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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. MICHAUD (for himself and Mrs. SCHMIDT) introduced the following bill;
which was referred to the Committee on _____

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 2009”.

1 **SEC. 2. INCREASING WEIGHT LIMITATIONS FOR CERTAIN**
2 **VEHICLES.**

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

5 “(i) EXCEPTION TO WEIGHT REQUIREMENTS.—

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

12 “(A) the vehicle is equipped with at least
13 6 axles;

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

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

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

23 “(E) the gross weight of the vehicle does
24 not exceed 97,000 pounds, including enforce-
25 ment tolerances.

26 “(2) SPECIAL RULES.—

1 “(A) SPECIAL EXCEPTION FOR CERTAIN
2 STATES.—This subsection shall not apply to
3 any vehicle exceeding the maximum gross
4 weight requirements under subsection (a) which
5 could have operated lawfully within a State
6 before the date of the enactment of this sub-
7 section.

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

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

20 “(4) REPORTING REQUIREMENTS.—

21 “(A) ANNUAL REPORT.—If a State author-
22 izes vehicles described in paragraph (1) to oper-
23 ate on highway routes in the State in a fiscal
24 year, the State shall submit to the Secretary for
25 the fiscal year an annual report at such time,

1 in such manner, and containing such informa-
2 tion as the Secretary may require, including, at
3 a minimum, the following:

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

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

12 “(iii) Safety statistics, including vehi-
13 cle miles traveled data, concerning the ve-
14 hicles in paragraph (1).

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

1 “(C) PUBLIC AVAILABILITY.—The Sec-
2 retary shall make all information required
3 under subparagraph (A) and (B) available to
4 the public.

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

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

20 **SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRA-**
21 **STRUCTURE IMPROVEMENT PROGRAM.**

22 (a) IN GENERAL.—Chapter 1 of title 23, United
23 States Code, is amended by adding at the end the fol-
24 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. 9511. 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 Act 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. 9511. 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.