91-650 we went along with that. We endorsed it and they endorsed it. (2) If the funds for damage caused by these loads are withdrawn, as is apparently the intent of this particular bill, we face the alternatives of either not repairing the damage, in which case we will eventually have to get back to much smaller loads and cause a good deal of effect on the viability of the area, or if we do repair them from other funds it will be a case of somebody else supplying the money for damage that is caused by this particular source.

The CHAIRMAN. What is the current budget for your Department for maintenance and reconstruction?

Mr. AIRIS. About \$2.7 million for maintenance and about \$4½ million for reconstruction.

The CHAIRMAN. \$2.7 million for maintenance and \$4.5 million for reconstruction.

Mr. AIRIS. Yes, sir; that varies, of course. In the past few years we have had zero capital outlay simply because of our funding picture and inability to fund the budget.

The CHAIRMAN. So those total \$7.2 million.

Mr. AIRIS. That is proposed 1973 and I think we were a little higher than that in 1972, sir. Those are round-off figures. I would like to point out about 3 years ahead of that very little, very little money. One year, none.

The CHAIRMAN. No money for maintenance or reconstruction.

Mr. AIRIS. That's right. No capital outlay; just some maintenance money.

The CHAIRMAN. But totaling those \$2.7 million for maintenance and \$4.5 million for reconstruction that comes to \$7.2 million. These fees amount to \$402,000 and they are matched either on a 90-10 or more frequently on 50-50 basis. So assume 50-50 for a total of \$800,000—is that right?

Mr. AIRIS. That's right.

The CHAIRMAN. Which would be better than 10 percent of the total of maintenance and reconstruction.

Mr. AIRIS. That is substantially ball park. We could certainly firm them up in detail if you would like. The last point I have, and I will just drop it at that unless you have questions, sir, is that probably there will be, if it becomes widely known, an outcry about taking money from other sources and using it to repair damage caused by these trucks. I really do.

The CHAIRMAN. Let me underscore that point with this final question from me. This committee has already reported out and the Senate has passed a home rule bill. That bill is now pending in the House.

Under the concept of home rule wouldn't the Mayor and/or the City Council have the authority to enter into such a reciprocal agreement as is envisioned in this instant bill?

Mr. AIRIS. Well, it would be a combination of the Council and the Mayor and the whole city government. I think affirmative—yes.

The CHAIRMAN. What I am getting at is: If the city were to have home rule they would have authority to enter into reciprocal relationships with the neighboring constituencies, wouldn't they?

Mr. AIRIS. The answer I would think is probably yes.

The CHAIRMAN. Viewed in one light this bill gives authority to the Mayor to enter into such an agreement if he so desires.

Mr. AIRIS. There is no question about that. That is the way the bill is written but I would like to point out that we do not have home rule. I didn't think I would get into that but that is the official position of the D.C. government. If it is a case of resting this particular problem on home rule, well, if we get home rule, so be it.

The CHAIRMAN. Thank you, Mr. Airis.

Mr. Paul Rhodes of the Excavators & Equipment Contractors Association of Washington, D.C. and Vicinity.

#### STATEMENT OF PAUL M. RHODES, COUNSEL, EXCAVATORS AND EQUIPMENT CONTRACTORS ASSOCIATION OF WASHINGTON, D.C., AND VICINITY

Mr. RHODES. Thank you, Mr. Chairman.

The association members have had a great deal of experience over the years dealing with the problems confronting excavators and dump truck operators. We appreciate the opportunity of being here. We urge the enactment of the bill to give the Commissioner, the Mayor, the authority to work out the reciprocal agreements that they might conclude from an overall study would be in the best interests of the District.

I believe the committee has the prepared statement that we have filed and in the interests of time I am not going to review that in detail.

The CHAIRMAN. The entire prepared statement will be printed in the record and you are at liberty to highlight it for us, if you so desire.

(The prepared statement follows:)

#### PREPARED STATEMENT OF THE EXCAVATORS AND EQUIPMENT CONTRACTORS ASSOCIATION OF WASHINGTON, D.C. AND VICINITY

My name is Paul M. Rhodes. I am appearing as counsel to the Excavators Association, to urge the enactment of the bill H.R. 9580.

This association was formed here in Washington in 1955, and the members who operate dump trucks in conjunction with their excavating and grading work are:

Arnold Parreco & Haass, Inc., 4700 Lawrence Avenue, Hyattsville, Maryland 20781

Excavation Construction, Inc., 6611 Kenilworth Avenue, Riverdale, Maryland 20840

Hutchinson Brothers Excavating Co., Inc., 1535 48th Place, Beaver Heights, Washington, D.C. 20027

James Parreco & Sons, Inc., 650 T Street, N.E., Washington, D.C. 20018

John Driggs Company, Inc., 2504 51st Avenue, Hyattsville, Maryland 20781

Marvaco, Inc., 2237 33rd Street, N.E., Washington, D.C. 20018

Morauer & Hartzell, Inc., 1620 2nd Street, S.W., Washington, D.C. 20024

Potts & Callahan, Inc., 3310 Kenilworth Avenue, Bladensburg, Maryland 20710

Over the years the members of this association have performed a major portion of the excavation and grading work in the District of Columbia, and these contractors provide the more stable source of dump trucks to the construction industry.

Dump trucks are also available to the construction industry from individual owner-operators, and from individuals and companies who do not perform excavating work but are engaged only in the rental or operation of trucks. The number of trucks available to the industry from these sources vary since the smaller operators are generally free to take their trucks to the jurisdictions where work is to be found. At the present time, due to the impact of the Metro subway work, there are perhaps more dump trucks presently available in the District of Columbia from the owner-operators and the people who have trucks for hire, than are available from the members of the Excavators Association.

As a matter of safety in operation, it is necessary that these dump trucks be heavily constructed, and have sufficient horsepower and braking capacity to enable a loaded truck to pull up a steep ramp from an excavation. These trucks have an unloaded weight of from 26,000 to 28,000 pounds, and currently cost around \$30,000.00.

The members of the Excavators Association support the passage of this bill for a number of reasons.

