
<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Contents Display	

Bill 176 of 572

GPO's PDF Display	Congressional Record References	Bill Summary & Status	Printer Friendly Display - 11,030 bytes. [Help]	XML Display [Help]
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Safe and Efficient Transportation Act of 2009 (Introduced in House)

HR 1799 IH

111th CONGRESS
1st Session
H. R. 1799

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

IN THE HOUSE OF REPRESENTATIVES

March 30, 2009

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ' Safe and Efficient Transportation Act of 2009'.

SEC. 2. INCREASING WEIGHT LIMITATIONS FOR CERTAIN VEHICLES.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

- ` (i) Exception to Weight Requirements-
 - ` (1) IN GENERAL- Notwithstanding subsection (a), a State may authorize a vehicle with a maximum gross weight, including all enforcement tolerances, that exceeds the maximum gross weight otherwise applicable under subsection (a) to operate on the Interstate System routes in the State, if--
 - ` (A) the vehicle is equipped with at least 6 axles;
 - ` (B) the weight of any single axle on a vehicle does not exceed 20,000 pounds, including enforcement tolerances;
 - ` (C) the weight of any tandem axle on a vehicle does not exceed 34,000 pounds, including enforcement tolerances;
 - ` (D) the weight of any group of 3 or more axles on a vehicle does not exceed 51,000 pounds, including enforcement tolerances; and
 - ` (E) the gross weight of the vehicle does not exceed 97,000 pounds, including enforcement tolerances.
 - ` (2) SPECIAL RULES-
 - ` (A) SPECIAL EXCEPTION FOR CERTAIN STATES- This subsection shall not apply to any vehicle exceeding the maximum gross weight requirements under subsection (a) which could have operated lawfully within a State before the date of the enactment of this subsection.
 - ` (B) INCREASE IN AXLE WEIGHT REQUIREMENT- A State may authorize a vehicle to exceed the maximum axle weight requirements under any one axle grouping in subparagraph (B), (C), or (D) by not more than 2,000 pounds.
 - ` (3) APPROVAL BY STATE LEGISLATURE- Any State seeking to authorize a vehicle to operate on the Interstate System routes within its boundaries under paragraph (1) or to increase the maximum axle weight requirements under paragraph (2) shall do so by statute.
 - ` (4) REPORTING REQUIREMENTS-
 - ` (A) ANNUAL REPORT- If a State authorizes vehicles described in paragraph (1) to operate on highway routes in the State in a fiscal year, the State shall submit to the Secretary for the fiscal year an annual report at such time, in such manner, and containing such information as the

Secretary may require, including, at a minimum, the following:

- ` (i) An identification of highway routes in the State, including routes not on the Interstate System, on which the State authorizes vehicles in paragraph (1) to operate.
 - ` (ii) A description of the operating requirements and gross vehicle weight limits applicable to the vehicles in paragraph (1).
 - ` (iii) **Safety** statistics, including vehicle miles traveled data, concerning the vehicles in paragraph (1).
- ` (B) 5-year ASSESSMENTS- Following the 5th fiscal year in which a State authorizes vehicle operations described in subparagraph (A), and following each 5th fiscal year thereafter, the State shall include in the State's annual report under subparagraph (A) an assessment, developed by the Secretary under regulation, of the impacts that vehicles described in paragraph (1) have had on pavement and bridge maintenance costs incurred by the State in the preceding 5 fiscal years.
- ` (C) PUBLIC AVAILABILITY- The Secretary shall make all information required under subparagraph (A) and (B) available to the public.
- ` (5) TERMINATION- The Secretary may terminate the operation of vehicles authorized under this subsection on a specific route if the Secretary determines that such operation poses an unreasonable **safety** risk based on an engineering analysis or an analysis of **safety** data or any other applicable data the Secretary may use.
- ` (6) WAIVER OF HIGHWAY FUNDING REDUCTION- Notwithstanding subsection (a), the total amount of funds apportioned to each State under section 104(b)(1) for any period may not be reduced under subsection (a) if the State authorizes a vehicle described in paragraph (1) to operate on the Interstate System in the State in accordance with this subsection.'

SEC. 3. SAFE AND EFFICIENT VEHICLE BRIDGE INFRASTRUCTURE IMPROVEMENT PROGRAM.

