

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 24, 2003

Purpose: To amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—108TH Cong., 1ST Sess.**

S. or H.R. —, 108TH Congress, 1ST Session

JUNE 26, 2003

INTENDED to be proposed by Mr. LAUTENBERG

1 At the appropriate place, insert the following:

2 **SEC. —. OPERATION OF RESTRICTED PROPERTY-CAR-**
3 **RYING UNITS ON NATIONAL HIGHWAY SYS-**
4 **TEM.**

5 (a) RESTRICTED PROPERTY-CARRYING UNIT DE-
6 FINED.—Section 31111(a)(1) of title 49, United States
7 Code, is amended—

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) RESTRICTED PROPERTY-CARRYING
13 UNIT.—The term ‘restricted property-carrying unit’

1 means any trailer, semi-trailer, container, or other
2 property-carrying unit that is longer than 53 feet.”.

3 (b) PROHIBITION ON OPERATION OF RESTRICTED
4 PROPERTY-CARRYING UNITS.—

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

8 “(C) allows operation on any segment of the
9 National Highway System, including the Interstate
10 System, of a restricted property-carrying unit unless
11 the operation is specified on the list published under
12 subsection (h);”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) shall take effect 270 days after the
15 date of enactment of this subsection.

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

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

20 “(1) APPLICABILITY OF PROHIBITION.—

21 “(A) IN GENERAL.—Notwithstanding sub-
22 section (b)(1)(C), a restricted property-carrying
23 unit may continue to operate on a segment of
24 the National Highway System if the operation

1 of such unit is specified on the list published
2 under paragraph (2).

3 “(B) APPLICABILITY OF STATE LAWS AND
4 REGULATIONS.—All operations specified on the
5 list published under paragraph (2) shall con-
6 tinue to be subject to all State statutes, regula-
7 tions, limitations and conditions, including rout-
8 ing-specific, commodity-specific, and configura-
9 tion-specific designations and all other restric-
10 tions, in force on June 1, 2003.

11 “(C) FIRE-FIGHTING UNITS.—Subsection
12 (b)(1)(C) shall not apply to the operation of a
13 restricted property-carrying unit that is used
14 exclusively for fire-fighting.

15 “(2) LISTING OF RESTRICTED PROPERTY-CAR-
16 RYING UNITS.—

17 “(A) IN GENERAL.—Not later than 60
18 days after the date of enactment of this sub-
19 section, the Secretary shall initiate a proceeding
20 to determine and publish a list of restricted
21 property-carrying units that were authorized by
22 State officials pursuant to State statute or reg-
23 ulation on June 1, 2003, and in actual and law-
24 ful operation on a regular or periodic basis (in-

1 including seasonal operations) on or before June
2 1, 2003.

3 “(B) LIMITATION.—A restricted property-
4 carrying unit may not be included on the list
5 published under subparagraph (A) on the basis
6 that a State law or regulation could have au-
7 thorized the operation of the unit at some prior
8 date by permit or otherwise.

9 “(C) PUBLICATION OF FINAL LIST.—Not
10 later than 270 days after the date of enactment
11 of this subsection, the Secretary shall publish a
12 final list of restricted property-carrying units
13 described in subparagraph (A).

14 “(D) UPDATES.—The Secretary shall up-
15 date the list published under subparagraph (C)
16 as necessary to reflect new designations made
17 to the National Highway System.

18 “(3) APPLICABILITY OF PROHIBITION.—The
19 prohibition established by subsection (b)(1)(C) shall
20 apply to any new designation made to the National
21 Highway System and remain in effect on those por-
22 tions of the National Highway System that cease to
23 be designated as part of the National Highway Sys-
24 tem.

1 ily or divided easily and that has been issued a spe-
2 cial permit under applicable State law) with more
3 than one property-carrying unit (not including the
4 truck tractor) whose property-carrying units are
5 more than—

6 “(A) the maximum combination trailer,
7 semitrailer, or other type of length limitation al-
8 lowed by law or regulation of that State on
9 June 1, 2003; or

10 “(B) the length of the property-carrying
11 units of those commercial motor vehicle com-
12 binations, by specific configuration, in actual
13 and lawful operation on a regular or periodic
14 basis (including continuing seasonal operation)
15 in that State on or before June 1, 2003.