It is not possible for a dump truck operator whose truck is licensed for operation in the District of Columbia to restrict his operations to the District, for the reason that the places within the District where excavated materials can be dumped are virually exhausted, as a result of which a truck picking up dirt from the subway or a building construction project in the District, must go either to Maryland or Virginia to dump it.

The load limits in effect in the District of Columbia and in Maryland permit a dump truck to carry a gross load of 65,000 pounds, and this is the efficient, economic load, and this weight is within the rated capacity that this type of truck is designed to handle.

If a dump truck is registered in the District of Columbia, in order to haul the permitted gross weight of 65,000 pounds, the following payments to the District are required:

|                                  |              |
|----------------------------------|--------------|
| Sales tax (4% of \$30,000)-----  | \$1, 200. 00 |
| License fee-----                 | 269. 50      |
| Weight permit (65,000 lbs.)----- | 680. 00      |
|                                  | <hr/>        |
|                                  | 2, 149. 50   |

If the truck operator must go to a dump in Maryland, his payments to the State of Maryland for authority to operate at a gross weight of 65,000 pounds will be as follows:

|                         |              |
|-------------------------|--------------|
| Sales tax (4%)-----     | \$1, 200. 00 |
| Tags (65,000 lbs.)----- | 845. 00      |
|                         | <hr/>        |
|                         | 2, 045. 00   |

Thus, the fees for the initial year of operation in these two jurisdictions is \$4,194.50 for each truck. (If the project from which material is being hauled extends over a second licensing year, no further sales tax has to be paid on the individual vehicle, and the fees payable to these two jurisdictions would then total \$1,794.50.)

While a truck registered in the District can go into Maryland with a gross weight of 48,000 pounds to dump a load originating in the District, without the payment of a fee, this is an uneconomic weight at which to make a long run, since it results in a net payload of only 10 tons, instead of 18½ tons. This means an increase of 85% in the number of round trip runs to handle the same quantity of earth.

A further practical problem that is presented if a trucker tries to limit himself to a fractional load, is that he often has no control over the operator of the loading machine, and may unwittingly find himself guilty of carrying an overweight load. The overweight fines in Maryland are based on the amount of overweight. If a truck licensed in the District should go into Maryland without registration in that state, with a gross weight of 65,000 pounds, the fine for this overweight load would be \$1,000.00.

On the other side, a dump truck registered in Maryland may now haul into the District on an interstate basis (no point-to-point hauls within the District) with-

out payment of any fee if the gross weight does not exceed 44,000 pounds. In order for a Maryland dump truck to operate in the District at the lawful gross weight of 65,000 pounds, the owner must pay to the District a fee of \$680.00. The penalty imposed for bringing an overweight load into the District from Maryland is a flat \$100.00.

Under these conditions, it is more economical for a trucker to be registered in Maryland, and operate in the District, than it is to be registered in the District and obtain the licenses that are required to operate at a gross weight of 65,000 pounds in Maryland.

An informal reciprocal agreement has been in effect between the District of Columbia and the State of Virginia since 1947, under which dump trucks of a gross weight of not more than 44,000 pounds registered in either jurisdiction, may operate in the other without payment of any license fee. The present regulations in Virginia make no provision for the operation in Virginia of a truck with a gross weight in excess of 44,000 pounds. In order for a truck of Virginia registration to operate in the District at the gross weight of 65,000 pounds, it would be necessary for it to pay for the annual hauling permit in the District of Columbia.

In addition to the financial burdens resulting from the necessity of paying for these special permits in order for a dump truck to operate with an economic load, an owner is also required to meet the expenses and comply with the requirements of the following agencies, as noted in the Report of the House Committee (p. 4) :

1. D.C. License
2. Prince George's County License
3. Montgomery County License
4. Maryland State Registration
5. Maryland Fuel Mileage Tax
6. D.C. Personal Property Tax
7. Maryland Personal Property Tax
8. Maryland Corporation License Tax
9. D.C. Corporation License Tax
10. Maryland Sales Tax (on purchase of vehicle)
11. D.C. Sales Tax (on purchase of vehicle)
12. D.C. Withholding Tax
13. Maryland Withholding Tax
14. D.C. Hauling Permit Fee
15. Maryland Hauling Permit Fee
16. Maryland Unemployment Tax

The costs of obtaining all of these licenses and weight permits are reflected in the prices that are charged for the performance of the hauling services. In the District of Columbia, a large percentage of the work is public work involving the expenditure of either Federal funds or funds of the District of Columbia. These projects include the construction of Federal buildings and projects, the construction of the Federal highway system, the improvement of the District Highway system, and the construction of schools and public buildings. There is now an unusual and substantial quantity of earthwork being performed in the construction of the Metro subway system.

The only opposition voiced to the enactment of this bill in the proceedings in the House of Representatives was from the officials of the District of Columbia government responsible for the maintenance of the streets and bridges, who envisioned a possible loss of \$243,000 per annum from the Highway Fund, now being paid into the Fund from the purchase of weight permits by the owners of trucks registered in Maryland.

The special concern of the highway people about the possible loss of revenues is not unusual. But in its publication, "Motor Truck Reciprocity" published by the American Trucking Association, it is reported (pp. 10-11) that the Governor of New Hampshire similarly predicted that the reciprocity bill passed by the legislature would cost the state \$200,000 from lost fees. However, after a two-year trial period it was found that New Hampshire had actually benefited, and the reciprocity agreement was made permanent. The author concludes :

Other states have made the same discovery that the primary beneficiary in a full reciprocal agreement is *not* the motor vehicle operator, but the general public . . .

We believe that here, a broader consideration of the effect of a reciprocal operating agreement covering this metropolitan area would show that there would be substantial benefits to the District of Columbia which would far outweigh any possible loss of revenues to the Highway Fund.

There is another factor which would operate to increase the total benefits to the District. As noted above, it is now more economical for a company to register

its trucks in Maryland and come into the District to pick up loads, for a variety of reasons. But if the Commissioner, under the authority of this bill, should work out a reciprocal operating agreement with Maryland, only the dump trucks registered in the District would have the right to operate in both Maryland and Virginia, for a truck registered either in Maryland or in Virginia would only have the reciprocal right to operate in the District, whereas a truck registered in the District could operate in both Maryland and Virginia. As a result, it would then be in the interest of all dump truck operators to register their trucks in the District, and thus obtain the broadest possible operating rights under the reciprocal agreements. The registration of these trucks in the District would require the payment of the 4% sales or use tax, as well as the payment of annual licensing fees.

