

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1218

To amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mr. MCGOVERN (for himself, Mr. LANTOS, Mr. DOYLE, Mr. McDERMOTT, Mr. ETHERIDGE, Mr. PAYNE, Mr. SCHIFF, Mr. CONYERS, Mr. OWENS, Mrs. CAPPS, Ms. WATSON, Mr. SERRANO, Mrs. MALONEY, Mr. GEORGE MILLER of California, Ms. SOLIS, Ms. LEE, Mr. WOLF, Mr. PLATTS, and Mr. KIRK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Highways and  
5 Infrastructure Preservation Act’ ”

1 **SEC. 2. OPERATION OF RESTRICTED PROPERTY-CARRYING**  
2 **UNITS ON NATIONAL HIGHWAY SYSTEM.**

3 (a) RESTRICTED PROPERTY-CARRYING UNIT DE-  
4 FINED.—Section 31111(a)(1) of title 49, United States  
5 Code, is amended—

6 (1) by redesignating paragraph (3) as para-  
7 graph (4); and

8 (2) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3) RESTRICTED PROPERTY-CARRYING  
11 UNIT.—The term ‘restricted property-carrying unit’  
12 means any trailer, semi-trailer, container, or other  
13 property-carrying unit that is longer than 53 feet.”.

14 (b) PROHIBITION ON OPERATION OF RESTRICTED  
15 PROPERTY-CARRYING UNITS.—

16 (1) IN GENERAL.—Section 31111(b)(1)(C) of  
17 title 49, United States Code, is amended to read as  
18 follows:

19 “(C) allows operation on any segment of the  
20 National Highway System, including the Interstate  
21 System, of a restricted property-carrying unit unless  
22 the operation is specified on the list published under  
23 subsection (h);”.

24 (2) EFFECTIVE DATE.—The amendment made  
25 by paragraph (1) shall take effect 270 days after the  
26 date of enactment of this Act.

1 (c) LIMITATIONS.—Section 31111 of title 49, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing:

4 “(h) RESTRICTED PROPERTY-CARRYING UNITS.—

5 “(1) APPLICABILITY OF PROHIBITION.—

6 “(A) IN GENERAL.—Notwithstanding sub-  
7 section (b)(1)(C), a restricted property-carrying  
8 unit may continue to operate on a segment of  
9 the National Highway System if the operation  
10 of such unit is specified on the list published  
11 under paragraph (2).

12 “(B) APPLICABILITY OF STATE LAWS AND  
13 REGULATIONS.—All operations specified on the  
14 list published under paragraph (2) shall con-  
15 tinue to be subject to all State statutes, regula-  
16 tions, limitations and conditions, including rout-  
17 ing-specific, commodity-specific, and configura-  
18 tion-specific designations and all other restric-  
19 tions, in force on June 1, 2005.

20 “(C) FIRE-FIGHTING UNITS.—Subsection  
21 (b)(1)(C) shall not apply to the operation of a  
22 restricted property-carrying unit that is used  
23 exclusively for fire-fighting.

24 “(2) LISTING OF RESTRICTED PROPERTY-CAR-  
25 RYING UNITS.—

1           “(A) IN GENERAL.—Not later than 60  
2 days after the date of enactment of this sub-  
3 section, the Secretary shall initiate a proceeding  
4 to determine and publish a list of restricted  
5 property-carrying units that were authorized by  
6 State officials pursuant to State statute or reg-  
7 ulation on June 1, 2005, and in actual and law-  
8 ful operation on a regular or periodic basis (in-  
9 cluding seasonal operations) on or before June  
10 1, 2005.

11           “(B) LIMITATION.—A restricted property-  
12 carrying unit may not be included on the list  
13 published under subparagraph (A) on the basis  
14 that a State law or regulation could have au-  
15 thorized the operation of the unit at some prior  
16 date by permit or otherwise.

