

111TH CONGRESS
1ST SESSION

S. 779

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

APRIL 1, 2009

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 by adding at the end the following:

6 “(5) RESTRICTED PROPERTY-CARRYING
 7 UNIT.—The term ‘restricted property-carrying unit’
 8 means any trailer, semitrailer, container, or other
 9 property-carrying unit that is longer than 53 feet.”.

10 (b) PROHIBITION ON OPERATION OF RESTRICTED
 11 PROPERTY-CARRYING UNITS.—

12 (1) IN GENERAL.—Section 31111(b)(1) of title
 13 49, United States Code, is amended by striking sub-
 14 paragraph (C) and inserting the following:

15 “(C) allows operation on any segment of the
 16 National Highway System, including the Interstate
 17 System, of a restricted property-carrying unit unless
 18 the operation is specified on the list published under
 19 subsection (h);”.

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

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

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

1 “(1) APPLICABILITY OF PROHIBITION.—

2 “(A) IN GENERAL.—Notwithstanding sub-
3 section (b)(1)(C), a restricted property-carrying
4 unit may continue to operate on a segment of
5 the National Highway System if the operation
6 of the unit is specified on the list published
7 under paragraph (2).

8 “(B) APPLICABILITY OF STATE LAWS AND
9 REGULATIONS.—All operations specified on the
10 list published under paragraph (2) shall con-
11 tinue to be subject to all State laws (including
12 regulations), limitations, and conditions, includ-
13 ing routing-specific, commodity-specific, and
14 configuration-specific designations and all other
15 restrictions, in effect as of June 1, 2008.

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

20 “(2) LISTING OF RESTRICTED PROPERTY-CAR-
21 RYING UNITS.—

22 “(A) IN GENERAL.—Not later than 60
23 days after the date of enactment of this sub-
24 section, the Secretary shall initiate a proceeding
25 to determine and publish a list of restricted

1 property-carrying units that were authorized by
2 State officials pursuant to State law (including
3 a regulation) as of June 1, 2008, and in actual
4 and lawful operation on a regular or periodic
5 basis (including seasonal operations) on or be-
6 fore June 1, 2008.

7 “(B) LIMITATION.—A restricted property-
8 carrying unit may not be included on the list
9 published under subparagraph (A) on the basis
10 that a State law (including a regulation) could
11 have authorized the operation of the unit as of
12 a prior date by permit or otherwise.

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

18 “(D) UPDATES.—The Secretary shall up-
19 date the list published under subparagraph (C)
20 as necessary to reflect new designations made
21 to the National Highway System.

22 “(3) APPLICABILITY OF PROHIBITION.—The
23 prohibition established by subsection (b)(1)(C)
24 shall—

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

3 “(B) remain in effect on those portions of
4 the National Highway System that cease to be
5 designated as part of the National Highway
6 System.

7 “(4) **LIMITATION ON STATUTORY CONSTRUC-**
8 **TION.**—Nothing in this subsection prevents a State
9 from further restricting in any manner or prohib-
10 iting the operation of a restricted property-carrying
11 unit, except that any such restriction or prohibition
12 shall be consistent with this section and sections
13 31112 through 31114.”.

14 (d) **ENFORCEMENT.**—The second sentence of section
15 141(a) of title 23, United States Code, is amended by
16 striking “section 31112” and inserting “sections 31111
17 and 31112”.

18 **SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES**

19 **ON NATIONAL HIGHWAY SYSTEM.**

20 (a) **IN GENERAL.**—Section 31112 of title 49, United
21 States Code, is amended—

22 (1) by redesignating subsections (f) and (g) as
23 subsections (g) and (h), respectively; and

24 (2) by inserting after subsection (e) the fol-
25 lowing:

1 “(f) NATIONAL HIGHWAY SYSTEM.—

2 “(1) IN GENERAL.—A State may not allow, on
 3 a segment of the National Highway System that is
 4 not covered under subsection (b) or (c), the oper-
 5 ation of a commercial motor vehicle combination (ex-
 6 cept a vehicle or load that cannot be dismantled eas-
 7 ily or divided easily and that has been issued a spe-
 8 cial permit under applicable State law) with more
 9 than 1 property-carrying unit (not including the
 10 truck tractor) the property-carrying units of which
 11 are more than—

12 “(A) the maximum combination trailer,
 13 semitrailer, or other type of length limitation al-
 14 lowed by law (including a regulation) of that
 15 State as of June 1, 2008; or

16 “(B) the length of the property-carrying
 17 units of those commercial motor vehicle com-
 18 binations, by specific configuration, in actual
 19 and lawful operation on a regular or periodic
 20 basis (including continuing seasonal operation)
 21 in that State on or before June 1, 2008.

