

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

# H. R. 763

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Mr. MICHAUD (for himself and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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”.

1 **SEC. 2. MODERNIZED 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) **ADDITIONAL EXCEPTION TO WEIGHT REQUIRE-**  
6 **MENTS.—**

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

13 “(A) the vehicle is equipped with at least  
14 6 axles;

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

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

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

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

1           “(2) SPECIAL RULES.—

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

11                   “(B) INCREASE IN AXLE WEIGHT RE-  
12 QUIREMENT.—A State may authorize a vehicle  
13 to exceed the maximum axle weight require-  
14 ments under any one axle grouping in subpara-  
15 graph (B), (C), or (D) of paragraph (1) by not  
16 more than 2,000 pounds.

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

24                   “(4) REPORTING REQUIREMENTS.—

1           “(A) ANNUAL REPORT.—If a State author-  
2 izes vehicles described in paragraph (1) to oper-  
3 ate on highway routes in the State in a fiscal  
4 year, the State shall submit to the Secretary for  
5 the fiscal year an annual report at such time,  
6 in such manner, and containing such informa-  
7 tion as the Secretary may require, including, at  
8 a minimum, the following:

9           “(i) An identification of highway  
10 routes in the State, including routes not on  
11 the Interstate System, on which the State  
12 authorizes vehicles described in paragraph  
13 (1) to operate.

14           “(ii) A description of the operating re-  
15 quirements and gross vehicle weight limits  
16 applicable to the vehicles described in para-  
17 graph (1).

18           “(iii) Safety statistics, including vehi-  
19 cle miles traveled data, concerning the ve-  
20 hicles described in paragraph (1).

21           “(B) 5-YEAR ASSESSMENTS.—Following  
22 the 5th fiscal year in which a State authorizes  
23 vehicle operations described in paragraph (1),  
24 and following each 5th fiscal year thereafter,  
25 the State shall include in the State’s annual re-

1 port under subparagraph (A) an assessment,  
2 developed by the Secretary under regulation, of  
3 the impacts that vehicles described in para-  
4 graph (1) have had on pavement and bridge  
5 maintenance costs incurred by the State in the  
6 preceding 5 fiscal years.

7 “(C) PUBLIC AVAILABILITY.—The Sec-  
8 retary shall make all information required  
9 under subparagraph (A) and (B) available to  
10 the public.

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

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



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

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

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

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

21           “(d) CONTRACT AUTHORITY.—Funds made available  
22           out of the Safe and Efficient Vehicle Trust Fund to carry  
23           out this section shall be available for obligation in the  
24           same manner as if the funds were made available from

1 the Highway Trust Fund (other than the Mass Transit  
2 Account).

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

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

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

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

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

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

18 “(1) \$100 per year, plus \$22 for each 1,000  
19 pounds (or function thereof) in excess of 55,000  
20 pounds, or

21 “(2) \$800 per year.”.

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



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

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

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

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

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

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

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

23 “(c) EXPENDITURES FROM SAFE AND EFFICIENT  
24 VEHICLE TRUST FUND.—Amounts in the Safe and Effi-  
25 cient Vehicle Trust Fund shall be available, as provided  
26 by appropriations Acts, for fiscal years beginning 1 year

1 after the date of the enactment of this Act for projects  
2 eligible for assistance under section 144 of title 23, United  
3 States Code.”.

4 (b) CONFORMING AMENDMENTS.—

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

13 (2) The table of sections for subchapter A of  
14 chapter 98 of such Code is amended by adding at  
15 the end the following:

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

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the date of the enactment  
18 of this Act.

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