It should also be anticipated that the elimination of all of the present expenses of obtaining multiple licenses and weight permits would result in a reduction in operating costs which, in the process of competitive bidding, would be reflected in savings to the Government in the costs of all public projects, as well as to the private builders who are engaged in the improvement of our city.

It is urged that the public interest is not served by unnecessarily increasing the costs of all construction work in the District of Columbia, in order to protect the Highway Fund from the possible loss of some \$243,000 in present revenues.

The pending bill simply provides the Commissioner with the authority to enter into reciprocal agreements, and if this authority is conferred by the Congress, it may be assumed that it will be exercised with prudent consideration of all of the fiscal interests of the District of Columbia.

We appreciate the opportunity of making known the views of this Association, and if the members of the Committee have any questions, I will undertake to answer them, with the help of the members of the Association who are present.

Mr. RHODES. Here, from the association, is Mr. John Lyon, representing the president of Excavation Construction; to my right is Mr. Jack Baker of Hutchison Brothers; Mr. Peter Babbs of Parreco & Haass; Mr. Horn and Mr. Charles of Potts & Callahan. These are experienced, knowledgeable gentlemen who will be able to answer any questions the committee may have.

We understand the concern of the highway people about the funds being available to repair roads, but the point I would like to emphasize here is that while it is true there is a great deal of construction activity here in the District the places where substantial quantities of earth are being dumped and disposed of are not in the District. They are exhausted.

We have got one estimate there are 20 million cubic yards of earth coming out of the Metro System. We have hundreds of thousands of yards of earth coming out of the new addition to the Library of Congress over near the House Office Building. In order to find places to put this earth we either have to go into Virginia or Maryland. Now, because of the inflexible weight limits in Virginia, the 44,000 pounds, it is more economical to find dumps in Maryland. At this time, in disposing of the material from a site in the District into Maryland, we are making greater use of Maryland highways than we are of District highways. So if there is a problem under a reciprocal agreement about meeting the cost of maintaining highways, the greater problem is going to be faced by the State of Maryland and not by the District simply because of the increased use of the facilities.

We disagree with the conclusion reached by Mr. Airis that the passage or the negotiation of the reciprocal agreement would bring about a further exodus of truck registration from the District into Maryland. We believe the opposite result would pertain for it would only be a truck registered in the District that would have the reciprocal rights either to operate either in Virginia or in Maryland. A truck registered in the District would have the full benefit of both reciprocal

agreements whereas a truck registered in Maryland would only have the reciprocal right to operate in the District of Columbia.

So we feel this change would reverse the trend and bring registrations back to the District. If this occurs, as we predict it will, then the other revenues to the District will far exceed the loss of funds or revenues that are now going into the District highway fund.

Now, one point that I would like to clear up is that some attention was focused on the photograph showing the damage that occurred to the surface of Chain Bridge. Senator Mathias had some questions about that. But the point I would like to emphasize there is that Virginia has a 44,000 gross pound limit on weight of trucks that can enter into Virginia. A truck having a 65,000-pound permit can't go into Virginia. So, clearly the damage that has occurred to Chain Bridge is not due to the use of the bridge by the so called "heavily loaded" 65,000-pound trucks. They can't go into Virginia. So the damage conditions that photograph depicts are the conditions that result from normal wear and tear.

I might point out the costs of disposing of material are becoming a matter of increasing concern. The District of Columbia recently, in the project for the expansion of the Blue Plains Treatment Plant, undertook to save on disposal costs by providing that the material would be dumped in the dike marsh area down below Alexandria. We are now running into serious problems about that arrangement. But the problem of finding disposal areas is an increasingly acute one and the indications are it is going to require trucks to travel more and more deeply into Maryland because of the lack of dumping space here. As that continues the problem of road maintenance will be one that confronts Maryland rather than the District.

The CHAIRMAN. What is the maximum load permissible in Virginia?

Mr. RHODES. 44,000 pounds truck and load gross weight.

These trucks weigh about 26,000 to 28,000 pounds depending on their equipment.

The CHAIRMAN. What is the maximum in the District?

Mr. RHODES. Under the special permits we are talking about, it is 65,000 pounds.

The CHAIRMAN. Truck and load?

Mr. RHODES. Yes.

The CHAIRMAN. Same in Maryland?

Mr. RHODES. Maryland permits 65,000 pounds also under the special rate permits.

The CHAIRMAN. Now, is not the long and short of this proposal, viewing the three contiguous jurisdictions as an entity—Maryland, District, and Virginia—if this bill passes and if the Mayor negotiates a reciprocity agreement, at least there will be \$400,000 less to spend in those three jurisdictions on road reconstruction and perhaps as much as \$800,000 if one takes into account matching Federal funds?

Mr. RHODES. It is possible such a loss might occur. We don't agree with Mr. Airis' estimate but if a loss in revenues to the highway fund occurs it would be offset substantially by the increased payment of sales and use taxes and of registration fees from trucks that we believe would now be registered in the District instead of Maryland.

The CHAIRMAN. My question related to the three areas as a metropolitan area generally. The effect of the bill, if a reciprocity agreement

is negotiated, is to reduce the payment of fees by haulers. Is that correct?

Mr. RHODES. Yes.

The CHAIRMAN. So the \$400,000 would be lost to the three jurisdictions as a total entity in terms of road reconstruction.

Mr. RHODES. If such an agreement were worked out, the truckers would still be paying a substantial fee but the question is: Who would be getting the money?

The CHAIRMAN. They would be paying less fees than they are now. Is that not an inescapable conclusion?

Mr. RHODES. Yes; because they would not be paying duplicate fees. The trend, I might suggest, is toward the enactment of these agreements where they have metropolitan areas that cover different jurisdictions. The American Association of Motor Vehicle Administrators is engaged presently in a program to facilitate more of these agreements. There are all sorts of plans reviewed in it under which funding can be shared or divided among the jurisdictions on the basis of mileage of road use or other things.