(a) In General- Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

` Sec. 167. Safe and efficient vehicle bridge infrastructure improvement program

` (a) Establishment- The Secretary shall establish a safe and efficient vehicle bridge infrastructure improvement program in accordance with this section.

- ` (b) Apportionment of Funds to Eligible States-
 - ` (1) IN GENERAL- On October 1 of each fiscal year, the Secretary shall apportion, in accordance with paragraph (2), the sums made available out of the Safe and Efficient Vehicle Trust Fund for that fiscal year to carry out this section.
 - ` (2) RATIO TO ELIGIBLE STATES- The sums made available out of the Safe and Efficient Vehicle Trust Fund shall be apportioned among eligible States in a ratio that--
 - ` (A) the total vehicle miles traveled on Interstate System highways by vehicles authorized to travel on such highways pursuant to section 127(i) in each eligible State, as determined by the Secretary; bears to
 - ` (B) the total vehicle miles traveled on Interstate System highways by vehicles authorized to travel on such highways pursuant to section 127(i) in all eligible States, as determined by the Secretary.
- ` (c) Eligible Projects- An eligible State that receives an apportionment in a fiscal year under subsection (b) shall use the amounts of the apportionment for projects eligible for assistance under section 144 for bridges determined to be eligible for replacement or rehabilitation under subsection (b) or (c) of such section.
- ` (d) Contract Authority- Funds made available out of the Safe and Efficient Vehicle Trust Fund to carry out this section shall be available for obligation in the same manner as if the funds were made available from the Highway Trust Fund (other than the Mass Transit Account).
- ` (e) Eligible State Defined- In this section the term `eligible State' means a State that authorizes a vehicle described in section 127(i) to operate on the Interstate System within its borders.'
- (b) Clerical Amendment- The table of sections of chapter 1 of title 23, United States Code, is amended by adding at the end the following:
 - ` 167. Safe and efficient vehicle bridge infrastructure improvement program.'

SEC. 4. OVERWEIGHT VEHICLE TAX.

- (a) In General- Section 4481 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:
 - ` (g) Special Rule for Certain Overweight Vehicles- There is hereby imposed a tax (in lieu of the tax imposed by subsection (a)) on the use of any highway motor vehicle described in section 127(i) of title 23, United States Code. The rate of tax shall be equal to the lesser of--
 - ` (1) \$100 per year, plus \$22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds, or
 - ` (2) \$800 per year.'
- (b) Effective Date- The amendment made by this subsection shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 5. SAFE AND EFFICIENT VEHICLE TRUST FUND.

(a) In General- Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end the following new section:

` SEC. 9511. SAFE AND EFFICIENT VEHICLE TRUST FUND.

` (a) Creation of Fund- There is hereby established in the Treasury of the United States a fund to be known as the ` Safe and Efficient Vehicle Trust Fund', consisting of such amounts as may be--

` (1) appropriated to the Safe and Efficient Vehicle Trust Fund as provided in this section, or

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

` (b) Transfer to Safe and Efficient Vehicle Trust Fund of Amounts Equivalent to Certain Taxes- There are hereby appropriated to the Safe and Efficient Vehicle Trust Fund amounts equivalent to the taxes received in the Treasury under section 4481(g).

` (c) Expenditures From Safe and Efficient Vehicle Trust Fund- Amounts in the Safe and Efficient Vehicle Trust Fund shall be available, as provided by appropriations Acts, for fiscal years beginning 1 year after the date of the enactment of this Act for projects eligible for assistance under section 144 of title 23, United States Code.'

(b) Conforming Amendments- The Internal Revenue Code of 1986 is amended--

(1) in paragraph (1) of section 9503(b) by striking the period at the end and inserting ` , and taxes received under section 4481 shall be determined without regard to subsection (g) thereof.'; and
(2) in the table of sections for subchapter A of chapter 98 by adding at the end the following:

` Sec. 9511. Safe and Efficient Vehicle Trust Fund.'

(c) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act.

THIS SEARCH

[Next Hit](#)

[Prev Hit](#)

[Hit List](#)

THIS DOCUMENT

[Forward](#)

[Back](#)

[Best Sections](#)

[Contents Display](#)

GO TO

[New Bills Search](#)

[HomePage](#)

[Help](#)