17           “(C) PUBLICATION OF FINAL LIST.—Not  
18 later than 270 days after the date of enactment  
19 of this subsection, the Secretary shall publish a  
20 final list of restricted property-carrying units  
21 described in subparagraph (A).

22           “(D) UPDATES.—The Secretary shall up-  
23 date the list published under subparagraph (C)  
24 as necessary to reflect new designations made  
25 to the National Highway System.

1           “(3) APPLICABILITY OF PROHIBITION.—The  
2 prohibition established by subsection (b)(1)(C) shall  
3 apply to any new designation made to the National  
4 Highway System and remain in effect on those por-  
5 tions of the National Highway System that cease to  
6 be designated as part of the National Highway Sys-  
7 tem.

8           “(4) LIMITATION ON STATUTORY CONSTRUC-  
9 TION.—This subsection does not prevent a State  
10 from further restricting in any manner or prohib-  
11 iting the operation of a restricted property-carrying  
12 unit; except that such restrictions or prohibitions  
13 shall be consistent with the requirements of this sec-  
14 tion and sections 31112 through 31114.”.

15       (d) ENFORCEMENT.—The second sentence of section  
16 141(a) of title 23, United States Code, is amended by  
17 striking “section 31112” and inserting “sections 31111  
18 and 31112”.

19 **SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES**  
20 **ON NATIONAL HIGHWAY SYSTEM.**

21       (a) IN GENERAL.—Section 31112 of title 49, United  
22 States Code, is amended—

23           (1) by redesignating subsections (f) and (g) as  
24 subsections (g) and (h), respectively; and

1           (2) by inserting after subsection (e) the fol-  
2           lowing:

3           “(f) NATIONAL HIGHWAY SYSTEM.—

4           “(1) GENERAL RULE.—A State may not allow,  
5           on a segment of the National Highway System that  
6           is not covered under subsection (b) or (c), the oper-  
7           ation of a commercial motor vehicle combination (ex-  
8           cept a vehicle or load that cannot be dismantled eas-  
9           ily or divided easily and that has been issued a spe-  
10          cial permit under applicable State law) with more  
11          than one property-carrying unit (not including the  
12          truck tractor) whose property-carrying units are  
13          more than—

14                 “(A) the maximum combination trailer,  
15                 semitrailer, or other type of length limitation al-  
16                 lowed by law or regulation of that State on  
17                 June 1, 2005; or

18                 “(B) the length of the property-carrying  
19                 units of those commercial motor vehicle com-  
20                 binations, by specific configuration, in actual  
21                 and lawful operation on a regular or periodic  
22                 basis (including continuing seasonal operation)  
23                 in that State on or before June 1, 2005.

24           “(2) ADDITIONAL LIMITATIONS.—

1           “(A) APPLICABILITY OF STATE RESTRIC-  
2           TIONS.—A commercial motor vehicle combina-  
3           tion whose operation in a State is not prohib-  
4           ited under paragraph (1) may continue to oper-  
5           ate in the State on highways described in para-  
6           graph (1) only in compliance with all State  
7           laws, regulations, limitations, and conditions,  
8           including routing-specific and configuration-spe-  
9           cific designations and all other restrictions in  
10          force in the State on June 1, 2005. However,  
11          subject to regulations prescribed by the Sec-  
12          retary under subsection (h), the State may  
13          make minor adjustments of a temporary and  
14          emergency nature to route designations and ve-  
15          hicle operating restrictions in effect on June 1,  
16          2005, for specific safety purposes and road con-  
17          struction.

18          “(B) ADDITIONAL STATE RESTRICTIONS.—  
19          This subsection does not prevent a State from  
20          further restricting in any manner or prohibiting  
21          the operation of a commercial motor vehicle  
22          combination subject to this section, except that  
23          such restrictions or prohibitions shall be con-  
24          sistent with this section and sections 31113(a),  
25          31113(b), and 31114.