The American Trucking Association is also involved in the facilitation of these reciprocity agreements. The trend is toward them rather than against them. In each case the fear of each one of the jurisdictions: Is it going to result in a loss of revenue? But in the case of New Hampshire, which we have cited, this fear was expressed but it was instead found that the heightened competition and the elimination of a great many administrative and inspection fees actually resulted in greater revenues and benefits to the States.

Now, if the committee doesn't have any questions of me, I would like to defer to Mr. Baker and see if he has any points that have occurred to him as a result of Mr. Airis' statement.

Senator MATHIAS. Before we put Mr. Baker on let me explore one point with you. I raised the question with Mr. Airis of shared revenues on a mileage basis or some other formula that might be devised at the time the three governments worked out their reciprocity agreements and I analogized it to the bus tax. Would there be figures or statistics on which some sort of formula, not necessarily mileage but whatever the basis would be, would the industry be able to provide statistics on which such a formulation could be reached?

Mr. RHODES. We have none available to us except through the American Association of Motor Vehicle Administrators or from the American Trucking Association. These plans seem to vary depending on the particular problem that confronts the metropolitan area or the jurisdictions involved. Sometimes it is done on an average of income basis. Sometimes it is done on the basis of mileage traveled. They each make mileage reports and there is an allocation on that basis.

Senator MATHIAS. In any event they approach equity. They approach equity from the Government. It eliminates the double taxation.

Mr. RHODES. Yes; but there are many revenue-sharing plans that are in use and one in which each one is tailored to a particular situation.

Senator MATHIAS. If one of these arrangements were actually arrived at, would it go a long way in mitigating the loss of revenue that Mr. Airis testified about in very stark terms?

Mr. RHODES. Yes; and also we believe if such a reciprocal plan were adopted it would considerably heighten competition in bidding for this work. It would not be on such a restrictive basis.

The CHAIRMAN. Mr. Baker, would you give us your full name and whom you represent so we have it for the record?

**STATEMENT OF JACK BAKER, EXCAVATORS AND  
EQUIPMENT CONTRACTORS ASSOCIATION**

Mr. BAKER. My name is Jack Baker. I represent the Excavators and Equipment Contractors Association.

One thing I would like to delve into is this Virginia reciprocity for just one second. That has been in effect since 1947 and it has worked out very well. Senator Mathias was asking a short while ago if you pick up and dump in the areas where they allow the reciprocity—I don't know the definition of reciprocity—there would be no reciprocity in Maryland if you could not do the same thing. In other words that is the prime basis of getting a reciprocity to be able to work in each jurisdiction with whatever tags you had.

On this Virginia reciprocity—there is no reciprocity between Maryland and Virginia. To go back to revenue: The ideal way for us to operate is to have District tags. That way we could operate in all three jurisdictions: Virginia, Maryland, and the District.

I would like to emphasize that point. I think that the District would gain revenue in my opinion. Our company and several other companies, would buy tags and titles to trucks in the District. I think there would be a large amount of trucks coming back in the District if this reciprocity was afforded.

Now, Mr. Airis was talking about T Street Bridge. T Street Bridge was antiquated 100 years ago. We refused to let our trucks go over there in 1938. We diverted our trucks because the bridge looked then like it would fall down.

Then in the spoil areas in Maryland, due to weight restrictions of Virginia naturally you go to Maryland, using a hypothetical question: Suppose Maryland said, "OK. Every truck that comes in here with a load of dirt or whatever we are going to charge \$100." Well, the District would sure be in sad shape then. That is a hypothetical question and we don't think it would ever happen. On Virginia and Maryland roads there is more traffic than in the District. I think that is all I have to say, sir.

The CHAIRMAN. Thank you, Mr. Baker. Thank you, Mr. Rhodes.

We will now hear from Mr. Maurice Dockett, President of the Washington Area Truckers and Excavators Association.

**STATEMENT OF MAURICE DOCKETT, PRESIDENT, WASHINGTON  
AREA TRUCKERS & EXCAVATORS ASSOCIATION; ACCOMPANIED  
BY RAYMOND GAMBLE, C & C EXCAVATION AND HAULING,  
INC.**

The CHAIRMAN. We are glad to have you with us, Mr. Dockett, and you may proceed.

You have someone with you? Would you please give us your name.

Mr. GAMBLE. I am Raymond Gamble of C & C Excavation.

The CHAIRMAN. Go ahead.

Mr. DOCKETT. Mr. Chairman and members of the committee, I appreciate this opportunity to present our statement. My name is Maurice

Dockett. I am the president of the Washington Area Truckers & Excavators Association. I am here to represent the members of the Association, to urge the enactment of bill H.R. 9580.

This association was organized here in the District of Columbia in 1970. The membership is composed of minorities who are owners and operators of dump trucks having three or more axles.

We, as small operators in the District of Columbia, are faced with the same financial burden imposed by the lack of reciprocity with Maryland. Our members are not doing the excavating; therefore, they must hire their trucks to the excavating contractors at set rates. These trucks must be heavily constructed, and have sufficient horsepower and braking capacity to perform from an excavation. Also, we must haul the maximum of 65,000 pounds. Such heavy duty trucks are expensive and maintenance is costly.

It is impossible for our members, whose trucks are licensed for operation in the District of Columbia, to restrict their operations to the District of Columbia. They must haul and dump the dirt where the excavating contractor has arranged. It is our understanding that places within the District where excavated materials can be dumped are virtually exhausted. As a result, we must go either to Maryland or Virginia to dump it.

In order for our members to currently operate their trucks for the excavating contractors, they must be registered in the District of Columbia and Maryland. The cost of registration for each State based on a purchase price per truck of \$30,000 follows. Sales tax in the District of 4 percent would be \$1,200 and tags \$269.50 for 65,000 pounds and in Maryland 4 percent is \$1,200 and tags for 65,000 pounds is \$845.

The CHAIRMAN. District of Columbia sales tax on \$30,000 would be \$1,200.

