

112TH CONGRESS
1ST SESSION

S. 876

To amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2011

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, 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 Highways and
5 Infrastructure Preservation Act”.

1 **SEC. 2. OPERATION OF RESTRICTED PROPERTY-CARRYING**
 2 **UNITS ON NATIONAL HIGHWAY SYSTEM.**

3 (a) DEFINITION OF RESTRICTED PROPERTY-CAR-
 4 RYING UNIT.—Section 31111(a) of title 49, United States
 5 Code, is amended—

6 (1) by redesignating paragraph (3) as para-
 7 graph (5);

8 (2) by redesignating paragraph (2) as para-
 9 graph (3);

10 (3) by redesignating paragraph (4) as para-
 11 graph (2); and

12 (4) by inserting after paragraph (3) the fol-
 13 lowing:

14 “(4) RESTRICTED PROPERTY-CARRYING
 15 UNIT.—The term ‘restricted property-carrying unit’
 16 means any trailer, semitrailer, container, or other
 17 property-carrying unit that is longer than 53 feet.”.

18 (b) PROHIBITION ON OPERATION OF RESTRICTED
 19 PROPERTY-CARRYING UNITS.—

20 (1) IN GENERAL.—Section 31111(b)(1)(C) of
 21 title 49, United States Code, is amended to read as
 22 follows:

23 “(C) allows operation on any segment of the
 24 National Highway System, including the Interstate
 25 System, of a restricted property-carrying unit unless

1 the operation is specified on the list published under
2 subsection (h)(2);”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall take effect on the date that
5 is 270 days after the date of the enactment of this
6 Act.

7 (c) LIMITATIONS.—Section 31111 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(h) RESTRICTED PROPERTY-CARRYING UNITS.—

11 “(1) APPLICABILITY OF PROHIBITION.—

12 “(A) IN GENERAL.—Notwithstanding sub-
13 section (b)(1)(C), a restricted property-carrying
14 unit may continue to operate on a segment of
15 the National Highway System if the operation
16 of the unit is specified on the list published
17 under paragraph (2).

18 “(B) APPLICABILITY OF STATE LAWS AND
19 REGULATIONS.—All operations specified on the
20 list published under paragraph (2) shall con-
21 tinue to be subject to all State laws, limitations,
22 and conditions, including routing-specific, com-
23 modity-specific, and configuration-specific des-
24 ignations and all other restrictions, in effect as
25 of June 1, 2008.

1 “(C) FIREFIGHTING UNITS.—Subsection
2 (b)(1)(C) shall not apply to the operation of a
3 restricted property-carrying unit that is used
4 exclusively for firefighting.

5 “(2) LISTING OF RESTRICTED PROPERTY-CAR-
6 RYING UNITS.—

7 “(A) IN GENERAL.—Not later than 60
8 days after the date of the enactment of this
9 subsection, the Secretary shall initiate a pro-
10 ceeding to determine and publish a list of re-
11 stricted property-carrying units that were—

12 “(i) authorized by State officials pur-
13 suant to State law as of June 1, 2008; and

14 “(ii) in actual and lawful operation on
15 a regular or periodic basis (including sea-
16 sonal operations) on or before June 1,
17 2008.

18 “(B) LIMITATION.—A restricted property-
19 carrying unit may not be included on the list
20 published under subparagraph (A) on the basis
21 that a State law could have authorized the op-
22 eration of the unit as of a prior date, by permit
23 or otherwise.

24 “(C) PUBLICATION OF FINAL LIST.—Not
25 later than 270 days after the date of the enact-

1 ment of this subsection, the Secretary shall
2 publish a final list of restricted property-car-
3 rying units described in subparagraph (A).

4 “(D) UPDATES.—The Secretary shall up-
5 date the list published under subparagraph (C)
6 as necessary to reflect new designations made
7 to the National Highway System.