22 “(2) ADDITIONAL LIMITATIONS.—

23 “(A) APPLICABILITY OF STATE RESTRIC-
 24 TIONS.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), a commercial motor vehicle combina-
3 tion the operation of which in a State is
4 not prohibited under paragraph (1) may
5 continue to operate in the State on high-
6 ways described in paragraph (1) only in
7 compliance with all State laws (including
8 regulations), limitations, and conditions,
9 including routing-specific and configura-
10 tion-specific designations, and all other re-
11 strictions in effect in the State as of June
12 1, 2008.

13 “(ii) MINOR ADJUSTMENTS.—Subject
14 to regulations promulgated by the Sec-
15 retary under subsection (h), a State may
16 make minor adjustments of a temporary
17 and emergency nature to route designa-
18 tions and vehicle operating restrictions in
19 effect as of June 1, 2008, for specific safe-
20 ty purposes and road construction.

21 “(B) ADDITIONAL STATE RESTRICTIONS.—
22 Nothing in this subsection prevents a State
23 from further restricting in any manner or pro-
24 hibiting the operation of a commercial motor
25 vehicle combination subject to this section, ex-

1 cept that such a restriction or prohibition shall
2 be consistent with this section and sections
3 31113(a), 31113(b), and 31114.

4 “(C) MINOR ADJUSTMENTS.—

5 “(i) IN GENERAL.—A State making a
6 minor adjustment of a temporary and
7 emergency nature in accordance with sub-
8 paragraph (A)(ii) or further restricting or
9 prohibiting the operation of a commercial
10 motor vehicle combination in accordance
11 with subparagraph (B) shall advise the
12 Secretary of the action not later than 30
13 days after the date on which the State
14 takes the action.

15 “(ii) PUBLICATION.—The Secretary
16 shall publish a notice of an action taken by
17 a State under clause (i) in the Federal
18 Register.

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

20 “(A) STATE SUBMISSIONS.—

21 “(i) IN GENERAL.—Not later than 60
22 days after the date of enactment of this
23 subparagraph, each State shall submit to
24 the Secretary for publication a complete
25 list of State length limitations applicable to

1 commercial motor vehicle combinations op-
2 erating in the State on the highways de-
3 scribed in paragraph (1), including the ap-
4 plicable State laws (including regulations)
5 associated with the length limitations.

6 “(ii) FAILURE TO SUBMIT.—If a State
7 does not submit the information required
8 by clause (i), the Secretary shall compile
9 and file the information on behalf of the
10 State.

11 “(B) PUBLICATION OF INTERIM LIST.—

12 The Secretary shall—

13 “(i) not later than 90 days after the
14 date of enactment of this subparagraph,
15 publish an interim list in the Federal Reg-
16 ister consisting of all information sub-
17 mitted under subparagraph (A);

18 “(ii) review for accuracy all informa-
19 tion submitted by a State under subpara-
20 graph (A); and

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

23 “(C) LIMITATION.—A law (including a reg-
24 ulation) may not be included on the list sub-
25 mitted by a State or published by the Secretary

1 merely because the law authorized, or could
2 have authorized, by permit or otherwise, the op-
3 eration of commercial motor vehicle combina-
4 tions not in actual operation on a regular or
5 periodic basis on or before June 1, 2008.

6 “(D) PUBLICATION OF FINAL LIST.—

7 “(i) IN GENERAL.—Not later than
8 270 days after the date of enactment of
9 this subparagraph, except as revised under
10 this subparagraph or subparagraph (E), a
11 final version of the list described in sub-
12 paragraph (B) shall be published in the
13 Federal Register.

14 “(ii) REVISIONS.—In publishing the
15 final list, the Secretary shall make any re-
16 visions necessary to correct inaccuracies
17 identified under subparagraph (B).

18 “(iii) PROHIBITION ON OPERATION.—
19 After publication of the final list, commer-
20 cial motor vehicle combinations prohibited
21 under paragraph (1) may not operate on a
22 highway described in paragraph (1) except
23 as published on the list.

24 “(E) INACCURACIES.—

1 “(i) IN GENERAL.—On the motion of
2 the Secretary or on request by any person
3 (including a State), the Secretary shall re-
4 view the list published under subparagraph
5 (D).