Mr. DOCKETT. If we cross the line and go into the State of Maryland we pay 4 percent to the State of Maryland which is \$1,200 more. \$845 for 65,000 pound tags with the total between the two is \$4,194.50.

The dual registration would impose a tremendous financial burden on us to the extent that we would be forced to close shop.

Given the fact that it is the concern for greater participation on the part of minorities in the building activity in this city, then the enactment of this bill will prevent the closing of minority operations and increase their participation.

Mr. Chairman, and members of the committee, I have spoken to you as president of the trucking association. Now I would like to have a few minutes to speak as an owner-operator and show you my views on this. I would hope that I could, in a few minutes, make you feel and know as much about the trucking business where you would really understand it and the way it would affect us and the minorities.

When the Metro System was supposed to get underway from the beginning most minority truckers in their field felt it was a blessing coming from heaven because it would give the minorities a chance to do something and earn some dollars.

We are not contractors. We don't do the digging and things like this, but we do the hauling and things like this. Now, before this permit came in, 68 companies in the State of Maryland were supplying the Metro System with the material, increased the price of their products so they could, let's say, override this money as expense. This

burden that was put upon the large contractors in the cities who have primes and bid the jobs. They have a chance, if the reciprocity is not passed, to charge the money back at the top. The small contractor cannot do it. We have nobody to go to write anything off.

I think that the reciprocity law would be one thing to help us on both sides of the line and I am sure the District will not lose any money behind it.

Now, one question came up about the tags. Now a lot of guys with Maryland tags, like right now and even now before the permit, the District tag was a counterfeit. I could come in the District and buy a tag and be legal and when I crossed and went in Maryland they were counterfeit but it was the same thing coming back in the District of Columbia. The District of Columbia would probably have to come up with a tag that would be equivalent which it accepts. Maryland has a tag 45,000 pounds operating weight, 60,000, 50,000, or 65,000 pounds operating weight. So if they base their tags on strength like this then the people still buy what they want.

The CHAIRMAN. Mr. Dockett, so I understand, you had better take your own company. How is your equipment tagged at the present time?

Mr. DOCKETT. Maryland.

The CHAIRMAN. You have Maryland tags?

Mr. DOCKETT. Yes.

The CHAIRMAN. But your company is based in the District.

Mr. DOCKETT. Yes.

The CHAIRMAN. Where do you store your trucks at night?

Mr. DOCKETT. In the District. This is something you would be forced into in order to stay in business. I can't afford to pay all these registrations. I would be out of business so I have to break the law a little bit.

The CHAIRMAN. How many members in your association, Mr. Dockett? Roughly.

Mr. DOCKETT. About 150 members.

The CHAIRMAN. Would most of these operators have one truck?

Mr. DOCKETT. One truck, five trucks, some of them have 10 or 15.

The CHAIRMAN. I see.

Mr. DOCKETT. When you spoke of the tags I was speaking as far as myself being honest.

The CHAIRMAN. How many trucks do you operate, sir?

Mr. DOCKETT. I have two.

The CHAIRMAN. Would you guess that most of your members just have one set of tags on their equipment?

Mr. DOCKETT. Some of them, the largest percent, have been forced to purchase this permit from the District.

The CHAIRMAN. All right. Have you finished, Mr. Dockett? I don't want to cut you off.

Mr. DOCKETT. Senator Eagleton, you were saying that this law is sort of a discriminating law. This is what I felt because it was really discriminating against dump trucks, mixers, and equipment.

Senator MATHIAS. Mr. Dockett, let me ask you one question. If there were a three-way reciprocity between the District, Maryland, and Virginia: What effect would that have on registration? In other words, if on a single registration, say in the District, you could work

either north into Maryland or across the river in Virginia: What effect would that have?

Mr. DOCKETT. Well, I would buy District tags. I would tag myself in the District. It would give me a point of operation where I could operate all three States.

Senator MATHIAS. Assuming you could meet the weight limits in each area.

Mr. DOCKETT. Yes.

Senator MATHIAS. Thank you.

The CHAIRMAN. Mr. Raymond Gamble, who is with C & C Excavation and Hauling, Inc. has submitted a prepared statement and we will place that in the record, Mr. Gamble.

(Prepared statement of Raymond Gamble, C & C Excavation and Hauling, Inc.; follows:)

PREPARED STATEMENT OF RAYMOND GAMBLE, C & C EXCAVATION AND  
HAULING, INC.

Mr. Chairman and members of the committee: It is indeed an honor and a pleasure to be before you. I wish to take this opportunity to thank you for this privilege.

As you all know, our reason for being here is to make a few points that we feel are very vital to our company. The raising of the tag price has hurt our company and will continue to do so unless a favorable reciprocal agreement is reached between the D.C. Government and the state of Maryland. If we could tag our trucks in Washington and cross into Maryland to dump without buying a Maryland tag, it would be to the best economical interest of our company.

We strongly encourage you to put forth every motion and legal step necessary to reach an accomplishing point in favor of the District Government as well as our company and other small companies.

Gentlemen, with all due respect, I wish to thank you for your time.

Mr. GAMBLE. As you all know our reason for being here is to make a few points which we feel are very vital to our company. We feel raising the tag price hurts our company unless a favorable reciprocal agreement is reached between the D.C. Government and the State of Maryland. If we could tag our trucks in Washington and cross into Maryland to dump without buying a Maryland tag, it would be to the best economical interest of our company.

We strongly encourage you to put forth every motion and legal step necessary to reach an accomplishing point in favor of the District Government as well as our company and other small companies.

Gentlemen, with all due respect, I wish to thank you for your time.

I work with Mr. Dockett and other small companies. The thing I want to say is this: I think you have to step down from the larger excavating companies in order to see us as small haulers basically. We don't do the excavating and digging. We normally do the hauling and if you can get your money out of hauling, as we have done, I think you can consider it a miracle.

The CHAIRMAN. Thank you very much, Mr. Gamble and Mr. Dockett.

Mr. J. B. Caldwell and Mr. Fred H. Gamble. Is there another Gamble?

Fred GAMBLE. Yes.

The CHAIRMAN. Mr. J. B. Caldwell, member and owner-operator of heavy duty dump trucks, is he here? Would you come forward.