1           “(C) MINOR ADJUSTMENTS.—A State  
2 making a minor adjustment of a temporary and  
3 emergency nature as authorized by subpara-  
4 graph (A) or further restricting or prohibiting  
5 the operation of a commercial motor vehicle  
6 combination as authorized by subparagraph (B)  
7 shall advise the Secretary not later than 30  
8 days after the action. The Secretary shall pub-  
9 lish a notice of the action in the Federal Reg-  
10 ister.

11           “(3) LIST OF STATE LENGTH LIMITATIONS.—

12           “(A) STATE SUBMISSIONS.—Not later than  
13 60 days after the date of enactment of this sub-  
14 section, each State shall submit to the Sec-  
15 retary for publication a complete list of State  
16 length limitations applicable to commercial  
17 motor vehicle combinations operating in the  
18 State on the highways described in paragraph  
19 (1). The list shall indicate the applicable State  
20 laws and regulations associated with the length  
21 limitations. If a State does not submit the in-  
22 formation as required, the Secretary shall com-  
23 plete and file the information for the State.

24           “(B) PUBLICATION OF INTERIM LIST.—

25           Not later than 90 days after the date of enact-

1           ment of this subsection, the Secretary shall  
2           publish an interim list in the Federal Register  
3           consisting of all information submitted under  
4           subparagraph (A). The Secretary shall review  
5           for accuracy all information submitted by a  
6           State under subparagraph (A) and shall solicit  
7           and consider public comment on the accuracy of  
8           the information.

9           “(C) LIMITATION.—A law or regulation  
10          may not be included on the list submitted by a  
11          State or published by the Secretary merely be-  
12          cause it authorized, or could have authorized,  
13          by permit or otherwise, the operation of com-  
14          mercial motor vehicle combinations not in ac-  
15          tual operation on a regular or periodic basis on  
16          or before June 1, 2005.

17          “(D) PUBLICATION OF FINAL LIST.—Ex-  
18          cept as revised under this subparagraph or sub-  
19          paragraph (E), the list shall be published as  
20          final in the Federal Register not later than 270  
21          days after the date of enactment of this sub-  
22          section. In publishing the final list, the Sec-  
23          retary shall make any revisions necessary to  
24          correct inaccuracies identified under subpara-  
25          graph (B). After publication of the final list,

1 commercial motor vehicle combinations prohib-  
2 ited under paragraph (1) may not operate on a  
3 highway described in paragraph (1) except as  
4 published on the list.

5 “(E) INACCURACIES.—On the Secretary’s  
6 own motion or on request by any person (in-  
7 cluding a State), the Secretary shall review the  
8 list published under subparagraph (D). If the  
9 Secretary decides there is reason to believe a  
10 mistake was made in the accuracy of the list,  
11 the Secretary shall begin a proceeding to decide  
12 whether a mistake was made. If the Secretary  
13 decides there was a mistake, the Secretary shall  
14 publish the correction.”.

15 (b) CONFORMING AMENDMENTS.—Section 31112(g)  
16 of title 49, United States Code, is amended—

17 (1) in subsection (g)(1) (as redesignated by  
18 subsection (a) of this section) by inserting “or  
19 127a(e)” after “127(d)”;

20 (2) in subsection (g)(3) (as redesignated by  
21 subsection (a) of this section) by inserting “(or June  
22 1, 2005, with respect to highways described in sub-  
23 section (f)(1))” after “June 2, 1991”; and

24 (3) in paragraph (h)(2) (as redesignated by  
25 subsection (a) of this section)—

1 (A) by striking “Not later than June 15,  
2 1992, the Secretary” and inserting “The Sec-  
3 retary”; and

4 (B) by inserting “or (f)” after “subsection  
5 (d)”.

