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STATEMENT OF

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BEFORE THE

SUBCOMMITTEE ON OVERSIGHT
HOUSE COMMITTEE ON WAYS AND MEANS

ON

NOVEMBER 30, 1977

THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) WELCOMES THE OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE TO DISCUSS THE ISSUE OF SIZES AND WEIGHTS OF TRUCKS AND THE FEDERAL AND STATE PROGRAMS IN THESE AREAS.

THERE HAS BEEN A GREAT DEAL OF DISCUSSION OVER THE YEARS RELATING TO WIDESPREAD VIOLATIONS OF FEDERAL AND STATE TRUCK WEIGHT LAWS, DAMAGE CAUSED BY OVERLOADED TRUCKS, THE FEDERAL PROGRAM TO REQUIRE STATES TO ADEQUATELY ENFORCE TRUCK WEIGHT LAWS, AND THE CAUSES OF OVERLOADING. SOME OF THIS DISCUSSION HAS BEEN ACCURATE AND SOME HAS BEEN MISLEADING.

IN PART THIS CONFUSION RESULTS FROM THE DUAL SCHEME OF FEDERAL-STATE RESPONSIBILITY IN THIS AREA. ORIGINALLY THE FHWA HAD JURISDICTION IN THE AREA OF VEHICLE WEIGHT AND DIMENSIONS ONLY WITH RESPECT TO THE INTERSTATE SYSTEM. THAT JURISDICTION WAS LIMITED TO ADMINISTRATION OF THE CONGRESSIONALLY ESTABLISHED MAXIMUM WEIGHTS AND WIDTHS. EVEN WITHIN THIS RESTRICTED AREA, THE INDIVIDUAL STATES COULD ENACT DIFFERENT WIDTHS AND WEIGHTS AS LONG AS THEY DID NOT EXCEED THE FEDERAL MAXIMUM. IN ADDITION, IT HAS ALWAYS BEEN THE STATE'S RESPONSIBILITY TO ENFORCE THOSE LAWS WITHIN ITS OWN BUDGETARY, MANPOWER, AND LEGAL CONSTRAINTS. THUS, THE ROLE OF THE FEDERAL GOVERNMENT HAS BEEN LIMITED. THIS LIMITED ROLE IS

EVEN MORE APPARENT WHEN WE CONSIDER NON-INTERSTATE HIGHWAYS. FOR THESE FEDERAL-AID HIGHWAYS, THERE ARE NO FEDERAL STATUTORY MAXIMUMS. SECTION 141 OF TITLE 23 U.S.C. REQUIRES THAT THE GOVERNOR OF EACH STATE, OR HIS DESIGNATED REPRESENTATIVE, CERTIFY TO THE SECRETARY OF TRANSPORTATION BEFORE JANUARY 1 EACH YEAR THAT THE STATE IS ENFORCING ALL STATE LAWS RESPECTING MAXIMUM VEHICLE SIZES AND WEIGHTS ON THE FEDERAL-AID SYSTEMS. REGULATIONS HAVE BEEN PROMULGATED (23 CFR 658.9) WHICH GOVERN THE NATURE OF THE CERTIFICATION. LET ME EMPHASIZE THAT THE CERTIFICATION RELATES TO STATE LAWS.

THE CERTIFICATION REQUIRES A STATEMENT BY THE GOVERNOR THAT THE LAWS ARE BEING ENFORCED AND CERTAIN INFORMATION, INCLUDING THE NUMBER OF SCALES, VEHICLES WEIGHED, CITATIONS ISSUED, AND SPECIAL PERMITS ISSUED IN THE STATE. THE ACCOMPANYING INFORMATION PROVIDES AN IDEA OF THE ACTIVITY UNDERWAY IN EACH STATE. BY ITSELF, HOWEVER, THIS INFORMATION WAS NEVER MEANT TO BE USED AS CRITERIA IN DETERMINING THE ADEQUACY OF AN ENFORCEMENT PROGRAM AND THIS HAS RESULTED IN SOME CONFUSION.