Do you have anything you wish to add Mr. Caldwell?

**STATEMENT OF J. B. CALDWELL, C & C EXCAVATION AND  
HAULING, INC.**

Mr. CALDWELL. I am J. B. Caldwell with C & C Excavation and Hauling. I am in full agreement with what Mr. Maurice Dockett and Mr. Gamble said about the heavy weight stickers. If it is possible that you can come to this kind of agreement between Maryland and the District it would be to our benefit.

Senator MATHIAS. How many trucks do you operate, Mr. Caldwell?

Mr. CALDWELL. About 30.

Senator MATHIAS. You have 30?

Mr. CALDWELL. Yes.

Senator MATHIAS. In your company?

Mr. CALDWELL. Yes, sir.

Senator MATHIAS. What sort of profit margin do you generally work on for expenses? Say you are bidding a job. You go to the contractor who has an excavation to do.

Mr. CALDWELL. We mostly work on rental, on a rental purchase like per hour, that is what I mean.

Senator MATHIAS. An hourly rate or rental for the equipment and you provide the driver.

Mr. CALDWELL. Yes.

Senator MATHIAS. I understand. Thank you.

The CHAIRMAN. Thank you, Mr. Caldwell.

Is there anyone else who would like to testify on H.R. 9580?

**STATEMENT OF J. V. OSTERMAN, CHIEF OF TRAFFIC DIVISION,  
METROPOLITAN POLICE DEPARTMENT**

Chief OSTERMAN. Senator, if I might shed a little light on this?

The CHAIRMAN. Yes, sir.

Chief OSTERMAN. I have listened to all the puritans come up here and they are all friends of mine.

I am Chief Osterman in charge of the Traffic Division, Metropolitan Police Department.

The name of the game is revenue. I saw Senator Mathias shudder a little when the fellow said he would get District tags. This is what we operate on in the District, Maryland, and Virginia is revenue. If this weren't true the various trucks and things you see, Greyhound buses and things you see have some 25 or 30 State tags. They need this money to operate.

This 65,000-pound weight regulation, these folks cried for that, begged to get this into effect. Now it falls my job to enforce it.

I listened to one man sit here and tell you about how hard it was to get along. I listened before when I said I would like to have voluntary compliance with weight regulations so I won't have to put anybody else out and he said, "the reason I don't get tickets I cut around through alleys and one thing and the other and you won't be able to pick me up." Tickets we place every day. I am required to place a man with the scales on the highway. Collateral for tickets in the District of Columbia is \$25. At one time it was \$100 to keep the weight and damage down. Through some strange quirk it was dropped down to \$25; \$25 don't hurt these people at all but it ties one of my motormen up and ties my scales up.

I would like to see them keep within the voluntary compliance and weight regulations. They have the finest espionage system in the world when I set up my scales. They know just where we are.

As I say the name of the game is revenue. The District just recently increased the drivers license to \$12 from \$3 and I am sure some of you folks felt that. They needed it for operating expenses. These fellows are not that poor. I noticed one of my friends back there has 200 or 300 air-conditioned trucks. That is a new trend. I am glad to see the drivers happy. Somewhere along the line this seems to be completely out of line to have to bring this to you people that the licensing people can't get together themselves—the States of Maryland, Virginia, and the District—and make an equitable arrangement. That it would have to come before you, a great body like you people here, and I am sure the reason it is here is because they themselves don't want to relinquish this money, this revenue, and I think this is really the reason it is here.

I am sure the Senator will remember when we used to have to have a District and Maryland tag and through reciprocity now we have one tag. I can envision this—that where they are talking about reciprocity between the District of Columbia and Maryland—I can envision outside contractors here with North Carolina tags and not paying anybody anything because the registration throughout the year is gone. This might open Pandora's box for your cranes, all types of heavy equipment that really right now are required to get special permits to move, your mobile cranes and things you see on the highway.

So I would like to have all my friends comply with the regulations and then I wouldn't have somebody out there to do it. It is really a game. To me it is not voluntary compliance. It is some way to circumvent what the law really is. I think somewhere these three governing bodies—Maryland, Virginia, and the District—should get together.

I notice Maryland trucks coming in this morning out at C Street. I come in Kenilworth Avenue every morning and I have to race the trucks coming in. They tell you that they would move back in the District, but this is ridiculous. There is no more place to move back in the District to. They have all moved out real close by here. Most ground is really expensive now for storing trucks and things like this. I am not mad at any of the folks. They are all friends of mine but if they made my job easier I would be tickled to death. It should be between the three governing bodies and not before you folks.

The CHAIRMAN. Well, isn't that the essence of what the bill proposes to do?

Chief OSTERMAN. Senator Eagleton, they ought to be able to iron it out. They did it with tags and things of this type. We never really knew about a special use tag. We met with these truckers so many times and at that time the Potts & Callahan Corp., told us about the special tag in Maryland. These folks said we would be glad to go for that and this is where the thing really came into being—the 65,000-pound tag and the extra money.

The CHAIRMAN. Is anyone present from the office of the Corporation Counsel?

Mr. DICKMAN. Yes, sir.

The CHAIRMAN. Maybe you could help us out.

Come forward please.

You heard Chief Osterman's testimony, which I take it is: There ought to be a way for the three jurisdictions to get together for a

common tag. Is it your position, under the present law, that such a multijurisdictional arrangement could not be brought about as the law stands today without the passage of H.R. 9580?

**STATEMENT OF NEIL DICKMAN, ESQUIRE, OFFICE OF THE  
DISTRICT OF COLUMBIA CORPORATION COUNSEL**

Mr. DICKMAN. I am not sure how to answer that question, Senator. I think this bill relates basically to the fees charged for this particular type of vehicle only and the bill would allow only a certain kind of reciprocity and it is somewhat limited. It would only allow the States to enter into an agreement which would in essence only charge for one State's fees for these particular type of vehicles as I read the bill.

The CHAIRMAN. Chief, do you take it this bill is necessary to accomplish what you are seeking?

Chief OSTERMAN. I don't think so; no, sir. I do think that moneys are necessary, as Mr. Airis has indicated before, but I think administratively these things could well have been ironed out as well as they were with automobile tags.