8 “(3) APPLICABILITY OF PROHIBITION.—The
9 prohibition established under subsection (b)(1)(C)
10 shall—

11 “(A) apply to any new designation made to
12 the National Highway System; and

13 “(B) remain in effect on those portions of
14 the National Highway System that cease to be
15 designated as part of the National Highway
16 System.

17 “(4) LIMITATION ON STATUTORY CONSTRUC-
18 TION.—Nothing in this subsection may be construed
19 to prevent a State from further restricting in any
20 manner or prohibiting the operation of a restricted
21 property-carrying unit, except that any such restric-
22 tion or prohibition shall be consistent with the provi-
23 sions of this subchapter.”.

24 (d) ENFORCEMENT.—The second sentence of section
25 141(a) of title 23, United States Code, is amended by

1 striking “section 31112” and inserting “sections 31111
2 and 31112”.

3 **SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES**
4 **ON NATIONAL HIGHWAY SYSTEM.**

5 (a) IN GENERAL.—Section 31112 of title 49, United
6 States Code, is amended—

7 (1) by redesignating subsections (f) and (g) as
8 subsections (g) and (h), respectively; and

9 (2) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) NATIONAL HIGHWAY SYSTEM.—

12 “(1) IN GENERAL.—A State may not allow, on
13 a segment of the National Highway System that is
14 not covered under subsection (b) or (c), the oper-
15 ation of a commercial motor vehicle combination (ex-
16 cept a vehicle or load that cannot be dismantled eas-
17 ily or divided easily and that has been issued a spe-
18 cial permit under applicable State law) with more
19 than 1 property-carrying unit (excluding the truck
20 tractor) if the property-carrying units are more
21 than—

22 “(A) the maximum combination trailer,
23 semitrailer, or other type of length limitation al-
24 lowed by applicable State law as of June 1,
25 2008; or

1 “(B) the length of the property-carrying
2 units of those commercial motor vehicle com-
3 binations, by specific configuration, in actual
4 and lawful operation on a regular or periodic
5 basis (including continuing seasonal operation)
6 in that State on or before June 1, 2008.

7 “(2) ADDITIONAL LIMITATIONS.—

8 “(A) APPLICABILITY OF STATE RESTRIC-
9 TIONS.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), a commercial motor vehicle combina-
12 tion that is not prohibited from operating
13 in a State under paragraph (1) may con-
14 tinue to operate in that State on highways
15 described in paragraph (1) if such oper-
16 ation complies with all applicable State
17 laws, limitations, and conditions, including
18 routing-specific and configuration-specific
19 designations, and all other restrictions in
20 effect in that State as of June 1, 2008.

21 “(ii) MINOR ADJUSTMENTS.—Subject
22 to regulations promulgated by the Sec-
23 retary under subsection (h), a State may
24 make minor temporary and emergency ad-
25 justments to route designations and vehicle

1 operating restrictions in effect as of June
2 1, 2008, for specific safety purposes and
3 road construction.

4 “(B) ADDITIONAL STATE RESTRICTIONS.—

5 Nothing in this subsection may be construed to
6 prevent a State from further restricting or pro-
7 hibiting the operation of a commercial motor
8 vehicle combination subject to this section, ex-
9 cept that such a restriction or prohibition shall
10 be consistent with this section and sections
11 31113(a), 31113(b), and 31114.

12 “(C) MINOR ADJUSTMENTS.—

13 “(i) IN GENERAL.—Not later than 30
14 days after the date on which a State
15 makes a minor adjustment of a temporary
16 and emergency nature in accordance with
17 subparagraph (A)(ii) or further restricting
18 or prohibiting the operation of a commer-
19 cial motor vehicle combination in accord-
20 ance with subparagraph (B), the State
21 shall advise the Secretary of the action.

22 “(ii) PUBLICATION.—The Secretary
23 shall publish a notice of an action taken by
24 a State under clause (i) in the Federal
25 Register.

