

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 95

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. LAUTENBERG (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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.

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

6 (1) by redesignating paragraph (3) as para-  
 7 graph (4); and

8 (2) by inserting after paragraph (2) the fol-  
 9 lowing:

10 “(3) RESTRICTED PROPERTY-CARRYING  
 11 UNIT.—The term ‘restricted property-carrying unit’  
 12 means any trailer, semi-trailer, container, or other  
 13 property-carrying unit that is longer than 53 feet.”.

14 (b) PROHIBITION ON OPERATION OF RESTRICTED  
 15 PROPERTY-CARRYING UNITS.—

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

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

24 (2) EFFECTIVE DATE.—The amendment made  
 25 by paragraph (1) shall take effect 270 days after the  
 26 date of enactment of this Act.

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

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

5 “(1) APPLICABILITY OF PROHIBITION.—

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

12 “(B) APPLICABILITY OF STATE LAWS AND  
13 REGULATIONS.—All operations specified on the  
14 list published under paragraph (2) shall con-  
15 tinue to be subject to all State statutes, regula-  
16 tions, limitations and conditions, including rout-  
17 ing-specific, commodity-specific, and configura-  
18 tion-specific designations and all other restric-  
19 tions, in force on June 1, 2003.

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

24 “(2) LISTING OF RESTRICTED PROPERTY-CAR-  
25 RYING UNITS.—

1           “(A) IN GENERAL.—Not later than 60  
2 days after the date of enactment of the Safe  
3 Highways and Infrastructure Preservation Act,  
4 the Secretary shall initiate a proceeding to de-  
5 termine and publish a list of restricted prop-  
6 erty-carrying units that were authorized by  
7 State officials pursuant to State statute or reg-  
8 ulation on June 1, 2003, and in actual and law-  
9 ful operation on a regular or periodic basis (in-  
10 cluding seasonal operations) on or before June  
11 1, 2003.

12           “(B) LIMITATION.—A restricted property-  
13 carrying unit may not be included on the list  
14 published under subparagraph (A) on the basis  
15 that a State law or regulation could have au-  
16 thorized the operation of the unit at some prior  
17 date by permit or otherwise.

18           “(C) PUBLICATION OF FINAL LIST.—Not  
19 later than 270 days after the date of enactment  
20 of the Safe Highways and Infrastructure Pres-  
21 ervation Act, the Secretary shall publish a final  
22 list of restricted property-carrying units de-  
23 scribed in subparagraph (A).

24           “(D) UPDATES.—The Secretary shall up-  
25 date the list published under subparagraph (C)

1 as necessary to reflect new designations made  
2 to the National Highway System.

3 “(3) APPLICABILITY OF PROHIBITION.—The  
4 prohibition established by subsection (b)(1)(C) shall  
5 apply to any new designation made to the National  
6 Highway System and remain in effect on those por-  
7 tions of the National Highway System that cease to  
8 be designated as part of the National Highway Sys-  
9 tem.

10 “(4) LIMITATION ON STATUTORY CONSTRUC-  
11 TION.—This subsection does not prevent a State  
12 from further restricting in any manner or prohib-  
13 iting the operation of a restricted property-carrying  
14 unit if the restrictions or prohibitions are consistent  
15 with the requirements of this section and sections  
16 31112 through 31114.”.

17 (d) ENFORCEMENT.—The second sentence of section  
18 141(a) of title 23, United States Code, is amended by  
19 striking “section 31112” and inserting “sections 31111  
20 and 31112”.

21 **SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES**  
22 **ON NATIONAL HIGHWAY SYSTEM.**

23 (a) IN GENERAL.—Section 31112 of title 49, United  
24 States Code, is amended—

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

3           (2) by inserting after subsection (e) the fol-  
4 lowing:

5           “(f) NATIONAL HIGHWAY SYSTEM.—

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

16           “(A) the maximum combination trailer,  
17 semitrailer, or other type of length limitation al-  
18 lowed by law or regulation of that State on  
19 June 1, 2003, or

20           “(B) the length of the property-carrying  
21 units of those commercial motor vehicle com-  
22 binations, by specific configuration, in actual  
23 and lawful operation on a regular or periodic  
24 basis (including continuing seasonal operation)  
25 in that State on or before June 1, 2003.

1           “(2) ADDITIONAL LIMITATIONS.—

2                   “(A) APPLICABILITY OF STATE RESTRIC-  
3           TIONS.—A commercial motor vehicle combina-  
4           tion whose operation in a State is not prohib-  
5           ited under paragraph (1) may continue to oper-  
6           ate in the State on highways described in para-  
7           graph (1) only in compliance with all State  
8           laws, regulations, limitations, and conditions,  
9           including routing-specific and configuration-spe-  
10          cific designations and all other restrictions in  
11          force in the State on June 1, 2003. However,  
12          subject to regulations prescribed by the Sec-  
13          retary under subsection (h), the State may  
14          make minor adjustments of a temporary and  
15          emergency nature to route designations and ve-  
16          hicle operating restrictions in effect on June 1,  
17          2003, for specific safety purposes and road con-  
18          struction.

19                   “(B) ADDITIONAL STATE RESTRICTIONS.—  
20          This subsection does not prevent a State from  
21          further restricting in any manner or prohibiting  
22          the operation of a commercial motor vehicle  
23          combination subject to this section if the re-  
24          strictions or prohibitions are consistent with

1 this section and sections 31113(a), 31113(b),  
2 and 31114.