The CHAIRMAN. That is my basic question. Is there ample authority in the present law to administratively work something out—to use your term?

Mr. DICKMAN. I don't believe so, but I would like to check that out before giving you a definite answer, Senator.

Senator MATHIAS. In that opinion, which you will give us, I would like you to explore the basis for the existing limited reciprocity with Virginia. It seems to me that if that is to be continued and there is a basis to broaden it and to include Maryland as well then perhaps the existing reciprocity with Virginia is without any statutory basis.

Mr. DICKMAN. We will look into that.

THE DISTRICT OF COLUMBIA,  
Washington, D.C., February 24, 1972.

HON. THOMAS F. EAGLETON,  
Chairman, Committee on the District of Columbia,  
United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to H.R. 9580, a bill "To authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles."

At the hearing of February 4, 1972 before your Committee on H.R. 9580, you asked that we provide additional information on two matters related to the bill. First, you requested an opinion as to whether the enactment of H.R. 9580 would be necessary to authorize the District of Columbia to enter into the reciprocal agreements which are the subject of the bill. I am advised by the Corporation Counsel that, for the following reasons, enactment of H.R. 9580 or similar legislation would be necessary to authorize the District to enter into any such agreements.

Although section 104(a) of the District of Columbia Revenue Act of 1970 (Public Law 91-650; D.C. Code, sec. 5-316) provides the Commissioner of the District of Columbia with authority to increase the hauling permit fees set forth therein, it does not grant the Commissioner authority to lower such fees, to enter into interstate agreements, or to waive such fees if a vehicle has paid a similar fee in another jurisdiction. Therefore, in light of the mandatory provisions of this section with regard to vehicles operating in the District of Columbia and absent any legislative change, the Commissioner is without authority to enter into an interstate agreement to waive such permit fees for vehicles operating in the District of Columbia but registered in Virginia or Maryland.

Existing District law (D.C. Code, sec. 40-303) authorizes the Commissioner to enter into agreements with other jurisdictions with respect to the registration

of motor vehicles and the licensing of operators. That authority, however, does not apply with respect to the special hauling permits authorized by Public Law 91-650, since such permits and their related fees are separate and distinct from all motor vehicle registration fees.

Your second request for information concerns the legal basis for the existing reciprocity arrangement between the District and Virginia which was referred to at the hearing. As I indicated above, section 40-303 of the District of Columbia Code authorizes the Commissioner, or his designated agent, to enter into reciprocal agreements and arrangements with other States regarding registration of motor vehicles and licensing of operators. It also provides the Commissioner or his designated agent with authority to grant similar privileges to nonresidents regarding registration and licensing as he may find exist for District of Columbia residents in the nonresident's State. In 1947, the District and Virginia recognized certain reciprocal privileges with regard to registration and licensing, to the effect that, *inter alia*, under certain conditions and limitations<sup>1</sup> trucks registered in one jurisdiction could operate in the other without being required to be registered and licensed in the "foreign" jurisdiction. It should be emphasized however, that the reciprocal status with Virginia relates only to normal annual registration fees and does not relate in any way to the special "overweight hauling permit" fee required by the provisions set out in section 5-316 of the D.C. Code.

Thank you for the opportunity to provide additional comments on H.R. 9580.  
Sincerely yours,

GRAHAM W. WATT,  
*Assistant to the Commissioner.*  
For: WALTER E. WASHINGTON,  
*Commissioner.*

Senator MATHIAS. I think that becomes part of it. I agree with the chief that these are questions that should be settled. All this bill will do is put the unquestioned authority in the hands of the District Government so that the matter could be handled on the level basis with similar authority with Maryland and Virginia.

Mr. RHODES. In the proceedings in the House of Representatives it was brought to light on May 10, 1971, Mayor Washington requested Mr. Murphy, the Director of the Department of Motor Vehicles to proceed with the negotiation of a reciprocal agreement. I don't know what within the District Government gave rise to the doubt as to his authority to do it, but it was after this instruction was issued that the question was raised as to whether the District could do it without congressional authority and that is the reason the bill was introduced.

If it would be helpful to the committee, I will pass up the letter from Mayor Washington to Mr. Murphy.

The CHAIRMAN. We will have it Xeroxed and put a copy in the record.

(The letter follows:)

THE DISTRICT OF COLUMBIA,  
Washington, D.C., May 10, 1971.

To: Joseph P. Murphy, Director Department of Motor Vehicles  
From: Walter E. Washington Mayor-Commissioner  
Subject: Reciprocal Agreement between District of Columbia and Maryland

Your suggestion that the District enter into a reciprocal agreement with the State of Maryland to permit each jurisdiction's truckers to operate entirely within the other's territory seems very sensible and beneficial. Please institute

<sup>1</sup> "District of Columbia vehicles are permitted to operate in intrastate Commerce in the territory adjacent to the District (Arlington and Fairfax Counties and Alexandria) under District of Columbia license tags so long as such vehicles are garaged as many as four nights a week in the District of Columbia and the same privilege extended to Virginia vehicles operating in the District of Columbia, with the understanding that this arrangement applies only to private passenger vehicles and private commercial vehicles and that it does not apply to common carrier and contract carrier vehicles that are operated intrastate in either jurisdiction." From letter of C. F. Joyner, Commissioner, Division of Motor Vehicles, Commonwealth of Virginia, dated September 24, 1947.

negotiations with your Maryland counterpart at your early convenience, looking toward such an agreement.

When your discussions are concluded, I would appreciate your drafting a Commissioner's Order for my signature, embodying the District Government's responsibilities under the proposed agreement, and indicating that it will go into effect when both parties have executed such Orders.

(Subsequent to the hearing the following statement and letter were received:)

PREPARED STATEMENT OF HON. DANIEL K. INOUYE, A U.S. SENATOR FROM HAWAII

It appears to me that in considering the needs of the District of Columbia government to enter into reciprocal arrangements with its neighbors in order to relieve undue burdens upon dump truck owners and operators, it would be well for the Committee to consider the need for other such arrangements. Specifically, I have in mind the need for such arrangements to insure that citizens of the surrounding jurisdictions pay such traffic violations as they are found to have committed. At the present time, despite the legislation which the committee approved last year, that does not appear to be true. I therefore intend to suggest an amendment to the House bill to cover this situation.