1 “(3) LIST OF STATE LENGTH LIMITATIONS.—

2 “(A) STATE SUBMISSIONS.—

3 “(i) IN GENERAL.—Not later than 60
4 days after the date of the enactment of
5 this subparagraph, each State shall submit
6 to the Secretary a complete list of State
7 length limitations applicable to commercial
8 motor vehicle combinations operating in
9 the State on the highways described in
10 paragraph (1), including the applicable
11 State laws associated with the length limi-
12 tations.

13 “(ii) FAILURE TO SUBMIT.—If a State
14 fails to submit the information required
15 under clause (i), the Secretary shall com-
16 pile and file the information on behalf of
17 the State.

18 “(B) PUBLICATION OF INTERIM LIST.—

19 The Secretary shall—

20 “(i) publish an interim list in the Fed-
21 eral Register consisting of all information
22 submitted under subparagraph (A) not
23 later than 90 days after the date of the en-
24 actment of this subparagraph;

1 “(ii) review for accuracy all informa-
2 tion submitted by a State under subpara-
3 graph (A); and

4 “(iii) solicit and consider public com-
5 ment on the accuracy of the information.

6 “(C) LIMITATION.—A law may not be in-
7 cluded on the list submitted by a State or pub-
8 lished by the Secretary merely because the law
9 authorized, or could have authorized, by permit
10 or otherwise, the operation of commercial motor
11 vehicle combinations not in actual operation on
12 a regular or periodic basis on or before June 1,
13 2008.

14 “(D) PUBLICATION OF FINAL LIST.—

15 “(i) IN GENERAL.—Not later than
16 270 days after the date of the enactment
17 of this subparagraph, the Secretary shall
18 publish a final version of the list described
19 in subparagraph (B) in the Federal Reg-
20 ister, as revised under this subparagraph
21 or subparagraph (E).

22 “(ii) REVISIONS.—In publishing the
23 final list, the Secretary shall make any re-
24 visions necessary to correct inaccuracies
25 identified under subparagraph (B).

1 “(iii) PROHIBITION ON OPERATION.—
2 After the final list is published under this
3 subparagraph, commercial motor vehicle
4 combinations prohibited under paragraph
5 (1) may not operate on a highway de-
6 scribed in paragraph (1) unless included
7 on the list.

8 “(E) INACCURACIES.—

9 “(i) IN GENERAL.—On the motion of
10 the Secretary or on request by any person
11 (including a State), the Secretary shall re-
12 view the list published under subparagraph
13 (D).

14 “(ii) DETERMINATION.—If the Sec-
15 retary determines that there is reason to
16 believe a mistake was made in the accuracy
17 of the list—

18 “(I) the Secretary shall begin a
19 proceeding to determine whether a
20 mistake was made; and

21 “(II) if the Secretary makes an
22 affirmative determination under sub-
23 clause (I), the Secretary shall publish
24 the appropriate correction.”.

1 (b) CONFORMING AMENDMENTS.—Section 31112 of
2 title 49, United States Code, is amended—

3 (1) in subsection (d)(1), by striking “subsection
4 (g)(2) of this section” and inserting “subsection
5 (h)(2)”;

6 (2) in subsection (g), as redesignated by sub-
7 section (a)(1)—

8 (A) in paragraph (1), by inserting “or
9 127A(e)” after “127(d)”;

10 (B) in paragraph (3), by inserting “(or
11 June 1, 2008, with respect to highways de-
12 scribed in subsection (f)(1))” after “June 2,
13 1991”;

14 (3) in paragraph (h)(2), as redesignated by
15 subsection (a)—

16 (A) by striking “Not later than June 15,
17 1992, the Secretary” and inserting “The Sec-
18 retary”;

19 (B) by striking “of this section” and in-
20 serting “or (f)”.