BEFORE MOVING ON, LET ME COMMENT BRIEFLY ON AN ISSUE THAT IS OF GENERAL CONCERN TO THE SUBCOMMITTEE. OVERLOADED TRUCKS DO DAMAGE THE HIGHWAYS. IN SUPPORTING THE PRESENT MAXIMUM LOAD LIMITS IT WAS ACKNOWLEDGED THAT THE SERVICE LIFE OF HIGHWAYS AND BRIDGES WOULD BE REDUCED SOMEWHAT, BUT WE BELIEVED THAT OTHER FACTORS -- SUCH AS THE FOSTERING OF INTERSTATE COMMERCE -- WERE INVOLVED WHICH WOULD OFFSET THIS FACTOR.

MANY STATES HAVE ENACTED LEGISLATION THAT INCREASED EITHER THE AXLE LOAD LIMITS, OR THE GROSS VEHICLE WEIGHT LIMITS, OR BOTH, ON THE INTERSTATE HIGHWAY SYSTEM SINCE SUCH INCREASES WERE MADE POSSIBLE BY THE FEDERAL-AID HIGHWAY AMENDMENTS OF 1974. A NUMBER OF

THESE STATES TOOK ACTION ONLY AFTER REVIEWING THE RESULTS OF STUDIES ASSESSING THE LIKELY EFFECTS OF INCREASING THE ALLOWABLE LOADS. WE HAVE RECENTLY ASKED FOR ALL SUCH STUDY REPORTS PERFORMED BY OR FOR THE STATES AND WILL REVIEW THEM TO OBTAIN THE STATE'S VIEWS OF THE EFFECTS OF INCREASES IN MOTOR VEHICLE WEIGHTS.

WITH THIS IN MIND, I WOULD TODAY LIKE TO ADDRESS THE CONCEPTS OF STATE ENFORCEMENT AND THE CERTIFICATION PROCEDURE; THE ELEMENTS OF A SUCCESSFUL ENFORCEMENT PROGRAM; NATURAL RESOURCES HAULING; SPECIAL PERMITS; AND SAFETY CONCERNS.

STATE ENFORCEMENT

SECTION 127 OF TITLE 23 U.S.C., WHICH RELATES ONLY TO THE INTERSTATE SYSTEM, PROVIDES THAT NO FEDERAL-AID INTERSTATE FUNDS MAY BE APPORTIONED TO ANY STATE IN WHICH THE INTERSTATE SYSTEM MAY LAWFULLY BE USED BY VEHICLES EXCEEDING CERTAIN SIZE AND WEIGHTS LIMITATIONS. IT HAS NEVER BEEN MAINTAINED THAT TECHNICAL LEGAL COMPLIANCE BY THE STATES WITHOUT ENFORCEMENT WOULD BE CONSIDERED ACCEPTABLE PROTECTION. THE FEDERAL HIGHWAY ADMINISTRATION WOULD APPLY THE SANCTION OF SECTION 127 IN THE CASE OF PROVEN NON-ENFORCEMENT.

THE PROBLEM IS DEFINING WHAT IS "ENFORCEMENT". THIS IS A PROBLEM WITH SECTION 127, BUT THE PROBLEM IS COMPOUNDED WHEN WE DEAL WITH SECTION 141 WHICH REQUIRES THAT THEY ARE ENFORCING THEIR OWN STATE LAWS. ALTHOUGH THERE HAS ONLY BEEN 1 FULL YEAR UNDER SECTION 141 FOR WHICH THE STATES HAVE SUBMITTED REPORTS AS TO THEIR ENFORCEMENT ACTIVITIES,

WHAT HAS BEEN REVEALED TO DATE HAS LED TO A REASSESSMENT OF THE CERTIFICATION PROCEDURE. IN GENERAL WE ARE DEALING WITH A VERY DIFFICULT SITUATION.

THE OUTSTANDING FACT ARISING OUT OF THE CERTIFICATION ANALYSIS IS THE VARIABILITY OF STATE LAWS AND ADMINISTRATIVE PRACTICES. FOR EXAMPLE, THE NUMBER OF FIXED SCALES REPORTED RANGES FROM ZERO IN TWO STATES TO 75 IN ANOTHER STATE; THE NUMBER OF PORTABLE SCALES REPORTED RANGES FROM ZERO IN TWO STATES TO 512 IN ANOTHER STATE: THE NUMBER OF VEHICLES WEIGHED OR MEASURED RANGES FROM SEVEN IN ONE STATE TO MORE THAN 5,300,000 IN ANOTHER STATE: AND THE NUMBER OF CITATIONS ISSUED RANGES FROM FIVE IN ONE STATE TO MORE THAN 110,000 IN ANOTHER STATE.