I also request that a letter I received from the Citizens Association of Georgetown on this matter be included in the record of these hearings.

THE CITIZENS ASSOCIATION OF GEORGETOWN,  
Washington, D.C., March 6, 1972.

HON. DANIEL K. INOUYE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR INOUYE: We appreciate your having introduced and obtained favorable action from the Congress on legislation to assist in effecting the collection of unpaid traffic tickets in the District of Columbia and hope this will help in the current calendar year. Based on the figures for last year, there were 466,500 more tickets issued than collected. If there is no improvement in collections this year, it is estimated that unpaid tickets will represent some \$5,000,000 less in revenue to the District at the recently increased rates, including penalties. Comparative figures for the years 1970 and 1971 are as follows:

PARKING TICKETS—1970 AND 1971

[Figures rounded]

|                           | Calendar 1970 |          |              | Calendar 1971 |          |              |
|---------------------------|---------------|----------|--------------|---------------|----------|--------------|
|                           | Issued        | Paid     | Percent paid | Issued        | Paid     | Percent paid |
| License plates from:      |               |          |              |               |          |              |
| District of Columbia..... | 371, 600      | 236, 000 | 63. 5        | 341, 900      | 319, 200 | 93. 2        |
| Maryland.....             | 216, 000      | 126, 000 | 58. 2        | 247, 600      | 155, 300 | 62. 8        |
| Virginia.....             | 149, 499      | 84, 000  | 56. 0        | 197, 000      | 87, 200  | 44. 2        |
| Other States.....         | 267, 400      | 53, 000  | 19. 8        | 303, 100      | 61, 400  | 20. 2        |
| Total.....                | 1, 005, 000   | 499, 000 | 49. 5        | 1, 089, 600   | 623, 100 | 57. 2        |

You will note that the improvement in collection of traffic tickets was largely in the District which, I am told, is accounted for principally because the District withheld the issuing of auto license plates until settlement of outstanding tickets was effected. Additionally, the so-called "Denver boot" for impounding cars probably helped. In the year 1970, many licenses were issued without requiring the payment of traffic tickets because of loopholes and a slip-up in administration, according to information we received.

These figures uphold our contention that the most satisfactory method of capturing the revenue for the District represented by unpaid traffic tickets is to obtain agreements with Maryland and Virginia on a reciprocal basis which would preclude the issuing of license plates to cars with outstanding tickets in the three jurisdictions. We note that your message to Congress introducing legislation last year referred to the desirability of obtaining such agreement and that the Council of Governments was actively pursuing and promoting the project.

We have followed the course of efforts of the Council which were made through its Committee on Public Safety and the Motor Vehicle Administrations of the

three jurisdictions. Unfortunately, nothing has happened in this respect, and a new auto license year is upon us. We are informed that Virginia raised the question as to whether or not some legislation was required and, in any event, registered no real interest in the proposal; that Maryland had some reservations, but would be more inclined to cooperate; even the District representative seemed less than enthusiastic.

It would appear that if such an agreement by the three jurisdictions is to be obtained, it would require negotiations on more of a political than technical level, perhaps by an appeal from the Mayor to the governments of the respective jurisdictions. Perhaps representatives of Virginia and Maryland in the Congress might also be approached. It was also suggested to us that if legislation is needed in individual states, it might be assisted by an Act of Congress which would provide a model law applicable to all states in the Union providing for such reciprocal agreements.

If such reciprocal agreements can be worked out with Virginia and Maryland, it would permit the Police Department, in enforcing the traffic regulations, to concentrate on cars licensed by other jurisdictions in the United States which flagrantly violate the parking regulations, as is evidenced from the figures in this letter. We are informed that the Police Department now has 25 "Denver boots" and is planning to acquire 25 more. It also has a computer system through which a police officer may, in a few minutes by a message to Headquarters, obtain information as to outstanding and unsettled traffic violations. However, this system is not now applicable to violations of out-of-State cars.

With respect to out-of-State cars, an Act of Congress—cited in D.C. Code Title 40, Section 303—allows on a reciprocal basis persons in certain categories temporarily residing in the District to utilize out-of-State license plates. The categories include persons working in the Congress, Presidential appointees, military personnel and bona fide students. The law requires that such persons apply for numbered stickers for their windshields, which are issued by the Department of Motor Vehicles without charge. This Department keeps a record of sticker numbers and names of persons to whom such stickers are issued, which identification could help to enforce traffic violations. The penalty for operating out-of-State-licensed vehicles in the District longer than 30 days by D.C. residents is \$25.00 for not acquiring D.C. license plates. We are informed that at least 10,000 vehicles were so operating in the District, whereas only 864 stickers were issued during 1971. The potential for revenue both from penalties and auto license fees is apparent.

This obviously is a police problem with apparent lack of adequate enforcement. When a police officer suspects an out-of-State-licensed vehicle to belong to a D.C. resident in violation of the law, he can issue a warning ticket giving the owner 5 days to appear and prove he is either a transient or is entitled to a resident sticker. If the police were to place these warning tickets upon such vehicles found illegally parked, rather than tickets for parking violations, which are generally ignored, it might assist in future enforcement of the parking regulations, since a second offense would prove costly. This category of parking violations is an area where the police might well concentrate with "Denver boots".

While, of course, this is an overall problem affecting District Government, we in Georgetown have a particular interest since our streets are regularly cluttered up with automobiles illegally parked to the point of creating serious traffic hazards, as well as inconvenience to the residents of the area. It is our observation that cars from states other than the District, Maryland and Virginia are the most consistent and flagrant violators of the parking regulations, and those from Maryland and Virginia run a close second.

Anything that you can do through your influence or through legislation further to help resolve this problem would be greatly appreciated.

Sincerely yours,

GARDNER PALMER,  
*Chairman, Legislation Committee.*

The CHAIRMAN. There apparently being no further witnesses the committee will stand adjourned.

(Whereupon, at 11:07 a.m., the committee adjourned.)

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