21 **SEC. 4. TERMINATION OF DETERMINATIONS OF GRAND-**
22 **FATHERED RIGHTS.**

23 (a) IN GENERAL.—Section 127 of title 23, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(i) GRANDFATHERED RIGHTS.—

2 “(1) DEFINITION OF INTERSTATE WEIGHT
3 LIMIT.—In this subsection and in section 127A, the
4 term ‘Interstate weight limit’ means the 80,000-
5 pound gross vehicle weight limitation, the 20,000-
6 pound single axle weight limitation (including en-
7 forcement tolerances), the 34,000-pound tandem
8 axle weight limitation (including enforcement toler-
9 ances), and the overall maximum gross weight (in-
10 cluding enforcement tolerances) limitation on a
11 group of 2 or more consecutive axles produced by
12 application of the formula under subsection (a)(2).

13 “(2) LIMITATION.—Beginning 270 days after
14 the date of the enactment of this subsection, a State
15 may not allow, on a segment of the Interstate Sys-
16 tem, the operation of a vehicle or combination (other
17 than a longer combination vehicle) exceeding an
18 Interstate weight limit unless the operation is speci-
19 fied on the list published under paragraph (3).

20 “(3) LIST OF VEHICLES AND COMBINATIONS.—

21 “(A) PROCEEDING.—Not later than 60
22 days after the date of the enactment of this
23 subsection, the Secretary shall initiate a pro-
24 ceeding to determine and publish a list of vehi-
25 cles and combinations (other than longer com-

1 bination vehicles) otherwise exceeding an Inter-
2 state weight limit that the Department of
3 Transportation, any other Federal agency, or a
4 State has determined, on or before June 1,
5 2008, could have been or could be lawfully oper-
6 ated within the State—

7 “(i) on July 1, 1956;

8 “(ii) in the case of the overall gross
9 weight of any group of 2 or more consecu-
10 tive axles, on January 4, 1975; or

11 “(iii) under a special rule applicable
12 to a State under subsection (a).

13 “(B) LIMITATIONS.—

14 “(i) ACTUAL AND LAWFUL OPER-
15 ATIONS REQUIRED.—An operation of a ve-
16 hicle or combination may be included on
17 the list published under subparagraph (A)
18 only if the vehicle or combination was in
19 actual and lawful operation in the State on
20 a regular or periodic basis on or before
21 June 1, 2008.

22 “(ii) STATE AUTHORITY NOT SUFFI-
23 CIENT.—An operation of a vehicle or com-
24 bination may not be included on the list
25 published under subparagraph (A) on the

1 basis that a State law could have author-
2 ized the operation of the vehicle or com-
3 bination as of a prior date by permit or
4 otherwise.

5 “(C) PUBLICATION OF FINAL LIST.—Not
6 later than 270 days after the date of the enact-
7 ment of this subsection, the Secretary shall
8 publish a final list of vehicles and combinations
9 described in subparagraph (A).

10 “(4) LIMITATION ON EFFECT OF SUB-
11 SECTION.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), nothing in this subsection
14 may be construed to prevent a State from re-
15 ducing the gross vehicle weight limitation, the
16 single and tandem axle weight limitations, or
17 the overall maximum gross weight on a group
18 of 2 or more consecutive axles applicable to por-
19 tions of the Interstate System in the State for
20 operations on the list published under para-
21 graph (3)(C).

22 “(B) LIMITATION.—A reduction described
23 in subparagraph (A) may not result in a limita-
24 tion that is less than an Interstate weight limit.

1 “(5) APPLICABILITY OF EXISTING REQUIRE-
2 MENTS.—All vehicles and combinations included on
3 the list published under paragraph (3) shall be sub-
4 ject to all routing-specific, commodity-specific, and
5 weight-specific designations in effect in a State as of
6 June 1, 2008.”.

7 (b) CONFORMING AMENDMENT.—Section 127(a)(4)
8 of title 23, United States Code, is amended by striking
9 “the State determines”.