6 **SEC. 4. TERMINATION OF DETERMINATIONS OF GRAND-**  
7 **FATHER RIGHTS.**

8 (a) IN GENERAL.—Section 127 of title 23, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 “(i) GRANDFATHER RIGHTS.—

12 “(1) GENERAL RULE.—After the 270th day fol-  
13 lowing the date of enactment of this subsection, a  
14 State may not allow, on a segment of the Interstate  
15 System, the operation of a vehicle or combination  
16 (other than a longer combination vehicle) exceeding  
17 an Interstate weight limit unless the operation is  
18 specified on the list published under paragraph (2).

19 “(2) LIST OF VEHICLES AND COMBINATIONS.—

20 “(A) PROCEEDING.—Not later than 60  
21 days after the date of enactment of this sub-  
22 section, the Secretary shall initiate a proceeding  
23 to determine and publish a list of vehicles and  
24 combinations (other than longer combination  
25 vehicles), otherwise exceeding an Interstate

1 weight limit, that the Department of Transpor-  
2 tation, any other Federal agency, or a State has  
3 determined on or before June 1, 2005, could be  
4 lawfully operated within such State—

5 “(i) on July 1, 1956;

6 “(ii) in the case of the overall gross  
7 weight of any group of 2 or more consecu-  
8 tive axles, on the date of enactment of the  
9 Federal-Aid Highway Amendments of  
10 1974; or

11 “(iii) under a special rule applicable  
12 to a State under subsection (a).

13 “(B) LIMITATIONS.—

14 “(i) ACTUAL AND LAWFUL OPER-  
15 ATIONS REQUIRED.—An operation of a ve-  
16 hicle or combination may be included on  
17 the list published under subparagraph (A)  
18 only if the vehicle or combination was in  
19 actual and lawful operation in the State on  
20 a regular or periodic basis on or before  
21 June 1, 2005.

22 “(ii) STATE AUTHORITY NOT SUFFI-  
23 CIENT.—An operation of a vehicle or com-  
24 bination may not be included on the list  
25 published under subparagraph (A) on the

1           basis that a State law or regulation could  
2           have authorized the operation of the vehi-  
3           cle or combination at some prior date by  
4           permit or otherwise.

5           “(C) PUBLICATION OF FINAL LIST.—Not  
6           later than 270 days after the date of enactment  
7           of this subsection, the Secretary shall publish a  
8           final list of vehicles and combinations described  
9           in subparagraph (A).

10          “(3) LIMITATION ON STATUTORY CONSTRUC-  
11          TION.—This subsection does not prevent a State  
12          from reducing the gross vehicle weight limitation,  
13          the single and tandem axle weight limitations, or the  
14          overall maximum gross weight on a group of 2 or  
15          more consecutive axles applicable to portions of the  
16          Interstate System in the State for operations on the  
17          list published under paragraph (2)(C) but in no  
18          event may any such reduction result in a limitation  
19          that is less than an Interstate weight limit.

20          “(4) APPLICABILITY OF EXISTING REQUIRE-  
21          MENTS.—All vehicles and combinations included on  
22          the list published under paragraph (2) shall be sub-  
23          ject to all routing-specific, commodity-specific, and  
24          weight-specific designations in force in a State on  
25          June 1, 2005.

1           “(5) INTERSTATE WEIGHT LIMIT DEFINED.—In  
2           this subsection, the term ‘Interstate weight limit’  
3           means the 80,000 pound gross vehicle weight limita-  
4           tion, the 20,000 pound single axle weight limitation  
5           (including enforcement tolerances), the 34,000  
6           pound tandem axle weight limitation (including en-  
7           forcement tolerances), and the overall maximum  
8           gross weight (including enforcement tolerances) on a  
9           group of 2 or more consecutive axles produced by  
10          application of the formula in subsection (a).”.

11          (b) CONFORMING AMENDMENT.—The fourth sen-  
12         tence of section 127(a) of title 23, United States Code,  
13         is amended by striking “the State determines”.