ALTHOUGH WE HAVE THIS DATA, IT DOES NOT PROVIDE US WITH AN ACCURATE PICTURE OF A STATE ENFORCEMENT PROGRAM. FURTHER, THE WIDE RANGES OF ACTIVITY REVEALED IN THE DATA SUGGEST THE DIFFICULTY OF EVALUATING STATE ENFORCEMENT PROCEDURES ON THE BASIS OF NUMBERS OF MEN, MACHINES, OR CITATIONS. INDEED, IT CAN BE MISLEADING; FOR EXAMPLE, A STATE MAY HAVE A LARGE NUMBER OF FIXED SCALES, BUT IF THEIR HOURS OF OPERATION ARE LIMITED OR IF THEY ARE EASILY EVADED, THEIR EFFECT MAY BE NEGLIGIBLE.

AT THE PRESENT TIME, IT WOULD BE VERY DIFFICULT FOR THE FHWA TO QUESTION A GOVERNOR'S SWORN AFFIDAVIT THAT A STATE IS ENFORCING THE LAW. A SWORN CERTIFICATION ACCOMPANIED BY THE INFORMATION REQUIRED IN THE APPLICABLE REGULATIONS, 23 CFR 658.9, WOULD ALMOST CERTAINLY HAVE TO BE ACCEPTED.

THE TERM "ENFORCEMENT" IS SUSCEPTIBLE TO VARIOUS INTERPRETATIONS PARTICULARLY AMONG THE STATES. WE NEED TO ESTABLISH ENFORCEMENT IN A STATE CONTEXT.

THE STRUCTURE OF THE CERTIFICATION PROCESS IS UNDER REVIEW AND CHANGES WILL HAVE TO BE MADE WHICH WILL PROVIDE A REALISTIC AND POSITIVE

ROLE FOR THE FHWA IN THE ENFORCEMENT EFFORTS OF THE STATES. THIS IS A DIFFICULT AREA AND WILL TAKE SOME TIME TO RESOLVE. BUT IN THE FINAL ANALYSIS, THE CONGRESS HAS PLACED THE BURDEN UPON THE STATES TO ENFORCE THE VEHICLE USAGE LAWS. ANY CHANGES IN THIS BASIC ALLOCATION OF RESPONSIBILITY WOULD HAVE TO BE LEGISLATIVELY MANDATED.

ELEMENTS OF A WEIGHT ENFORCEMENT PROGRAM

I WOULD LIKE TO TURN NOW TO THE EFFORTS THE FHWA IS UNDERTAKING TO ADDRESS THIS ISSUE.

IN APRIL 1977 WE REQUESTED THAT THE CONCERNED ELEMENTS IN FHWA STUDY EXISTING WEIGHT ENFORCEMENT PRACTICES IN ORDER TO IDENTIFY AN APPROPRIATE COURSE OF ACTION FOR IMPROVEMENT. A MEANINGFUL PROGRAM REQUIRES AN APPROPRIATE MIX OF PERMANENT WEIGHING FACILITIES AND PORTABLE SCALES, AND SUFFICIENT PERSONNEL TO OPERATE BOTH AT ENOUGH LOCATIONS AND ON A SCHEDULE OF SUCH DURATION AS TO KEEP VEHICLE OPERATORS AWARE OF THE FACT THAT THEY ARE SUBJECT TO WEIGHING ANY TIME, ANY PLACE AND ON BOTH PRIMARY AND BY-PASS ROUTES. STATE LAWS CAN ACT AS A DETERRENT TO OVERLOADING IF THEY ARE PROPERLY USED. AND A COOPERATIVE ATTITUDE ON THE PART OF THE JUDICIARY WILL ENABLE THE ENFORCEMENT SYSTEM TO FUNCTION IN A POSITIVE MANNER.

OUR ANALYSIS INDICATES THAT THE LARGEST DETERRENT TO THE ACQUISITION OF FIXED FACILITIES AND PORTABLE EQUIPMENT IS THE LARGE CAPITAL OUTLAY. THE COST OF A TYPICAL FIXED-SCALE INSTALLATION IS ON THE ORDER OF \$1 MILLION. PORTABLE SCALES RANGE FROM \$800 - \$1,600 PER SCALE, AND TO HAVE AN EFFECTIVE PROGRAM, MANY SETS ARE NECESSARY.