10 **SEC. 5. NONDIVISIBLE LOAD PROCEEDING.**

11 Section 127 of title 23, United States Code, as
12 amended by section 4, is further amended by adding at
13 the end the following:

14 “(j) NONDIVISIBLE LOADS.—

15 “(1) STATEMENT OF POLICY.—The purpose of
16 this subsection is to promote conformity with Inter-
17 state weight limits to preserve publicly funded infra-
18 structure and protect motorists by limiting max-
19 imum vehicle weight on key portions of the Federal-
20 aid highway system.

21 “(2) PROCEEDING.—Not later than 60 days
22 after the date of the enactment of this subsection,
23 the Secretary shall initiate a proceeding to define
24 the term ‘vehicles and loads that cannot be easily

1 dismantled or divided' as used in subsection (a) and
2 section 31112 of title 49.

3 “(3) LIST OF COMMODITIES.—

4 “(A) IN GENERAL.—The definition devel-
5 oped under subparagraph (A) shall include a
6 list of commodities (or classes or types of com-
7 modities) that do not qualify as nondivisible
8 loads.

9 “(B) LIMITATION.—The list of commod-
10 ities developed under paragraph (2) shall not be
11 interpreted to be a comprehensive list of com-
12 modities that do not qualify as nondivisible
13 loads.

14 “(4) REGULATIONS.—The Secretary shall—

15 “(A) promulgate final regulations setting
16 forth the determination of the Secretary made
17 under paragraph (2) not later than 270 days
18 after the date of enactment of this subsection;
19 and

20 “(B) update such regulations, as nec-
21 essary.

22 “(5) APPLICABILITY.—Regulations promulgated
23 under paragraph (4) shall apply to all vehicles and
24 loads operating on the National Highway System.

1 “(6) STATE REQUIREMENTS.—A State may es-
 2 tablish any requirement that is not inconsistent with
 3 regulations promulgated under paragraph (4).”.

4 **SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERI-**
 5 **ODS OF NATIONAL EMERGENCY.**

6 Section 127 of title 23, United States Code, as
 7 amended by sections 4 and 5, is further amended by add-
 8 ing at the end the following:

9 “(k) WAIVERS DURING PERIODS OF NATIONAL
 10 EMERGENCY.—

11 “(1) IN GENERAL.—Notwithstanding any other
 12 provision of this section or section 127A, the Sec-
 13 retary, in consultation with the Secretary of De-
 14 fense, may waive or limit the application of any vehi-
 15 cle weight limit established under this section or sec-
 16 tion 127A with respect to a highway route during a
 17 period of national emergency in order to respond to
 18 the effects of the national emergency.

19 “(2) APPLICABILITY.—Emergency limits estab-
 20 lished under paragraph (1) shall preempt any incon-
 21 sistent State vehicle weight limits.”.

22 **SEC. 7. VEHICLE WEIGHT LIMITATIONS—NATIONAL HIGH-**
 23 **WAY SYSTEM.**

24 (a) IN GENERAL.—Chapter 1 of title 23, United
 25 States Code, is amended—

1 (1) in section 127(d)(4), by inserting “and in
2 section 127A” after “this section”; and

3 (2) by inserting after section 127 the following:

4 **“§ 127A. Vehicle weight limitations—National High-**
5 **way System**

6 “(a) NON-INTERSTATE HIGHWAYS ON NATIONAL
7 HIGHWAY SYSTEM.—

8 “(1) IN GENERAL.—Beginning 270 days after
9 the date of the enactment of this section, any Inter-
10 state weight limit that applies to vehicles and com-
11 binations (other than longer combination vehicles)
12 operating on the Interstate System in a State under
13 section 127 shall apply to vehicles and combinations
14 (other than longer combination vehicles) operating
15 on non-Interstate segments of the National Highway
16 System in the State unless the segments are subject
17 to lower State weight limits as provided for under
18 subsection (d).