6 “(ii) DETERMINATION.—If the Sec-
7 retary determines that there is reason to
8 believe a mistake was made in the accuracy
9 of the list, the Secretary shall—

10 “(I) begin a proceeding to deter-
11 mine whether a mistake was made;
12 and

13 “(II) if the Secretary makes an
14 affirmative determination, publish the
15 appropriate correction.”.

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

18 (1) in subsection (d)(1), in the second sentence,
19 by striking “subsection (g)(2) of this section” and
20 inserting “subsection (h)(2)”;

21 (2) in subsection (g)(1) (as redesignated by
22 subsection (a)) by inserting “or 127A(e)” after
23 “127(d)”;

24 (3) in subsection (g)(3) (as redesignated by
25 subsection (a)) by inserting “(or June 1, 2008, with

1 respect to highways described in subsection (f)(1))”
 2 after “June 2, 1991”; and

3 (4) in paragraph (h)(2) (as redesignated by
 4 subsection (a))—

5 (A) by striking “Not later than June 15,
 6 1992, the Secretary” and inserting “The Sec-
 7 retary”; and

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

10 **SEC. 4. TERMINATION OF DETERMINATIONS OF GRAND-**
 11 **FATHERED RIGHTS.**

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

15 “(i) GRANDFATHERED RIGHTS.—

16 “(1) DEFINITION OF INTERSTATE WEIGHT
 17 LIMIT.—In this subsection, the term ‘Interstate
 18 weight limit’ means the 80,000-pound gross vehicle
 19 weight limitation, the 20,000-pound single axle
 20 weight limitation (including enforcement tolerances),
 21 the 34,000-pound tandem axle weight limitation (in-
 22 cluding enforcement tolerances), and the overall
 23 maximum gross weight (including enforcement toler-
 24 ances) limitation on a group of 2 or more consecu-

1 tive axles produced by application of the formula
2 under subsection (a).

3 “(2) LIMITATION.—After the 270-day period
4 beginning on the date of enactment of this sub-
5 section, a State may not allow, on a segment of the
6 Interstate System, the operation of a vehicle or com-
7 bination (other than a longer combination vehicle)
8 exceeding an Interstate weight limit unless the oper-
9 ation is specified on the list published under para-
10 graph (3).

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

12 “(A) PROCEEDING.—Not later than 60
13 days after the date of enactment of this sub-
14 section, the Secretary shall initiate a proceeding
15 to determine and publish a list of vehicles and
16 combinations (other than longer combination
17 vehicles) otherwise exceeding an Interstate
18 weight limit that the Department of Transpor-
19 tation, any other Federal agency, or a State has
20 determined, on or before June 1, 2008, could
21 have been or could be lawfully operated within
22 the State—

23 “(i) on July 1, 1956;

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

4 “(iii) under a special rule applicable
5 to a State under subsection (a).

6 “(B) LIMITATIONS.—

7 “(i) ACTUAL AND LAWFUL OPER-
8 ATIONS REQUIRED.—An operation of a ve-
9 hicle or combination may be included on
10 the list published under subparagraph (A)
11 only if the vehicle or combination was in
12 actual and lawful operation in the State on
13 a regular or periodic basis on or before
14 June 1, 2008.

15 “(ii) STATE AUTHORITY NOT SUFFI-
16 CIENT.—An operation of a vehicle or com-
17 bination may not be included on the list
18 published under subparagraph (A) on the
19 basis that a State law (including a regula-
20 tion) could have authorized the operation
21 of the vehicle or combination as of a prior
22 date by permit or otherwise.

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

1 final list of vehicles and combinations described
 2 in subparagraph (A).

3 “(4) LIMITATION ON EFFECT OF SUB-
 4 SECTION.—Nothing in this subsection prevents a
 5 State from reducing the gross vehicle weight limita-
 6 tion, the single and tandem axle weight limitations,
 7 or the overall maximum gross weight on a group of
 8 2 or more consecutive axles applicable to portions of
 9 the Interstate System in the State for operations on
 10 the list published under paragraph (3)(C), but in no
 11 event may any such reduction result in a limitation
 12 that is less than an Interstate weight limit.

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

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

22 **SEC. 5. NONDIVISIBLE LOAD PROCEEDING.**

23 Section 127 of title 23, United States Code (as
 24 amended by section 4), is amended by adding at the end
 25 the following:

1 “(j) NONDIVISIBLE LOADS.—

2 “(1) STATEMENT OF POLICY.—The purpose of
3 this subsection is to promote conformity with Inter-
4 state weight limits to preserve publicly funded infra-
5 structure and protect motorists by limiting max-
6 imum vehicle weight on key portions of the Federal-
7 aid highway system.

