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NO. LTC # 315-2010

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 24, 2010

SUBJECT: Maximum Weight Limit for Commercial Vehicles

The purpose of this Letter to Commission (LTC) is to provide you with information on an amendment to Florida Statute (FS) 316.550 for maximum commercial vehicle weight limits, as well as proposed federal increases to maximum commercial vehicle weight limits.

State of Florida Commercial Vehicle Weight Limits

On July 1, 2010, Florida House of Representatives Bill 1271 (HB 1271) amended Florida Statute 316.550 to authorize the Florida Department of Transportation (FDOT) or a local authority to issue permits that would allow commercial vehicles to weigh up to 88,000 pounds (Attachment 1). This is a ten (10) percent increase from the original maximum weight limit of 80,000 pounds.

HB 1271 stipulates that the permits would be valid only on state roadways that are not part of the interstate highway system. A designated route would be specified in the permit. The designated route would not include any bridges that cannot safely accommodate vehicles weighing 88,000 pounds, as determined by FDOT.

FDOT is currently evaluating all state bridges to determine which cannot accommodate 88,000 pounds. FDOT has agreed to assist the City with determining which local bridges cannot accommodate 88,000 pounds. Once identified, these bridges will be properly posted with the weight limit restrictions.

FDOT enforces truck weight limits through the Office of Motor Carrier Compliance (OMCC), which has law enforcement officers and regulatory weight inspectors that perform commercial vehicle weight enforcement at twenty (20) fixed weigh stations and through mobile enforcement with the use of portable scales. FDOT has agreed to provide assistance to the City in enforcing truck weight limits through the OMCC, as long as the City's bridges are properly posted. As stated above, City staff will work with FDOT to first identify all bridges that cannot accommodate 88,000 pounds, and then to post weight limit restrictions on these bridges.

Pursuant to the American Association of State Highway and Transportation Officials (AASHTO) Load and Resistance Factor Design (LRFD) Bridge Design Specifications and the FDOT Structures Manual, new bridges are required to be designed to accommodate a minimum of 120,000 pounds, which is well over the new maximum weight limit for commercial vehicles of 88,000 pounds. FDOT has assured the City that the Port of Miami Tunnel (POMT) Project will be designed and constructed using the minimum 120,000 pounds design standard, as required by the AASHTO LRFD Bridge Design Specifications. Commercial vehicles weighing 88,000 pounds will be able to use the POMT when permits are issued by the FDOT Permits Office that specify the POMT as a designated route.

Federal Government Commercial Vehicle Weight Limits

The federal government is proposing an amendment to Title 23 of the United States Code that would allow an increase to the national maximum commercial vehicle weight limit from 80,000 pounds to 97,000 pounds, contingent upon the addition of a sixth axle (Attachment 2). National weight standards apply to commercial vehicle operations on the interstate highway system. If the proposed federal increase to 97,000 pounds is approved, then the POMT, which will be designed to accommodate 120,000 pounds, would be able to accommodate the additional weight.

On October 27, 2010, the City Commission adopted Resolution 2010-27539, which urges the United States Congress to reject any weight and length increases for commercial vehicles on the interstate highway system (Attachment 3). On November 16, 2010, this Resolution was distributed to the City's representation in Congress. City staff has also requested FDOT to provide its position on the proposed federal weight limit increases. No response has been received to date. Once received, this information will be provided in another LTC.

Please feel free to contact me if you have any questions or concerns.

Attachments:

1. HB 1271 – Section 13
2. HR 1799
3. Resolution 2010-27539

JGG/FHB/FV/RS/CB

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841 section 316.545, Florida Statutes, are redesignated as
842 paragraphs (d) and (e), respectively, and a new paragraph (c) is
843 added to that subsection to read:
844 316.545 Weight and load unlawful; special fuel and motor
845 fuel tax enforcement; inspection; penalty; review.—
846 (3) Any person who violates the overloading provisions of
847 this chapter shall be conclusively presumed to have damaged the
848 highways of this state by reason of such overloading, which
849 damage is hereby fixed as follows:
850 (c) For a vehicle equipped with fully functional idle-
851 reduction technology, any penalty shall be calculated by
852 reducing the actual gross vehicle weight or the internal bridge
853 weight by the certified weight of the idle-reduction technology
854 or by 400 pounds, whichever is less. The vehicle operator must
855 present written certification of the weight of the idle-
856 reduction technology and must demonstrate or certify that the
857 idle-reduction technology is fully functional at all times. This
858 calculation is not allowed for vehicles described in s.
859 316.535(6);
860 Section 13. Subsections (4) through (10) of section
861 316.550, Florida Statutes, are renumbered as subsections (5)
862 through (11), respectively, present subsection (7) is amended,
863 and a new subsection (4) is added to that section, to read:
864 316.550 Operations not in conformity with law; special
865 permits.—
866 (4)(a) The Department of Transportation or local authority
867 may issue permits that authorize commercial vehicles having
868 weights not exceeding the limits of s. 316.535(5), plus the

869 scale tolerance provided in s. 316.545(2), to operate off the
870 interstate highway system on a designated route specified in the
871 permit. Such permits shall be issued within 14 days after
872 receipt of the request.
873 (b) The designated route shall avoid any bridge which the
874 department determines cannot safely accommodate vehicles with a
875 gross vehicle weight authorized in paragraph (a).
876 (c) Any vehicle or combination of vehicles which exceeds
877 the weight limits authorized in paragraph (a) shall be unloaded
878 and all material so unloaded shall be cared for by the owner or
879 operator.
880 (8) ~~(7)~~ The Department of Transportation may impose fines
881 for the operation of a vehicle in violation of this section, as
882 provided in subsection (10) ~~(9)~~.
883 Section 14. Subsection (7) of section 318.18, Florida
884 Statutes, is amended to read:
885 318.18 Amount of penalties.—The penalties required for a
886 noncriminal disposition pursuant to s. 318.14 or a criminal
887 offense listed in s. 318.17 are as follows:
888 (7) Mandatory $100 fine for each violation of s. 316.1001
889 plus the amount of the unpaid toll shown on the traffic citation
890 for each citation issued. The clerk of the court shall forward
891 $25 of the $100 fine received, plus the amount of the unpaid
892 toll that is shown on the citation, to the governmental entity
893 that issued the citation for citations issued by toll
894 enforcement officers or to the entity administering the tolls at
895 the facility where the violation occurred for citations issued
896 by law enforcement officers. However, a person may elect to pay

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Attachment 2

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

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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:

"§ 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.

1 "(c) ELIGIBLE PROJECTS.—An eligible State that re-
2 ceives an apportionment in a fiscal year under subsection
3 (b) shall use the amounts of the apportionment for
4 projects eligible for assistance under section 144 for
5 bridges determined to be eligible for replacement or reha-
6 bilitation under subsection (b) or (c) of such section.

7 "(d) CONTRACT AUTHORITY.—Funds made available
8 out of the Safe and Efficient Vehicle Trust Fund to carry
9 out this section shall be available for obligation in the
10 same manner as if the funds were made available from
11 the Highway Trust Fund (other than the Mass Transit
12 Account).

13 "(e) ELIGIBLE STATE DEFINED.—In this section the
14 term 'eligible State' means a State that authorizes a vehi-
15 cle described in section 127(i) to operate on the Interstate
16 System within its borders.".

17 (b) CLERICAL AMENDMENT.—The table of sections
18 of chapter 1 of title 23, United States Code, is amended
19 by adding at the end the following:

"§167. Safe and efficient vehicle bridge infrastructure improvement program.".

20 **SEC. 4. OVERWEIGHT VEHICLE TAX.**

21 (a) IN GENERAL.—Section 4481 of the Internal Rev-
22 enue Code of 1986 is amended by adding at the end the
23 following new subsection:

24 "(g) SPECIAL RULE FOR CERTAIN OVERWEIGHT VE-
25 HICLES.—There is hereby imposed a tax (in lieu of the

1 tax imposed by subsection (a)) on the use of any highway
2 motor vehicle described in section 127(i) of title 23,
3 United States Code. The rate of tax shall be equal to the
4 lesser of—
5 "(1) $100 per year, plus $22 for each 1,000
6 pounds (or fraction thereof) in excess of 55,000
7 pounds, or
8 "(2) $800 per year.".
9 (b) EFFECTIVE DATE.—The amendment made by
10 this subsection shall apply to taxable periods beginning
11 after the date of the enactment of this Act.