16 “(2) ADDITIONAL LIMITATIONS.—

17 “(A) APPLICABILITY OF STATE RESTRIC-
18 TIONS.—A commercial motor vehicle combina-
19 tion whose operation in a State is not prohib-
20 ited under paragraph (1) may continue to oper-
21 ate in the State on highways described in para-
22 graph (1) only in compliance with all State
23 laws, regulations, limitations, and conditions,
24 including routing-specific and configuration-spe-
25 cific designations and all other restrictions in

1 force in the State on June 1, 2003. However,
2 subject to regulations prescribed by the Sec-
3 retary under subsection (h), the State may
4 make minor adjustments of a temporary and
5 emergency nature to route designations and ve-
6 hicle operating restrictions in effect on June 1,
7 2003, for specific safety purposes and road con-
8 struction.

9 “(B) ADDITIONAL STATE RESTRICTIONS.—
10 This subsection does not prevent a State from
11 further restricting in any manner or prohibiting
12 the operation of a commercial motor vehicle
13 combination subject to this section, except that
14 such restrictions or prohibitions shall be con-
15 sistent with this section and sections 31113(a),
16 31113(b), and 31114.

17 “(C) MINOR ADJUSTMENTS.—A State
18 making a minor adjustment of a temporary and
19 emergency nature as authorized by subpara-
20 graph (A) or further restricting or prohibiting
21 the operation of a commercial motor vehicle
22 combination as authorized by subparagraph (B)
23 shall advise the Secretary not later than 30
24 days after the action. The Secretary shall pub-

1 lish a notice of the action in the Federal Reg-
2 ister.

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

4 “(A) STATE SUBMISSIONS.—Not later than
5 60 days after the date of enactment of this sub-
6 section, each State shall submit to the Sec-
7 retary for publication a complete list of State
8 length limitations applicable to commercial
9 motor vehicle combinations operating in the
10 State on the highways described in paragraph
11 (1). The list shall indicate the applicable State
12 laws and regulations associated with the length
13 limitations. If a State does not submit the in-
14 formation as required, the Secretary shall com-
15 plete and file the information for the State.

16 “(B) PUBLICATION OF INTERIM LIST.—
17 Not later than 90 days after the date of enact-
18 ment of this subsection, the Secretary shall
19 publish an interim list in the Federal Register
20 consisting of all information submitted under
21 subparagraph (A). The Secretary shall review
22 for accuracy all information submitted by a
23 State under subparagraph (A) and shall solicit
24 and consider public comment on the accuracy of
25 the information.

1 “(C) LIMITATION.—A law or regulation
2 may not be included on the list submitted by a
3 State or published by the Secretary merely be-
4 cause it authorized, or could have authorized,
5 by permit or otherwise, the operation of com-
6 mercial motor vehicle combinations not in ac-
7 tual operation on a regular or periodic basis on
8 or before June 1, 2003.

9 “(D) PUBLICATION OF FINAL LIST.—Ex-
10 cept as revised under this subparagraph or sub-
11 paragraph (E), the list shall be published as
12 final in the Federal Register not later than 270
13 days after the date of enactment of this sub-
14 section. In publishing the final list, the Sec-
15 retary shall make any revisions necessary to
16 correct inaccuracies identified under subpara-
17 graph (B). After publication of the final list,
18 commercial motor vehicle combinations prohib-
19 ited under paragraph (1) may not operate on a
20 highway described in paragraph (1) except as
21 published on the list.

22 “(E) INACCURACIES.—On the Secretary’s
23 own motion or on request by any person (in-
24 cluding a State), the Secretary shall review the
25 list published under subparagraph (D). If the

1 Secretary decides there is reason to believe a
2 mistake was made in the accuracy of the list,
3 the Secretary shall begin a proceeding to decide
4 whether a mistake was made. If the Secretary
5 decides there was a mistake, the Secretary shall
6 publish the correction.”.

7 (b) CONFORMING AMENDMENTS.—Section 31112(g)
8 of title 49, United States Code, is amended—

9 (1) in subsection (g)(1) (as redesignated by
10 subsection (a) of this section) by inserting “126(e)
11 or” before “127(d)”;

12 (2) in subsection (g)(3) (as redesignated by
13 subsection (a) of this section) by inserting “(or June
14 1, 2003, with respect to highways described in sub-
15 section (f)(1))” after “June 2, 1991”; and

16 (3) in paragraph (h)(2) (as redesignated by
17 subsection (a) of this section)—

18 (A) by striking “Not later than June 15,
19 1992, the Secretary” and inserting “The Sec-
20 retary”; and

21 (B) by inserting “or (f)” after “subsection
22 (d)”.

○