14         **SEC. 5. NONDIVISIBLE LOAD PROCEEDING.**

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

17         “(j) NONDIVISIBLE LOADS.—

18                 “(1) PROCEEDING.—Not later than 60 days  
19                 after the date of enactment of this subsection, the  
20                 Secretary shall initiate a proceeding to define the  
21                 term ‘vehicles and loads which cannot be easily dis-  
22                 mantled or divided’ as used in subsection (a) and  
23                 section 31112 of title 49.

24                 “(2) LIST OF COMMODITIES.—

1           “(A) IN GENERAL.—The definition devel-  
2           oped under paragraph (1) shall include a list of  
3           commodities (or classes or types of commod-  
4           ities) that do not qualify as nondivisible loads.

5           “(B) LIMITATION.—The list of commod-  
6           ities developed under paragraph (1) shall not be  
7           interpreted to be a comprehensive list of com-  
8           modities that do not qualify as nondivisible  
9           loads.

10          “(3) REGULATIONS.—Not later than 270 days  
11          after the date of enactment of this subsection, the  
12          Secretary shall issue final regulations setting forth  
13          the determination of the Secretary made under para-  
14          graph (1). The Secretary shall update the regula-  
15          tions as necessary.

16          “(4) APPLICABILITY.—Regulations issued  
17          under paragraph (2) shall apply to all vehicles and  
18          loads operating on the National Highway System.

19          “(5) STATE REQUIREMENTS.—A State may es-  
20          tablish any requirement that is not inconsistent with  
21          regulations issued under paragraph (2).

22          “(6) STATEMENT OF POLICY.—The purpose of  
23          this subsection is to promote conformity with Inter-  
24          state weight limits to preserve publicly funded infra-  
25          structure and protect motorists by limiting max-

1       imum vehicle weight on key portions of the Federal-  
2       aid highway system.”.

3   **SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERI-**  
4                           **ODS OF NATIONAL EMERGENCY.**

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

7       “(j) WAIVERS DURING PERIODS OF NATIONAL  
8   EMERGENCY.—

9               “(1) IN GENERAL.—Notwithstanding any other  
10   provision of this section or section 127a, the Sec-  
11   retary, in consultation with the Secretary of De-  
12   fense, may waive or limit the application of any vehi-  
13   cle weight limit established under this section or sec-  
14   tion 127a with respect to a highway route during a  
15   period of national emergency in order to respond to  
16   the effects of the national emergency.

17              “(2) APPLICABILITY.—Emergency limits estab-  
18   lished under paragraph (1) shall preempt any incon-  
19   sistent State vehicle weight limits.”.

20   **SEC. 7. VEHICLE WEIGHT LIMITATIONS—NATIONAL HIGH-**  
21                           **WAY SYSTEM.**

22       (a) IN GENERAL.—Title 23, United States Code, is  
23   amended by inserting after section 127 the following:

1 **“§ 127a. Vehicle weight limitations—National High-**  
2 **way System**

3 “(a) NON-INTERSTATE HIGHWAYS ON NHS.—

4 “(1) IN GENERAL.—After the 270th day fol-  
5 lowing the date of enactment of this section, any  
6 Interstate weight limit that applies to vehicles and  
7 combinations (other than longer combination vehi-  
8 cles) operating on the Interstate System in a State  
9 under section 127 shall also apply to vehicles and  
10 combinations (other than longer combination vehi-  
11 cles) operating on non-Interstate segments of the  
12 National Highway System in such State, unless such  
13 segments are subject to lower State weight limits as  
14 provided for in subsection (d).

15 “(2) EXISTING HIGHWAYS.—

16 “(A) IN GENERAL.—Notwithstanding para-  
17 graph (1), in the case of a non-Interstate seg-  
18 ment of the National Highway System that is  
19 open to traffic on June 1, 2005, a State may  
20 allow the operation of any vehicle or combina-  
21 tion (other than a longer combination vehicle)  
22 on such segment that the Secretary determines  
23 under subsection (b) could be lawfully operated  
24 on such segment on June 1, 2005.