THE COSTS OF PERSONNEL OPERATING THE SCALES ADDS ANOTHER DIMENSION. COMPARED TO WEIGHING OVER FIXED SCALES, THE PORTABLE SCALE OPERATION IS QUITE SLOW, REQUIRING APPROXIMATELY 30 MINUTES TO WEIGH A FIVE-AXLE TRACTOR-TRAILER COMBINATION. DEPLOYMENT OF WEIGHING TEAMS WITH PORTABLE SCALES, HOWEVER, IS ESSENTIAL TO A WELL CONCEIVED WEIGHT ENFORCEMENT PROGRAM TO COVER POTENTIAL BY-PASS ROUTES AROUND FIXED SCALES ON A RANDOM BASIS.

THE LEVEL OF FINES IS AN IMPORTANT ELEMENT OF THE ENFORCEMENT EFFORT. WHERE FINES ARE SMALL IT IS EASY TO CONSIDER THEM SIMPLY AS ANOTHER COST OF DOING BUSINESS. IN ADDITION TO FINES, SOME STATES REQUIRE THAT A TRUCKER UNLOAD EXCESS WEIGHT, WHICH CAN BE A VERY EFFECTIVE DETERRENT.

ENERGY POLICY IMPACT ON HIGHWAYS

AT THE PRESENT TIME, THE UNITED STATES IS UNDERGOING THE MOST SEVERE ENERGY SHORTAGE IN ITS HISTORY. THE FEDERAL GOVERNMENT IS ENCOURAGING REVERSION TO COAL, WHERE PRACTICAL, PARTICULARLY BY PUBLIC UTILITIES. THERE HAVE BEEN STUDIES EXPLORING THE BURDEN THAT MASSIVE SWITCHING TO COAL COULD PLACE ON THE RAIL AND WATERWAY FACILITIES. THESE STUDIES HAVE TENDED TO OVERLOOK THE FACT THAT, EXCEPT WHERE A RAILROAD SPUR REACHES BOTH THE MINE, AND THE CONSUMER STOCKPILE, IT IS NECESSARY TO TRUCK THE COAL FROM THE MINE TO THE RAIL-HEAD OR TO THE BARGE FACILITY OR FROM THE RAIL CAR TO THE CONSUMER STOCKPILE. INVESTIGATIONS BY THE FHWA SHOW THAT AN ESTIMATED THREE-FOURTHS OF ALL THE COAL PRODUCED IN THE NATION MOVED SOME DISTANCE BY HIGHWAY.

ANY SIGNIFICANT INCREASE IN THE USE OF COAL IS GOING TO CAUSE AN INCREASED DEMAND FOR COAL TRUCKS. AT THIS TIME, THERE ARE A NUMBER OF

QUESTIONS THAT ARE UNANSWERED. FOR EXAMPLE, IF COAL TRUCKS ARE LIMITED TO THEIR PRESENT SIZE AND WEIGHT, WHAT WILL BE THE ADVERSE EFFECT ON THE NATION'S ENERGY SITUATION? WHAT ARE THE ADVERSE SOCIAL AND SAFETY EFFECTS ON THE COMMUNITY THROUGH WHICH THE COAL WILL BE TRANSPORTED? IS THERE A RESPONSIBILITY FOR FEDERAL ASSISTANCE TO BUILD OR REBUILD ROADS WHICH COULD ACCOMMODATE HEAVIER COAL TRANSPORT VEHICLES?

IS THERE CAUSE TO CONSIDER HIGHER CONSTRUCTION STANDARDS FOR HIGHWAYS THAT ARE USED TO HAUL HIGH VOLUMES OF COAL (FOR EXAMPLE BETWEEN THE MINES AND SOME OF THE TVA POWER PLANTS) WHICH WOULD ACCOMMODATE HEAVIER LOADS?

THESE AND SIMILAR QUESTIONS ARE CURRENTLY UNDER STUDY WITHIN THE DOT.

