



MEMORANDUM

July 14, 2011

To: The Honorable Michael Michaud
From: John Williamson, Information Research Specialist, 7-7725
Subject: **Vehicle Weight Limits on Interstate Highways in Maine**

This memorandum has been prepared in response to your request for information on the history of federal vehicle weight limits on interstate highways in the state of Maine.

When the Interstate Highway System was created in 1956 (Federal-Aid Highway Act of 1956 [P.L. 84-627, 70 Stat 381]), vehicle weight limits were set in Section 108(j):

(j) MAXIMUM WEIGHT AND WIDTH LIMITATIONS. — No funds authorized to be appropriated for any fiscal year by this section shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse: *Provided, however,* That nothing herein shall be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

As you will note, the statute allowed those states having a higher gross vehicle weight (GVW) limit to retain those limits on interstate highways.

In 1974, the Federal-Aid Highway Amendments of 1974 (P.L. 93-643, 88 Stat. 2283) raised the GVW limit on interstate highways to 80,000 pounds. The Surface Transportation Assistance Act of 1982 (1982 STAA, P.L. 97-424, 96 Stat. 2097) mandated that states could not set maximum GVW limits for interstate highways less than 80,000 pounds. The 1974 Act also added the “bridge formula” which set per-axle weight limits depending on the number of and the distance between the axles.

Since 1956, Maine has relied more and more on trucks to move freight in the state. By 1998, 92 percent of all freight moving in Maine was being carried by truck.¹ While the state has been able to raise the weight limits on state roads, the limits on the interstate highways in Maine (including the Maine Turnpike) remained fixed by federal statute.

In 1998, the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178, 112 Stat. 107) amended existing law, raising the weight limit on the I-95 and I-495 portions of the Maine Turnpike and that part of I-95 in Maine (from the New Hampshire border to the southern terminus of the Maine Turnpike) to the weight that had been in effect on Maine state highways since 1995 (100,000 pounds GVW).

TEA-21 also authorized a study “analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment” (112 Stat. 194) because there was interstate highway mileage in Maine that had not had its weight limit raised (I-95 north of Augusta, I-295 West Gardiner to Portland). As directed by the law, in 2002 the Maine Department of Transportation (MaineDOT), Maine Turnpike Authority, and New Hampshire Turnpike Authority contracted with Wilbur Smith Associates to conduct the study. Wilbur Smith Associates issued its Final Report in June 2004.² The study concluded that reinstating the lower weight federal limits on all the Interstate highways (including the Maine Turnpike) in Maine would cost the state \$3 million - \$4 million annually.

On March 4, 2003, Senator Olympia Snowe introduced S. 510, the Commercial Truck Safety Demonstration Program Act of 2003, to create a demonstration program allowing trucks of more than 80,000 pounds with three-axle tractor units to operate on interstate highways in Maine. Representative Michael Michaud introduced the House companion bill (H.R. 1142) on March 6, 2003.

On March 1, 2005, Senator Snowe introduced S. 488, the Commercial Truck Safety Demonstration Program Act of 2005, to create a demonstration program allowing trucks of more than 80,000 pounds with three-axle tractor units to operate on interstate highways in Maine. Representative Michaud introduced the House companion bill (H.R. 1012) on March 1, 2005.

On May 10, 2006, the House Subcommittee on Highways, Transit and Pipelines of the Committee on Transportation and Infrastructure, held a hearing entitled *Highway Capacity and Freight Mobility: The Current Status and Future Challenges* (Hearing 109-70).³ Among the testimony taken was a statement entered into the record by Representative Michaud which dealt with the issue of raising the weight limits on all interstate highways in Maine to equal those of state highways.

On May 10, 2007, Representative Michaud introduced H.R. 2263, the Commercial Truck Highway Safety Demonstration Act of 2007. H.R. 2263 called for the creation of a demonstration program allowing trucks of more than 80,000 pounds with three-axle tractor units to operate on interstate highways in Maine. Senator Snowe introduced the Senate version on the bill (S. 1388) on May 14, 2007.

¹ Cambridge Systematics, Inc. *Maine Integrated Freight Plan*. Cambridge, Massachusetts, 2002. p. A-94
http://www.maine.gov/mdot/ofbs/documents/pdf/ifp2002_000.pdf

² Wilbur Smith Associates. *Study of Impacts Caused by Exempting Currently Non-exempt Maine Interstate Highways From Federal Truck Weight Limits*. Columbia, S.C., 2004. 49 pp.
<http://www.maine.gov/mdot/ofbs/documents/pdf/Non20Exempt20Final20Report.pdf>

³ U.S. Congress. House. Committee on Transportation and Infrastructure. Subcommittee on Highways, Transit and Pipelines. *Highway Capacity and Freight Mobility: The Current Status and Future Challenges*. May 10, 2006. House Hearing 109-70. Washington, 2006. 102 pp.
<http://www.gpo.gov/fdsys/pkg/CHRG-109hrg28285/pdf/CHRG-109hrg28285.pdf>

On July 9, 2008, the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure held a hearing entitled *Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations* (Hearing 110-151).⁴ Representative Michaud presided for part of the hearing and Maine Transportation Commissioner David Cole testified. Subcommittee Chairman Peter DeFazio, in his remarks at the beginning of the hearing, related how he and Representative Michaud had attempted to get a pilot program temporarily raising vehicle weight limits in Maine and other states adopted under existing rules, but had not succeeded.