12 **SEC. 5. SAFE AND EFFICIENT VEHICLE TRUST FUND.**

13 (a) IN GENERAL.—Subchapter A of chapter 98 of the
14 Internal Revenue Code of 1986 (relating to the trust fund
15 code) is amended by adding at the end the following new
16 section:

17 **"SEC. 9511. SAFE AND EFFICIENT VEHICLE TRUST FUND.**

18 "(a) CREATION OF FUND.—There is hereby estab-
19 lished in the Treasury of the United States a fund to be
20 known as the 'Safe and Efficient Vehicle Trust Fund',
21 consisting of such amounts as may be—
22 "(1) appropriated to the Safe and Efficient Ve-
23 hicle Trust Fund as provided in this section, or
24 "(2) credited to the Safe and Efficient Vehicle
25 Trust Fund as provided in section 9602(b).

1 "(b) TRANSFER TO SAFE AND EFFICIENT VEHICLE
2 TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN
3 TAXES.—There are hereby appropriated to the Safe and
4 Efficient Vehicle Trust Fund amounts equivalent to the
5 taxes received in the Treasury under section 4481(g).
6 "(c) EXPENDITURES FROM SAFE AND EFFICIENT
7 VEHICLE TRUST FUND.—Amounts in the Safe and Effi-
8 cient Vehicle Trust Fund shall be available, as provided
9 by appropriations Acts, for fiscal years beginning 1 year
10 after the date of the enactment of this Act for projects
11 eligible for assistance under section 144 of title 23, United
12 States Code.".
13 (b) CONFORMING AMENDMENTS.—The Internal Rev-
14 enue Code of 1986 is amended—
15 (1) in paragraph (1) of section 9503(b) by
16 striking the period at the end and inserting ", and
17 taxes received under section 4481 shall be deter-
18 mined without regard to subsection (g) thereof.";
19 and
20 (2) in the table of sections for subchapter A of
21 chapter 98 by adding at the end the following:

"Sec. 9511. Safe and Efficient Vehicle Trust Fund.".

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act.

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Attachment 3

RESOLUTION NO. 2010-27539

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE UNITED STATES CONGRESS TO REJECT ANY WEIGHT AND LENGTH INCREASES FOR COMMERCIAL TRUCKS AND TRAILERS ON THE NATIONAL HIGHWAY SYSTEM.

WHEREAS, federal laws currently limit the weight of commercial trucks and trailers to 80,000 pounds on our nation's 40,000 mile interstate highway system; and

WHEREAS, currently the United States Congress is considering whether to allow heavier, longer commercial trucks and trailers on the nation's highways; and

WHEREAS, heavier trucks cause more wear and tear on the nations dilapidated roads and bridges, and create a greater safety hazard to other drivers who use the nation's roadways to commute to work and for leisure travel; and

WHEREAS, heavier trucks on federal roadways in South Florida would have a particular negative impact in the City of Miami Beach because a new underground tunnel is being built connecting the Port of Miami and the McArthur Causeway, which is major roadway into the City of Miami Beach from the mainland; and

WHEREAS, highway safety advocates, and many independent truckers support the extension of the current weight and length limits on the entire national highway system, which roads are deemed vital to the nation's economy, defense, and mobility; and

WHEREAS, due to the significant deleterious effects which would result from an increase in the width and length limits to commercial trucks and trailers not only on the nation's highways but on the federal roadways connecting the City of Miami Beach to the South Florida mainland, the Mayor and the City Commission of the City of Miami Beach hereby oppose any increase to the weight and length limits for commercial trucks and trailers and hereby urge the United States Congress to reject any measures which would increase such limits, thereby causing additional deterioration of local roadway infrastructure, as well as resulting in greater safety hazards.

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the United States Congress is hereby urged to reject any measure to increase the weight and length limits of commercial trucks and trailers on the nation's highway system.

PASSED and **ADOPTED** this 27th day of October, 2010.

ATTEST:

Robert Parcher

ROBERT PARCHER, CITY CLERK
CITY CLERK

Matti H. Bower

MATTI HERRERA BOWER
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 10/14/10 Date

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