SPECIAL PERMITS

THE RULES UNDER WHICH A TRUCKER MAY OBTAIN AN OVERLOAD PERMIT ARE FIXED BY THE INDIVIDUAL STATE LAWS AND REGULATIONS. INSOFAR AS THE THE INTERSTATE SYSTEM IS CONCERNED, THE SO-CALLED "GRANDFATHER PROVISION" ENABLES THE STATES TO GRANT SPECIAL PERMITS UNDER THE SAME CONDITIONS AS WERE IN EFFECT IN 1956. ON OTHER HIGHWAYS, THE FEDERAL GOVERNMENT PLAYS NO PART IN GRANTING OF SUCH PERMITS.

THE CONDITIONS UNDER WHICH PERMITS ARE GRANTED VARY WIDELY AMONG THE STATES. THUS FAR, WE HAVE NOT MADE A DETAILED STUDY OF THE PROVISIONS, BUT THE VERY NUMBER OF PERMITS ISSUED IS, IN SOME CASES,

BELIEVED TO BE AN INDICATION OF POSSIBLE ABUSE.

WE DO BELIEVE THAT THE ISSUANCE OF SPECIAL PERMITS SHOULD BE LIMITED TO THOSE CASES INVOLVING NONDIVISIBLE LOADS, THAT THE ROUTING WHICH THE VEHICLE MUST FOLLOW SHOULD BE PROVIDED BY THE STATE AFTER CAREFUL CONSIDERATION OF THE LOAD-BEARING CAPACITY AND CLEARANCES OF THE HIGHWAYS AND BRIDGES THAT MAY BE USED BETWEEN ORIGIN AND DESTINATION, THAT THE STATE SHOULD REQUIRE THE POSTING OF A BOND WHICH WOULD BE FORFEITED IN THE EVENT OF EITHER DAMAGE TO THE HIGHWAY OR BRIDGES OR VIOLATION OF THE TERMS AND CONDITIONS OF THE PERMIT, AND THAT SEVERE FINES SHOULD BE ASSESSED FOR VIOLATIONS OF THE TERMS AND CONDITIONS OF THE PERMIT, IN ADDITION TO THE FORFEITURE OF THE BOND. WE BELIEVE THAT IN GRANTING SPECIAL PERMITS, THE STATE SHOULD ALSO CONSIDER THE PAST RECORD OF THE APPLICANT WITH RESPECT TO ADHERENCE TO THE TERMS AND CONDITIONS OF PRIOR PERMITS.

SAFETY CONCERNS

LET ME NOW TURN TO SOME OF THE SAFETY CONCERNS VOICED BY PREVIOUS WITNESSES RELATING TO THE SAFETY HAZARDS PERCEIVED AS A PART OF THE VEHICLE WEIGHT ISSUE.

A REPRESENTATIVE OF THE OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION MADE REFERENCE TO TWO SURVEYS CONDUCTED IN THE STATE OF CONNECTICUT WHICH REVEALED HIGH INCIDENCE OF OVERWEIGHTS. THE SURVEYS TO WHICH HE REFERS WERE IN ACTUALITY A PROGRAM OF INSPECTIONS CONDUCTED BY THE FHWA'S MOTOR CARRIER SAFETY PERSONNEL, NOT ONLY IN CONNECTICUT BUT ALSO IN NEW YORK AND IN THE OTHER NEW ENGLAND STATES. THE PROGRAM WAS CONDUCTED IN RESPONSE TO COMPLAINTS SUBMITTED BY THE UNION TO THE MOTOR CARRIER SAFETY STAFF ON THE BASIS THAT THE GROSSLY OVERLOADED TANK VEHICLES CONSTITUTED A SAFETY HAZARD.

THE FINAL REPORT ON THE INSPECTION ACTIVITIES SHOWED THAT 25.6 PERCENT OF THE VEHICLES INSPECTED WERE OVERWEIGHT. THE AVERAGE OVERWEIGHT WAS 2,493 POUNDS. OF THE VEHICLES THAT WERE OVERWEIGHT, APPROXIMATELY 90 PERCENT WERE ENGAGED IN PURELY INTRASTATE TRANSPORTATION, WERE NOT TRANSPORTING HAZARDOUS MATERIALS, AND ACCORDINGLY, WERE OUTSIDE THE JURISDICTION OF THE BUREAU OF MOTOR CARRIER SAFETY.