8 “(2) PROCEEDING.—Not later than 60 days
9 after the date of enactment of this subsection, the
10 Secretary shall initiate a proceeding to define the
11 term ‘vehicles and loads that cannot be easily dis-
12 mantled or divided’ as used in subsection (a) and
13 section 31112 of title 49.

14 “(3) LIST OF COMMODITIES.—

15 “(A) IN GENERAL.—The definition devel-
16 oped under subparagraph (A) shall include a
17 list of commodities (or classes or types of com-
18 modities) that do not qualify as nondivisible
19 loads.

20 “(B) LIMITATION.—The list of commod-
21 ities developed under paragraph (2) shall not be
22 interpreted to be a comprehensive list of com-
23 modities that do not qualify as nondivisible
24 loads.

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

1 “(A) not later than 270 days after the date
2 of enactment of this subsection, promulgate
3 final regulations setting forth the determination
4 of the Secretary made under paragraph (2);
5 and

6 “(B) update the regulations, as necessary.

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

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

13 **SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERI-**
14 **ODS OF NATIONAL EMERGENCY.**

15 Section 127 of title 23, United States Code (as
16 amended by section 5), is amended by adding at the end
17 the following:

18 “(k) WAIVERS DURING PERIODS OF NATIONAL
19 EMERGENCY.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of this section or section 127A, the Sec-
22 retary, in consultation with the Secretary of De-
23 fense, may waive or limit the application of any vehi-
24 cle weight limit established under this section or sec-
25 tion 127A with respect to a highway route during a

1 period of national emergency in order to respond to
2 the effects of the national emergency.

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

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

8 (a) IN GENERAL.—Chapter 1 of title 23, United
9 States Code, is amended by inserting after section 127 the
10 following:

11 **“§ 127A. Vehicle weight limitations—National High-**
12 **way System**

13 “(a) DEFINITIONS.—In this section:

14 “(1) INTERSTATE WEIGHT LIMIT.—The term
15 ‘Interstate weight limit’ has the meaning given the
16 term in section 127(i).

17 “(2) LONGER COMBINATION VEHICLE.—The
18 term ‘longer combination vehicle’ has the meaning
19 given the term in section 127(d).

20 “(b) NON-INTERSTATE HIGHWAYS ON NHS.—

21 “(1) IN GENERAL.—After the 270-day period
22 beginning on the date of enactment of this section,
23 any Interstate weight limit that applies to vehicles
24 and combinations (other than longer combination ve-
25 hicles) operating on the Interstate System in a State

1 under section 127 shall also apply to vehicles and
2 combinations (other than longer combination vehi-
3 cles) operating on non-Interstate segments of the
4 National Highway System in the State unless the
5 segments are subject to lower State weight limits as
6 provided for under subsection (e).

7 “(2) EXISTING HIGHWAYS.—

8 “(A) IN GENERAL.—Notwithstanding para-
9 graph (1), in the case of a non-Interstate seg-
10 ment of the National Highway System that is
11 open to traffic on June 1, 2008, a State may
12 allow the operation of any vehicle or combina-
13 tion (other than a longer combination vehicle)
14 on the segment that the Secretary determines
15 under subsection (e) could be lawfully operated
16 on the segment as of June 1, 2008.

17 “(B) APPLICABILITY OF STATE LAWS AND
18 REGULATIONS.—All operations described in
19 subparagraph (A) shall continue to be subject
20 to all State laws (including regulations), limita-
21 tions, and conditions, including routing-specific,
22 commodity-specific, and configuration-specific
23 designations and all other restrictions, in effect
24 as of June 1, 2008.

1 “(3) NEW HIGHWAYS.—Subject to subsection
2 (e)(1), the gross vehicle weight limitations and axle
3 loading limitations applicable to all vehicles and
4 combinations (other than longer combination vehi-
5 cles) on a non-Interstate segment of the National
6 Highway System that is not open to traffic on June
7 1, 2008, shall be the Interstate weight limit.

8 “(c) LISTING OF VEHICLES AND COMBINATIONS.—

9 “(1) IN GENERAL.—The Secretary shall initiate
10 a proceeding to determine and publish a list of vehi-
11 cles and combinations (other than longer combina-
12 tion vehicles), otherwise exceeding an Interstate
13 weight limit, that could be lawfully operated on a
14 non-Interstate segment of the National Highway
15 System as of June 1, 2008.