25 “(B) APPLICABILITY OF STATE LAWS AND  
26 REGULATIONS.—All operations described in

1           subparagraph (A) shall continue to be subject  
2           to all State statutes, regulations, limitations  
3           and conditions, including routing-specific, com-  
4           modity-specific, and configuration-specific des-  
5           ignations and all other restrictions, in force on  
6           June 1, 2005.

7           “(3) NEW HIGHWAYS.—Subject to subsection  
8           (d)(1), the gross vehicle weight limitations and axle  
9           loading limitations applicable to all vehicles and  
10          combinations (other than longer combination vehi-  
11          cles) on a non-Interstate segment of the National  
12          Highway System that is not open to traffic on June  
13          1, 2005, shall be the Interstate weight limit.

14          “(b) LISTING OF VEHICLES AND COMBINATIONS.—

15                 “(1) IN GENERAL.—The Secretary shall initiate  
16                 a proceeding to determine and publish a list of vehi-  
17                 cles and combinations (other than longer combina-  
18                 tion vehicles), otherwise exceeding an Interstate  
19                 weight limit, that could be lawfully operated on a  
20                 non-Interstate segment of the National Highway  
21                 System on June 1, 2005.

22                 “(2) REQUIREMENTS.—In publishing a list of  
23                 vehicles and combinations under paragraph (1), the  
24                 Secretary shall identify—

1           “(A) the gross vehicle weight limitations  
2           and axle loading limitations in each State appli-  
3           cable, on June 1, 2005, to vehicles and com-  
4           binations (other than longer combination vehi-  
5           cles) on non-Interstate segments of the Na-  
6           tional Highway System; and

7           “(B) operations of vehicles and combina-  
8           tions (other than longer combination vehicles),  
9           exceeding State gross vehicle weight limitations  
10          and axle loading limitations identified under  
11          subparagraph (A), which were in actual and  
12          lawful operation on a regular or periodic basis  
13          (including seasonal operations) on June 1,  
14          2005.

15          “(3) LIMITATION.—An operation of a vehicle or  
16          combination may not be included on the list pub-  
17          lished under paragraph (1) on the basis that a State  
18          law or regulation could have authorized such oper-  
19          ation at some prior date by permit or otherwise.

20          “(4) PUBLICATION OF FINAL LIST.—Not later  
21          than 270 days after the date of enactment of this  
22          section, the Secretary shall publish a final list of ve-  
23          hicles and combinations described in paragraph (1).

24          “(5) UPDATES.—The Secretary shall update  
25          the list published under paragraph (1) as necessary

1 to reflect new designations made to the National  
2 Highway System.

3 “(c) APPLICABILITY OF LIMITATIONS.—The limita-  
4 tions established by subsection (a) shall apply to any new  
5 designation made to the National Highway System and  
6 remain in effect on those non-Interstate highways that  
7 cease to be designated as part of the National Highway  
8 System.

9 “(d) LIMITATIONS ON STATUTORY CONSTRUC-  
10 TION.—

11 “(1) STATE ENFORCEMENT OF MORE RESTRIC-  
12 TIVE WEIGHT LIMITS.—This section does not pre-  
13 vent a State from maintaining or imposing a weight  
14 limitation that is more restrictive than the Interstate  
15 weight limit on vehicles or combinations (other than  
16 longer combination vehicles) operating on a non-  
17 Interstate segment of the National Highway System.

18 “(2) STATE ACTIONS TO REDUCE WEIGHT LIM-  
19 ITS.—This section does not prevent a State from re-  
20 ducing the State’s gross vehicle weight limitation,  
21 single or tandem axle weight limitations, or the over-  
22 all maximum gross weight on 2 or more consecutive  
23 axles on any non-Interstate segment of the National  
24 Highway System.