AS A RESULT OF THIS SAMPLING, OFFICIALS OF THE STATE OF CONNECTICUT INDICATED TO US THAT THEY PLAN TO INCREASE THEIR WEIGHT ENFORCEMENT ACTIVITIES. LIKE ALL OTHER STATES, HOWEVER, THEY DO FACE THE PROBLEM OF LIMITED RESOURCES IN THE CONDUCT OF THIS ACTIVITY.

AT THIS POINT I WOULD LIKE TO STATE THAT WE ARE COMMITTED TO ATTAINING A BETTER FHWA RECORD IN THIS RESPECT. FEDERAL HIGHWAY ADMINISTRATOR COX RECENTLY MET WITH MEMBERS OF THE AMERICAN ASSOCIATION OF HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) AND WITH OFFICIALS OF THE NORTHEAST STATES AND EMPHASIZED TO THEM THAT HE BELIEVES MORE CAN AND MUST BE DONE. SINCE MR. COX TOOK OFFICE AS FEDERAL HIGHWAY ADMINISTRATOR HE HAS INSTRUCTED THE BUREAU OF MOTOR CARRIER SAFETY (BMCS) TO INCREASE THE NUMBER OF INSPECTIONS AND TO CONTINUE THESE INSPECTIONS AT A HIGH LEVEL OF ACTIVITY. THERE HAVE BEEN MAJOR "STRIKE FORCE," OPERATIONS DESIGNED TO INCREASE PROGRAM VISIBILITY, AND IT IS OUR FIRM INTENT TO ESTABLISH AND MAINTAIN AN EFFECTIVE SAFETY MISSION.

MEDIA REPORTS ON WEIGHT ENFORCEMENT

REPORTERS FROM THE CHICAGO TRIBUNE HAVE INFORMED THIS SUBCOMMITTEE OF THEIR FINDINGS THAT TRUCK WEIGHT ENFORCEMENT IN ILLINOIS, PARTICULARLY IN THE VICINITY OF CHICAGO, WAS INADEQUATE AND THAT THIS WAS PRIMARILY BECAUSE OF A POLICE MANPOWER SHORTAGE. THEY ALSO CITED DRIVER

COMPLAINTS ABOUT DELAYS AT WEIGH STATIONS, WHICH IS BUT ANOTHER INDICATION OF THE INADEQUACY OF FACILITIES AND/OR MANPOWER.

THE REPORTERS ALSO CITED DRIVER COMPLAINTS ABOUT INCONSISTENT STATE WEIGHT LIMITATIONS. WE CANNOT AGREE MORE. THERE IS CONSIDERABLE VARIATION IN WEIGHT LIMITS AMONG THE STATES AND THESE VARIATIONS SERVE ONLY TO INCREASE THE NUMBER OF VIOLATIONS AS VEHICLES MOVE FROM ONE STATE TO ANOTHER. THE FHWA HAS CONTINUED TO ENCOURAGE STATES TO ADOPT UNIFORM REGULATIONS IN THIS AND IN OTHER AREAS SUCH AS VEHICLE REGISTRATION, WHERE THE LACK OF UNIFORMITY SERVES TO IMPEDE THE FREE FLOW OF COMMERCE BETWEEN STATES.

WE BELIEVE THAT A COMPREHENSIVE FEDERAL/STATE COMMERCIAL VEHICLE SAFETY INSPECTION PROGRAM IS NEEDED TO INSURE THAT ONLY SAFE VEHICLES, DRIVEN BY QUALIFIED DRIVERS, WITHIN REASONABLE HOURS OF SERVICE MAXIMUMS, ARE ALLOWED TO TRAVERSE THE HIGHWAYS OF THIS NATION.

OUR RECORDS INDICATE THAT THERE ARE SOME 160,000 BUSINESS ENTITIES THAT UTILIZE SOME 4 MILLION COMMERCIAL VEHICLES AND DRIVERS ON THE HIGHWAYS IN FURTHERANCE OF THEIR BUSINESS ENTERPRISES. NEITHER THE FEDERAL NOR THE STATE RESOURCES PROVIDED ARE ADEQUATE TO ADDRESS THE TASK OF ASSURING THAT THESE OPERATIONS DO NOT CONSTITUTE AN UNWARRANTED RISK TO THE MOTORING PUBLIC OR TO THE PEOPLE RESIDING OR WORKING IN THE HIGHWAY CORRIDOR.