19 “(2) EXISTING HIGHWAYS.—

20 “(A) IN GENERAL.—Notwithstanding para-
21 graph (1), in the case of a non-Interstate seg-
22 ment of the National Highway System that is
23 open to traffic on June 1, 2008, a State may
24 allow the operation of any vehicle or combina-
25 tion (other than a longer combination vehicle)

1 on the segment that the Secretary determines
2 under subsection (b) could have been lawfully
3 operated on the segment on June 1, 2008.

4 “(B) APPLICABILITY OF STATE LAWS.—All
5 operations described in subparagraph (A) shall
6 continue to be subject to all State laws, limita-
7 tions, and conditions, including routing-specific,
8 commodity-specific, and configuration-specific
9 designations and all other restrictions, in effect
10 as of June 1, 2008.

11 “(3) NEW HIGHWAYS.—Subject to subsection
12 (d)(1), the gross vehicle weight limitations and axle
13 loading limitations applicable to all vehicles and
14 combinations (other than longer combination vehi-
15 cles) on a non-Interstate segment of the National
16 Highway System that was not open to traffic on
17 June 1, 2008, shall be the Interstate weight limit.

18 “(b) LISTING OF VEHICLES AND COMBINATIONS.—

19 “(1) IN GENERAL.—The Secretary shall initiate
20 a proceeding to determine and publish a list of vehi-
21 cles and combinations (other than longer combina-
22 tion vehicles), otherwise exceeding an Interstate
23 weight limit, that could be lawfully operated on a
24 non-Interstate segment of the National Highway
25 System on June 1, 2008.

1 “(2) REQUIREMENTS.—In publishing a list of
2 vehicles and combinations under paragraph (1), the
3 Secretary shall identify—

4 “(A) the gross vehicle weight limitations
5 and axle loading limitations in each State appli-
6 cable, as of June 1, 2008, to vehicles and com-
7 binations (other than longer combination vehi-
8 cles) on non-Interstate segments of the Na-
9 tional Highway System; and

10 “(B) operations of vehicles and combina-
11 tions (other than longer combination vehicles),
12 exceeding State gross vehicle weight limitations
13 and axle loading limitations identified under
14 subparagraph (A), that were in actual and law-
15 ful operation on a regular or periodic basis (in-
16 cluding seasonal operations) as of June 1,
17 2008.

18 “(3) LIMITATION.—An operation of a vehicle or
19 combination may not be included on the list pub-
20 lished under paragraph (1) on the basis that a State
21 law (including a regulation) could have authorized
22 the operation on a prior date by permit or otherwise.

23 “(4) PUBLICATION OF FINAL LIST.—Not later
24 than 270 days after the date of the enactment of
25 this section, the Secretary shall publish a final list

1 of vehicles and combinations described in paragraph
2 (1).

3 “(5) UPDATES.—The Secretary shall update
4 the list published under paragraph (4) as necessary
5 to reflect new designations made to the National
6 Highway System.

7 “(c) APPLICABILITY OF LIMITATIONS.—The limita-
8 tions established under subsection (a) shall—

9 “(1) apply to any new designation made to the
10 National Highway System; and

11 “(2) remain in effect on those non-Interstate
12 highways that cease to be designated as part of the
13 National Highway System.

14 “(d) LIMITATIONS ON STATUTORY CONSTRUC-
15 TION.—

16 “(1) STATE ENFORCEMENT OF MORE RESTRIC-
17 TIVE WEIGHT LIMITS.—Nothing in this section may
18 be construed to prevent a State from maintaining or
19 imposing a weight limitation that is more restrictive
20 than the Interstate weight limit on vehicles or com-
21 binations (other than longer combination vehicles)
22 operating on a non-Interstate segment of the Na-
23 tional Highway System.

