

111TH CONGRESS
2D SESSION

S. 3705

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

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2010

Mr. CRAPO (for himself, Ms. COLLINS, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe and Efficient
5 Transportation Act of 2010”.

6 **SEC. 2. INCREASING WEIGHT LIMITATIONS FOR CERTAIN**
7 **VEHICLES.**

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

10 “(i) EXCEPTION TO WEIGHT REQUIREMENTS.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (a), a State may authorize a vehicle with a max-
3 imum gross weight, including all enforcement toler-
4 ances, that exceeds the maximum gross weight oth-
5 erwise applicable under subsection (a) to operate on
6 the Interstate System routes in the State, if—

7 “(A) the vehicle is equipped with at least
8 6 axles;

9 “(B) the weight of any single axle on a ve-
10 hicle does not exceed 20,000 pounds, including
11 enforcement tolerances;

12 “(C) the weight of any tandem axle on a
13 vehicle does not exceed 34,000 pounds, includ-
14 ing enforcement tolerances;

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

18 “(E) the gross weight of the vehicle does
19 not exceed 97,000 pounds, including enforce-
20 ment tolerances.

21 “(2) SPECIAL RULES.—

22 “(A) SPECIAL EXCEPTION FOR CERTAIN
23 STATES.—This subsection shall not apply to
24 any vehicle exceeding the maximum gross
25 weight requirements under subsection (a) which

1 could have operated lawfully within a State
2 before the date of the enactment of this sub-
3 section.

4 “(B) INCREASE IN AXLE WEIGHT RE-
5 QUIREMENT.—A State may authorize a vehicle
6 to exceed the maximum axle weight require-
7 ments under any one axle grouping in subpara-
8 graph (B), (C), or (D) by not more than 2,000
9 pounds.

10 “(3) APPROVAL BY STATE LEGISLATURE.—Any
11 State seeking to authorize a vehicle to operate on
12 the Interstate System routes within its boundaries
13 under paragraph (1) or to increase the maximum
14 axle weight requirements under paragraph (2) shall
15 do so by statute.

16 “(4) REPORTING REQUIREMENTS.—

17 “(A) ANNUAL REPORT.—If a State author-
18 izes vehicles described in paragraph (1) to oper-
19 ate on highway routes in the State in a fiscal
20 year, the State shall submit to the Secretary for
21 the fiscal year an annual report at such time,
22 in such manner, and containing such informa-
23 tion as the Secretary may require, including, at
24 a minimum, the following:

1 “(i) An identification of highway
2 routes in the State, including routes not on
3 the Interstate System, on which the State
4 authorizes vehicles in paragraph (1) to op-
5 erate.

6 “(ii) A description of the operating re-
7 quirements and gross vehicle weight limits
8 applicable to the vehicles in paragraph (1).

9 “(iii) Safety statistics, including vehi-
10 cle miles traveled data, concerning the ve-
11 hicles in paragraph (1).

12 “(B) 5-YEAR ASSESSMENTS.—Following
13 the 5th fiscal year in which a State authorizes
14 vehicle operations described in subparagraph
15 (A), and following each 5th fiscal year there-
16 after, the State shall include in the State’s an-
17 nual report under subparagraph (A) an assess-
18 ment, developed by the Secretary under regula-
19 tion, of the impacts that vehicles described in
20 paragraph (1) have had on pavement and
21 bridge maintenance costs incurred by the State
22 in the preceding 5 fiscal years.

23 “(C) PUBLIC AVAILABILITY.—The Sec-
24 retary shall make all information required

1 under subparagraph (A) and (B) available to
2 the public.

3 “(5) TERMINATION.—The Secretary may termi-
4 nate the operation of vehicles authorized under this
5 subsection on a specific route if the Secretary deter-
6 mines that such operation poses an unreasonable
7 safety risk based on an engineering analysis or an
8 analysis of safety data or any other applicable data
9 the Secretary may use.

10 “(6) WAIVER OF HIGHWAY FUNDING REDUC-
11 TION.—Notwithstanding subsection (a), the total
12 amount of funds apportioned to each State under
13 section 104(b)(1) for any period may not be reduced
14 under subsection (a) if the State authorizes a vehicle
15 described in paragraph (1) to operate on the Inter-
16 state System in the State in accordance with this
17 subsection.”.