WE WILL BE QUALIFYING THE LEVEL OF RESOURCES NEEDED TO ACHIEVE THAT GOAL AND EVALUATING THE ECONOMIC IMPACT OF VARIOUS LEVELS OF REGULATION TO ASSURE THAT OVER-REGULATION DOES NOT ADVERSELY AFFECT NATIONAL GOALS NOR CAUSE ECONOMIC DISLOCATIONS THAT WILL THWART THE NEEDS OF COMMERCE AND THE PUBLIC BY RAISING THE PRICE OF HIGHWAY TRANSPORTATION TO THE POINT THAT IT IS NOT COMPETITIVE

WITH OTHER MODES OF TRANSPORT.

WE BELIEVE THAT STATE WEIGHING ACTIVITY AND SAFETY INSPECTION ARE SO CLOSELY RELATED THAT IT WOULD BE A MISTAKE TO PURSUE ONE AT THE EXPENSE OF THE OTHER. WE BELIEVE A GOOD CASE CAN BE MADE FOR FEDERAL INVOLVEMENT AND CONCERTED ACTION WITH STATES TO REMEDY THE PROBLEMS PRESENTED TO THIS SUBCOMMITTEE.

SUMMARY

I HOPE THAT MY TESTIMONY TODAY HELPS TO EXPLAIN THE CONSTRAINTS UNDER WHICH THE FHWA OPERATES IN THE VEHICLE DIMENSION AREA. THE INCREASING ROLE OF THE FHWA IN ENFORCEMENT EFFORTS BY THE STATES TAKES PLACE IN A DELICATE LEGAL CONTEXT. THE FEDERAL GOVERNMENT HAS PROVIDED FINANCIAL SUPPORT, BUT IT IS THE STATES WHICH OPERATE AND MAINTAIN THE ROAD SYSTEMS. IT IS THE STATES WHICH ENACT, ADMINISTER, AND ENFORCE THE LAWS APPLICABLE TO VEHICLE USAGE OF THE HIGHWAYS.

BUT THE QUESTIONS OF PROTECTING THE FEDERAL INVESTMENT IS A SERIOUS ONE AND THE FAILURE OR INABILITY OF THE STATES TO PROPERLY PROTECT THIS INVESTMENT IS BEING RESEARCHED FURTHER.

THE CERTIFICATION PROCESS MUST BE ADOPTED TO THE REALITIES OF THE THE FEDERAL-STATE RELATIONSHIP. ONE ALTERNATIVE CURRENTLY UNDER REVIEW WOULD REQUIRE THAT EACH STATE SUBMIT FOR REVIEW AND APPROVAL ITS SIZE AND WEIGHT ENFORCEMENT PROGRAM FOR THE NEXT YEAR. AN APPROVED PROGRAM WOULD BECOME THE NORM AGAINST WHICH SUCCESSFUL ENFORCEMENT COULD BE TESTED.

THE EMPHASIS WILL BE DIRECTED AT REDUCING THE ECONOMIC BENEFITS WHICH TRUCKING COMPANIES PRESENTLY ACHIEVE BY ENGAGING IN DELIBERATE OVERLOADING. IT IS OUR BELIEF THAT THIS CAN BE DONE BY ENACTING MEANINGFUL AND STRICT STATE LAWS, INCLUDING PROVISIONS FOR BOTH

FINES AND UNLOADING; BY EFFECTIVE AND CONSISTENT ENFORCEMENT OF THESE LAWS; AND BY JUDICIAL DISPOSITION WHICH FOLLOWS THE INTENT AND THE ADMINISTRATION OF THE LAW.

THIS REQUIRES COOPERATION BETWEEN THE FEDERAL GOVERNMENT, THE STATE LEGISLATURES, THE STATE ENFORCEMENT AGENCIES, AND THE JUDICIAL BRANCH. THE FHWA IS PLEDGED TO DO ITS UTMOST TO ACHIEVE THAT COOPERATION AND TO PROVIDE A DURABLE AND SAFE HIGHWAY ENVIRONMENT.

I WOULD BE PLEASED TO ANSWER ANY QUESTIONS THE MEMBERS OF THE SUBCOMMITTEE MAY HAVE.