25 “(e) LONGER COMBINATION VEHICLES.—

1           “(1) PROHIBITION.—

2                   “(A) IN GENERAL.—After the 270th day  
3 following the date of enactment of this section,  
4 a longer combination vehicle may continue to  
5 operate on a non-Interstate segment of the Na-  
6 tional Highway System only if the operation of  
7 the longer combination vehicle configuration  
8 type was authorized by State officials pursuant  
9 to State statute or regulation on June 1, 2005,  
10 and in actual and lawful operation on a regular  
11 or periodic basis (including seasonal operations)  
12 on or before June 1, 2005.

13                   “(B) APPLICABILITY OF STATE LAWS AND  
14 REGULATIONS.—All operations described in  
15 subparagraph (A) shall continue to be subject  
16 to all State statutes, regulations, limitations  
17 and conditions, including routing-specific, com-  
18 modity-specific, and configuration-specific des-  
19 ignations and all other restrictions, in force on  
20 June 1, 2005.

21           “(2) LISTING OF VEHICLES AND COMBINA-  
22 TIONS.—

23                   “(A) IN GENERAL.—Not later than 60  
24 days after the date of enactment of this section,  
25 the Secretary shall initiate a proceeding to de-

1           termine and publish a list of longer combination  
2           vehicles that could be lawfully operated on non-  
3           Interstate segments of the National Highway  
4           System on June 1, 2005.

5           “(B) LIMITATION.—A longer combination  
6           vehicle may not be included on the list pub-  
7           lished under subparagraph (A) on the basis  
8           that a State law or regulation could have au-  
9           thorized the operation of such vehicle at some  
10          prior date by permit or otherwise.

11          “(C) PUBLICATION OF FINAL LIST.—Not  
12          later than 270 days after the date of enactment  
13          of this section, the Secretary shall publish a  
14          final list of longer combination vehicles de-  
15          scribed in subparagraph (A).

16          “(D) UPDATES.—The Secretary shall up-  
17          date the list published under subparagraph (A)  
18          as necessary to reflect new designations made  
19          to the National Highway System.

20          “(3) LIMITATION ON STATUTORY CONSTRUC-  
21          TION.—This subsection does not prevent a State  
22          from further restricting in any manner or prohib-  
23          iting the operation of a longer combination vehicle;  
24          except that such restrictions or prohibitions shall be  
25          consistent with the requirements of section 127 of

1 this title and sections 31112 through 31114 of title  
2 49, United States Code.

3 “(f) MODEL SCHEDULE OF FINES.—

4 “(1) IN GENERAL.—The Secretary, in consulta-  
5 tion with the States, shall establish a model schedule  
6 of fines to be assessed for violations of this section.

7 “(2) PURPOSE.—The purpose of the schedule of  
8 fines shall be to ensure that fines are sufficient to  
9 deter violations of the requirements of this section  
10 and to permit States to recover costs associated with  
11 damages caused to the National Highway System by  
12 the operation of such vehicles.

13 “(3) ADOPTION BY STATES.—The Secretary  
14 shall encourage but not require States to adopt the  
15 schedule of fines.

16 “(g) DEFINITIONS.—In this section, the following  
17 definitions apply:

18 “(1) INTERSTATE WEIGHT LIMIT.—The term  
19 ‘Interstate weight limit’ has the meaning given such  
20 term in section 127(h).

21 “(2) LONGER COMBINATION VEHICLE.—The  
22 term ‘longer combination vehicle’ has the meaning  
23 given such term in section 127(d).”.

24 (b) ENFORCEMENT OF REQUIREMENTS.—Section  
25 141(a) of title 23, United States Code, is amended—

1           (1) by striking “the Federal-aid primary sys-  
2           tem, the Federal-aid urban system, and the Federal-  
3           aid secondary system, including the Interstate Sys-  
4           tem” and inserting “the National Highway System,  
5           including the Interstate System,”; and

6           (2) by striking “section 127” and inserting  
7           “sections 127 and 127a”.

8           (c) CONFORMING AMENDMENT.—The analysis for  
9           title 23, United States Code, is amended by inserting after  
10          the item relating to section 127 the following:

“127a. Vehicle weight limitations—National Highway System.”.

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