24 “(2) STATE ACTIONS TO REDUCE WEIGHT LIM-
25 ITS.—Nothing in this section may be construed to

1 prevent a State from reducing the gross vehicle
2 weight limitation, single or tandem axle weight limi-
3 tations, or the overall maximum gross weight on 2
4 or more consecutive axles of the State on any non-
5 Interstate segment of the National Highway System.

6 “(e) LONGER COMBINATION VEHICLES.—

7 “(1) PROHIBITION.—

8 “(A) IN GENERAL.—Beginning 270 days
9 after the date of the enactment of this section,
10 a longer combination vehicle may continue to
11 operate on a non-Interstate segment of the Na-
12 tional Highway System only if the operation of
13 the longer combination vehicle configuration
14 type was—

15 “(i) authorized by State officials pur-
16 suant to State law (including a regulation)
17 as of June 1, 2008; and

18 “(ii) in actual and lawful operation on
19 a regular or periodic basis (including sea-
20 sonal operations) on or before June 1,
21 2008.

22 “(B) APPLICABILITY OF STATE LAWS.—All
23 operations described in subparagraph (A) shall
24 continue to be subject to all State laws, limita-
25 tions, and conditions, including routing-specific,

1 commodity-specific, and configuration-specific
2 designations and all other restrictions, in effect
3 as of June 1, 2008.

4 “(2) LISTING OF VEHICLES AND COMBINA-
5 TIONS.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the date of enactment of this section,
8 the Secretary shall initiate a proceeding to de-
9 termine and publish a list of longer combination
10 vehicles that could be lawfully operated on non-
11 Interstate segments of the National Highway
12 System as of June 1, 2008.

13 “(B) LIMITATION.—A longer combination
14 vehicle may not be included on the list pub-
15 lished under subparagraph (A) on the basis
16 that a State law (including a regulation) could
17 have authorized the operation of the vehicle on
18 a prior date by permit or otherwise.

19 “(C) PUBLICATION OF FINAL LIST.—Not
20 later than 270 days after the date of enactment
21 of this section, the Secretary shall publish a
22 final list of longer combination vehicles de-
23 scribed in subparagraph (A).

24 “(D) UPDATES.—The Secretary shall up-
25 date the list published under subparagraph (C)

1 as necessary to reflect new designations made
2 to the National Highway System.

3 “(3) LIMITATION ON STATUTORY CONSTRUC-
4 TION.—Nothing in this subsection may be construed
5 to prevent a State from further restricting in any
6 manner or prohibiting the operation of a longer com-
7 bination vehicle, except that any such restriction or
8 prohibition shall be consistent with section 127 of
9 this title and sections 31112 through 31114 of title
10 49.

11 “(f) MODEL SCHEDULE OF FINES.—

12 “(1) IN GENERAL.—The Secretary, in consulta-
13 tion with the States, shall establish a model schedule
14 of fines to be assessed for violations of this section.

15 “(2) PURPOSES.—The purposes of the schedule
16 of fines shall be—

17 “(A) to ensure that fines are sufficient to
18 deter violations of this section; and

19 “(B) to permit States to recover costs as-
20 sociated with damage caused to the National
21 Highway System by the operation of vehicles.

22 “(3) ADOPTION BY STATES.—The Secretary
23 shall encourage States to adopt the schedule of
24 fines.”.

1 (b) ENFORCEMENT OF REQUIREMENTS.—Section
2 141(a) of title 23, United States Code, is amended by
3 striking “the Federal-aid primary system, the Federal-aid
4 urban system, and the Federal-aid secondary system, in-
5 cluding the Interstate System in accordance with section
6 127 of this title” and inserting “the National Highway
7 System, including the Interstate System, in accordance
8 with sections 127 and 127A”.

9 (c) CONFORMING AMENDMENT.—The chapter anal-
10 ysis for title 23, United States Code, is amended by insert-
11 ing after the item relating to section 127 the following:
“127A. Vehicle weight limitations—National Highway System.”.

○