18 **SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRA-**
19 **STRUCTURE IMPROVEMENT PROGRAM.**

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

1 **“§ 167. Safe and efficient vehicle bridge infrastruc-**
 2 **ture improvement program**

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

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

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

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

17 “(A) the total vehicle miles traveled on
 18 Interstate System highways by vehicles author-
 19 ized to travel on such highways pursuant to sec-
 20 tion 127(i) in each eligible State, as determined
 21 by the Secretary; bears to

22 “(B) the total vehicle miles traveled on
 23 Interstate System highways by vehicles author-
 24 ized to travel on such highways pursuant to sec-
 25 tion 127(i) in all eligible States, as determined
 26 by the Secretary.

1 “(c) ELIGIBLE PROJECTS.—An eligible State that re-
 2 ceives an apportionment in a fiscal year under subsection
 3 (b) shall use the amounts of the apportionment for
 4 projects eligible for assistance under section 144 for
 5 bridges determined to be eligible for replacement or reha-
 6 bilitation under subsection (b) or (c) of such section.

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

13 “(e) ELIGIBLE STATE DEFINED.—In this section the
 14 term ‘eligible State’ means a State that authorizes a vehi-
 15 cle described in section 127(i) to operate on the Interstate
 16 System within its borders.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 of chapter 1 of title 23, United States Code, is amended
 19 by adding at the end the following:

“§167. Safe and efficient vehicle bridge infrastructure improvement program”.

20 **SEC. 4. OVERWEIGHT VEHICLE TAX.**

21 (a) IN GENERAL.—Section 4481 of the Internal Rev-
 22 enue Code of 1986 is amended by adding at the end the
 23 following new subsection:

24 “(g) SPECIAL RULE FOR CERTAIN OVERWEIGHT VE-
 25 HICLES.—There is hereby imposed a tax (in lieu of the

1 tax imposed by subsection (a)) on the use of any highway
 2 motor vehicle described in section 127(i) of title 23,
 3 United States Code. The rate of tax shall be equal to the
 4 lesser of—

5 “(1) \$100 per year, plus \$22 for each 1,000
 6 pounds (or fraction thereof) in excess of 55,000
 7 pounds, or

8 “(2) \$800 per year.”.

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

12 **SEC. 5. SAFE AND EFFICIENT VEHICLE TRUST FUND.**

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

17 **“SEC. 9512. SAFE AND EFFICIENT VEHICLE TRUST FUND.**

18 “(a) CREATION OF FUND.—There is hereby estab-
 19 lished in the Treasury of the United States a fund to be
 20 known as the ‘Safe and Efficient Vehicle Trust Fund’,
 21 consisting of such amounts as may be—

22 “(1) appropriated to the Safe and Efficient Ve-
 23 hicle Trust Fund as provided in this section, or

24 “(2) credited to the Safe and Efficient Vehicle
 25 Trust Fund as provided in section 9602(b).

1 “(b) TRANSFER TO SAFE AND EFFICIENT VEHICLE
 2 TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN
 3 TAXES.—There are hereby appropriated to the Safe and
 4 Efficient Vehicle Trust Fund amounts equivalent to the
 5 taxes received in the Treasury under section 4481(g).

6 “(c) EXPENDITURES FROM SAFE AND EFFICIENT
 7 VEHICLE TRUST FUND.—Amounts in the Safe and Effi-
 8 cient Vehicle Trust Fund shall be available, as provided
 9 by appropriations Acts, for fiscal years beginning 1 year
 10 after the date of the enactment of this section for projects
 11 eligible for assistance under section 144 of title 23, United
 12 States Code.”.

13 (b) CONFORMING AMENDMENTS.—The Internal Rev-
 14 enue Code of 1986 is amended—

15 (1) in paragraph (1) of section 9503(b) by
 16 striking the period at the end and inserting “, and
 17 taxes received under section 4481 shall be deter-
 18 mined without regard to subsection (g) thereof.”;
 19 and

20 (2) in the table of sections for subchapter A of
 21 chapter 98 by adding at the end the following:

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

22 (c) EFFECTIVE DATE.—The amendments made by
 23 this section shall take effect on the date of the enactment
 24 of this Act.