

112TH CONGRESS
1ST SESSION

S. 747

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

APRIL 6 (legislative day, APRIL 5), 2011

Mr. CRAPO (for himself, Mr. KOHL, Ms. COLLINS, and Mr. PORTMAN) 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 2011”.

6 **SEC. 2. MODERNIZED 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:

1 “(i) ADDITIONAL EXCEPTION TO WEIGHT REQUIRE-
2 MENTS.—

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

9 “(A) the vehicle is equipped with at least
10 6 axles;

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

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

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

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

23 “(2) SPECIAL RULES.—

24 “(A) SPECIAL EXCEPTION FOR CERTAIN
25 STATES.—This subsection shall not apply to

1 any vehicle exceeding the maximum gross
2 weight requirements under subsection (a) which
3 could have operated lawfully within a State
4 before the date of the enactment of this sub-
5 section or otherwise restrict a vehicle that may
6 lawfully operate under another provision of this
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) of paragraph (1) by not
13 more than 2,000 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 pursuant to authority provided by State by
20 statute.

21 “(4) REPORTING REQUIREMENTS.—

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

1 the fiscal year an annual report at such time,
2 in such manner, and containing such informa-
3 tion as the Secretary may require, including, at
4 a minimum, the following:

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

10 “(ii) A description of the operating re-
11 quirements and gross vehicle weight limits
12 applicable to the vehicles described in para-
13 graph (1).

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

17 “(B) 5-YEAR ASSESSMENTS.—Following
18 the 5th fiscal year in which a State authorizes
19 vehicle operations described in paragraph (1),
20 and following each 5th fiscal year thereafter,
21 the State shall include in the State’s annual re-
22 port under subparagraph (A) an assessment,
23 developed by the Secretary under regulation, of
24 the impacts that vehicles described in para-
25 graph (1) have had on pavement and bridge

1 maintenance costs incurred by the State in the
2 preceding 5 fiscal years.

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

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

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

22 “(j) VEHICLES LAWFULLY OPERATING ON DECEM-
23 BER 1, 2010.—In addition to authority otherwise provided
24 to a State under this section, a State may permit a vehicle
25 with a gross vehicle weight which could have lawfully oper-

1 ated on the Interstate System in the State on December
 2 1, 2010, to operate on the Interstate System in that State
 3 upon enactment of this subsection.”.

4 **SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRA-**
 5 **STRUCTURE IMPROVEMENT PROGRAM.**

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

9 **“§ 167. Safe and efficient vehicle bridge infrastruc-**
 10 **ture improvement program**

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

14 “(b) APPORTIONMENT OF FUNDS TO ELIGIBLE
 15 STATES.—

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

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

1 “(A) the total vehicle miles traveled on
2 Interstate System highways by vehicles author-
3 ized to travel on such highways pursuant to sec-
4 tion 127(i) in each eligible State, as determined
5 by the Secretary; bears to

6 “(B) the total vehicle miles traveled on
7 Interstate System highways by vehicles author-
8 ized to travel on such highways pursuant to sec-
9 tion 127(i) in all eligible States, as determined
10 by the Secretary.

11 “(c) ELIGIBLE PROJECTS.—An eligible State that re-
12 ceives an apportionment in a fiscal year under subsection
13 (b) shall use the amounts of the apportionment for
14 projects eligible for assistance under section 144 for
15 bridges determined to be eligible for replacement or reha-
16 bilitation under subsection (b) or (c) of such section.

17 “(d) CONTRACT AUTHORITY.—Funds made available
18 out of the Safe and Efficient Vehicle Trust Fund to carry
19 out this section shall be available for obligation in the
20 same manner as if the funds were made available from
21 the Highway Trust Fund (other than the Mass Transit
22 Account).

23 “(e) ELIGIBLE STATE DEFINED.—In this section the
24 term ‘eligible State’ means a State that authorizes a vehi-

1 cle described in section 127(i) to operate on the Interstate
2 System within its borders.”.

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

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

6 **SEC. 4. SAFE AND EFFICIENT VEHICLE CHARGES.**

7 (a) IN GENERAL.—Subsection (a) of section 4481 of
8 the Internal Revenue Code of 1986 is amended by adding
9 at the end the following:

10 “In the case of the use of any highway motor vehicle de-
11 scribed in section 127(i) of title 23, United States Code,
12 in lieu of the rate in the table, the rate shall be equal
13 to the lesser of—

14 “(1) \$100 per year, plus \$22 for each 1,000
15 pounds (or fraction thereof) in excess of 55,000
16 pounds, or

17 “(2) \$800 per year.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable periods beginning after
20 the date of the enactment of this Act.

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

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

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

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

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

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

10 “(b) TRANSFER TO SAFE AND EFFICIENT VEHICLE
11 TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN
12 TAXES.—There are hereby appropriated to the Safe and
13 Efficient Vehicle Trust Fund amounts equivalent to the
14 taxes received in the Treasury under section 4481(a)
15 which are attributable to the use of any highway motor
16 vehicle described in section 127(i) of title 23, United
17 States Code.

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

25 (b) CONFORMING AMENDMENTS.—

1 (1) Paragraph (1) of section 9503(b) of such
2 Code is amended by striking the period at the end
3 and inserting “, and taxes received under section
4 4481 shall be determined without regard to those re-
5 ceived in the Treasury under section 4481(a) which
6 are attributable to the use of any highway motor ve-
7 hicle described in section 127(i) of title 23, United
8 States Code.”.

9 (2) The table of sections for subchapter A of
10 chapter 98 of such Code is amended by adding at
11 the end the following:

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

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act.

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