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

19 “(A) the gross vehicle weight limitations
20 and axle loading limitations in each State appli-
21 cable, as of June 1, 2008, to vehicles and com-
22 binations (other than longer combination vehi-
23 cles) on non-Interstate segments of the Na-
24 tional Highway System; and

1 “(B) operations of vehicles and combina-
2 tions (other than longer combination vehicles),
3 exceeding State gross vehicle weight limitations
4 and axle loading limitations identified under
5 subparagraph (A), that were in actual and law-
6 ful operation on a regular or periodic basis (in-
7 cluding seasonal operations) as of June 1,
8 2008.

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

14 “(4) PUBLICATION OF FINAL LIST.—Not later
15 than 270 days after the date of enactment of this
16 section, the Secretary shall publish a final list of ve-
17 hicles and combinations described in paragraph (1).

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

22 “(d) APPLICABILITY OF LIMITATIONS.—The limita-
23 tions established by subsection (b) shall—

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

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

4 “(e) LIMITATIONS ON STATUTORY CONSTRUCTION.—

5 “(1) STATE ENFORCEMENT OF MORE RESTRICTIVE
6 WEIGHT LIMITS.—Nothing in this section prevents a State from
7 maintaining or imposing a weight
8 limitation that is more restrictive than the Interstate
9 weight limit on vehicles or combinations (other than
10 longer combination vehicles) operating on a non-
11 Interstate segment of the National Highway System.

12 “(2) STATE ACTIONS TO REDUCE WEIGHT LIMITS.—Nothing in this section prevents a State from
13 reducing the gross vehicle weight limitation, single
14 or tandem axle weight limitations, or the overall
15 maximum gross weight on 2 or more consecutive
16 axles of the State on any non-Interstate segment of
17 the National Highway System.

18 “(f) LONGER COMBINATION VEHICLES.—

19 “(1) PROHIBITION.—

20 “(A) IN GENERAL.—After the 270-day period
21 beginning on the date of enactment of this
22 section, a longer combination vehicle may continue to operate on a non-Interstate segment of
23 the National Highway System only if the oper-
24
25

1 ation of the longer combination vehicle configura-
2 tion type was—

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

6 “(ii) in actual and lawful operation on
7 a regular or periodic basis (including sea-
8 sonal operations) on or before June 1,
9 2008.

10 “(B) APPLICABILITY OF STATE LAWS AND
11 REGULATIONS.—All operations described in
12 subparagraph (A) shall continue to be subject
13 to all State laws (including regulations), limita-
14 tions, and conditions, including routing-specific,
15 commodity-specific, and configuration-specific
16 designations and all other restrictions, in effect
17 as of June 1, 2008.

18 “(2) LISTING OF VEHICLES AND COMBINA-
19 TIONS.—

20 “(A) IN GENERAL.—Not later than 60
21 days after the date of enactment of this section,
22 the Secretary shall initiate a proceeding to de-
23 termine and publish a list of longer combination
24 vehicles that could be lawfully operated on non-

1 Interstate segments of the National Highway
2 System as of June 1, 2008.

3 “(B) LIMITATION.—A longer combination
4 vehicle may not be included on the list pub-
5 lished under subparagraph (A) on the basis
6 that a State law (including a regulation) could
7 have authorized the operation of the vehicle on
8 a prior 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 section, the Secretary shall publish a
12 final list of longer combination vehicles de-
13 scribed 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) LIMITATION ON STATUTORY CONSTRUC-
19 TION.—Nothing in this subsection prevents a State
20 from further restricting in any manner or prohib-
21 iting the operation of a longer combination vehicle,
22 except that any such restriction or prohibition shall
23 be consistent with section 127 of this title and sec-
24 tions 31112 through 31114 of title 49, United
25 States Code.

1 “(g) MODEL SCHEDULE OF FINES.—

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

5 “(2) PURPOSES.—The purposes of the schedule
6 of fines shall be—

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

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

12 “(3) ADOPTION BY STATES.—The Secretary
13 shall encourage, but not require, States to adopt the
14 schedule of fines.”.

15 (b) ENFORCEMENT OF REQUIREMENTS.—Section
16 141(a) of title 23, United States Code, is amended in the
17 first sentence—

18 (1) by striking “the Federal-aid primary sys-
19 tem, the Federal-aid urban system, and the Federal-
20 aid secondary system, including the Interstate Sys-
21 tem” and inserting “the National Highway System,
22 including the Interstate System,”; and

23 (2) by striking “section 127” and inserting
24 “sections 127 and 127A”.

1 (c) CONFORMING AMENDMENT.—The analysis for
2 title 23, United States Code, is amended by inserting after
3 the item relating to section 127 the following:

“127A. Vehicle weight limitations—National Highway System.”.

○