On March 30, 2009, Representative Michaud introduced H.R. 1799, the Safe and Efficient Transportation Act of 2009, which would: 1) allow any state to authorize the operation of vehicles with a GVW not greater than 97,000 pounds on Interstate Highway System (IHS) routes in the state; 2) direct the Secretary of Transportation to establish a safe and efficient vehicle bridge infrastructure improvement program to be funded by the Safe and Efficient Vehicle Trust Fund; 3) amend the Internal Revenue Code to impose an overweight vehicle tax on any vehicle exceeding federal weight limitations on the IHS; and, 4) establish the Safe and Efficient Vehicle Trust Fund. Senator Mike Crapo introduced the Senate version of the Safe and Efficient Transportation Act of 2009, S. 1705, on August 4, 2010.

As a part of the FY 2010 Transportation Appropriations, Senator Susan Collins added language to the Senate version of the bill mandating a one-year pilot program for state highway truck weights on all interstate highways in Maine (Sec. 194, P.L. 111-117, 123 Stat 3072). The conference report accompanying the bill (H. Report 111-366) directed the Secretary of Transportation to “report to the House and Senate Committees on Appropriations no later than 6 months after the start of the pilot program on the impact to date of the pilot program on bridge safety and weight impacts.”⁵ The Secretary’s report is still under review at the Federal Highway Administration (FHWA) awaiting internal clearance.⁶

To implement the one-year pilot program required by P.L. 111-117, the Maine legislature, on February 11, 2010, passed a bill entitled “An Act to Improve Safety on Maine’s Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine” (LD 1736, Sec. 1. 29-A MRSA Sec.2355-A). The bill was signed by Governor John Baldacci on February 12, 2010, and applied retroactively to December 16, 2009.

On February 17, 2011, Representative Michaud introduced H.R. 763, the Safe and Efficient Transportation Act of 2011, which would: 1) allow any state to authorize the operation of vehicles with a GVW not greater than 97,000 pounds on Interstate Highway System (IHS) routes in the state; 2) direct the Secretary of Transportation to establish a safe and efficient vehicle bridge infrastructure improvement program to be funded by the Safe and Efficient Vehicle Trust Fund; 3) amend the Internal Revenue Code to impose an overweight vehicle tax on any vehicle exceeding federal weight limitations on the IHS; and, 4) establish the Safe and Efficient Vehicle Trust Fund. On April 6, 2011, Senator Crapo introduced S. 747, the Senate version of H.R. 763.

⁴ U.S. Congress. House. Committee on Transportation and Infrastructure. Subcommittee on Highways and Transit. *Truck Weights and Lengths: Assessing the Impact of Existing Laws and Regulations*. July 9, 2008. House Hearing 110-151. Washington, 2008. 307 pp. <http://www.gpo.gov/fdsys/pkg/CHRG-110hrg43580/pdf/CHRG-110hrg43580.pdf>

⁵ U.S. Congress. House. Committee of Conference. Conference Report to Accompany H.R. 3288. *Departments of Transportation and Housing and Urban Development, and Related Agencies Appropriations Act, 2010*. House Report 111-366. Washington, 2009. 1520 pp. <http://www.gpo.gov/fdsys/pkg/CRPT-111hrpt366/pdf/CRPT-111hrpt366.pdf>

⁶ Email communication from Jennifer Steinhoff, FHWA Congressional Liaison, 12 July 2011.

On February 18, 2011, Representative Chip Crevaack introduced H.R. 801, the Truck Weight Uniformity Act of 2011, which would allow a state to authorize a vehicle exceeding federal interstate highway weight limitations to operate on interstate highways in that state if the vehicle has at least six axles; no more than 20,000 pounds per axle; no more than 34,000 pounds on the tandem axle; no more than 51,000 pounds on any three axles; and with a GVW no more than 99,000 pounds.

On April 18, 2011, Representative James P. McGovern introduced H.R. 1574, the Safe Highways and Infrastructure Preservation Act which would prohibit states from allowing the operation of a commercial motor vehicle on the National Highway System (NHS): which was longer than the state maximum in effect on June 1, 2008; exceeded IHS weight limits in effect on July 1, 1956, or on the date of enactment of the Federal-Aid Highway Amendments of 1974; and would limit weight limits on non-Interstate parts of the NHS to those segments where states have lower weight limits in effect or the state has allowed the weight limit in effect on June 1, 2008. On May 3, 2011, Senator Frank Lautenberg introduced S. 876, the Senate version of H.R. 1574.

If we can be of further assistance, please contact us at 7-7725.