3 “(C) MINOR ADJUSTMENTS.—A State  
4 making a minor adjustment of a temporary and  
5 emergency nature as authorized by subpara-  
6 graph (A) or further restricting or prohibiting  
7 the operation of a commercial motor vehicle  
8 combination as authorized by subparagraph (B)  
9 shall advise the Secretary not later than 30  
10 days after the action. The Secretary shall pub-  
11 lish a notice of the action in the Federal Reg-  
12 ister.

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

14 “(A) STATE SUBMISSIONS.—Not later than  
15 60 days after the date of enactment of the Safe  
16 Highways and Infrastructure Preservation Act,  
17 each State shall submit to the Secretary for  
18 publication a complete list of State length limi-  
19 tations applicable to commercial motor vehicle  
20 combinations operating in the State on the  
21 highways described in paragraph (1). The list  
22 shall indicate the applicable State laws and reg-  
23 ulations associated with the length limitations.  
24 If a State does not submit the information as

1 required, the Secretary shall complete and file  
2 the information for the State.

3 “(B) PUBLICATION OF INTERIM LIST.—  
4 Not later than 90 days after the date of enact-  
5 ment of the Safe Highways and Infrastructure  
6 Preservation Act, the Secretary shall publish an  
7 interim list in the Federal Register consisting  
8 of all information submitted under subpara-  
9 graph (A). The Secretary shall review for accu-  
10 racy all information submitted by a State under  
11 subparagraph (A) and shall solicit and consider  
12 public comment on the accuracy of the informa-  
13 tion.

14 “(C) LIMITATION.—A law or regulation  
15 may not be included on the list submitted by a  
16 State or published by the Secretary merely be-  
17 cause it authorized, or could have authorized,  
18 by permit or otherwise, the operation of com-  
19 mercial motor vehicle combinations not in ac-  
20 tual operation on a regular or periodic basis on  
21 or before June 1, 2003.

22 “(D) PUBLICATION OF FINAL LIST.—Ex-  
23 cept as revised under this subparagraph or sub-  
24 paragraph (E), the list shall be published as  
25 final in the Federal Register not later than 270

1 days after the date of enactment of the Safe  
2 Highways and Infrastructure Preservation Act.  
3 In publishing the final list, the Secretary shall  
4 make any revisions necessary to correct inaccuracies  
5 identified under subparagraph (B).  
6 After publication of the final list, commercial  
7 motor vehicle combinations prohibited under  
8 paragraph (1) may not operate on a highway  
9 described in paragraph (1) except as published  
10 on the list.

11 “(E) INACCURACIES.—On the Secretary’s  
12 own motion or on request by any person (in-  
13 cluding a State), the Secretary shall review the  
14 list published under subparagraph (D). If the  
15 Secretary decides there is reason to believe a  
16 mistake was made in the accuracy of the list,  
17 the Secretary shall begin a proceeding to decide  
18 whether a mistake was made. If the Secretary  
19 decides there was a mistake, the Secretary shall  
20 publish the correction.”.

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

23 (1) by inserting “126(e) or” before “127(d)” in  
24 paragraph (1) of subsection (g) (as redesignated by  
25 subsection (a) of this section);

1           (2) by inserting “(or June 1, 2003, with respect  
2           to highways described in subsection (f)(1))” after  
3           “June 2, 1991” in paragraph (3) of subsection (g)  
4           (as redesignated by subsection (a) of this section);

5           (3) by striking “Not later than June 15, 1992,  
6           the Secretary” and inserting “The Secretary”; and

7           (4) by inserting “or (f)” after “subsection (d)”  
8           in paragraph (2) of subsection (h) (as redesignated  
9           by subsection (a) of this section).

10 **SEC. 4. TERMINATION OF DETERMINATIONS OF GRAND-**  
11 **FATHER 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           “(h) GRANDFATHER RIGHTS.—

16           “(1) GENERAL RULE.—After the 270th day fol-  
17 lowing the date of enactment of the Safe Highways  
18 and Infrastructure Preservation Act, a State may  
19 not allow, on a segment of the Interstate System,  
20 the operation of a vehicle or combination (other than  
21 a longer combination vehicle) exceeding an Inter-  
22 state weight limit unless the operation is specified on  
23 the list published under paragraph (2).

24           “(2) LIST OF VEHICLES AND COMBINATIONS.—

1           “(A) PROCEEDING.—Not later than 60  
2 days after the date of enactment of the Safe  
3 Highways and Infrastructure Preservation Act,  
4 the Secretary shall initiate a proceeding to de-  
5 termine and publish a list of vehicles and com-  
6 binations (other than longer combination vehi-  
7 cles), otherwise exceeding an Interstate weight  
8 limit, that the Department of Transportation,  
9 any other Federal agency, or a State has deter-  
10 mined on or before June 1, 2003, could be law-  
11 fully operated within such State—

12                   “(i) on July 1, 1956;

13                   “(ii) in the case of the overall gross  
14 weight of any group of 2 or more consecu-  
15 tive axles, on the date of enactment of the  
16 Federal-Aid Highway Amendments of  
17 1974; or

18                   “(iii) under a special rule applicable  
19 to a State under subsection (a).

20           “(B) LIMITATIONS.—

21                   “(i) ACTUAL AND LAWFUL OPER-  
22 ATIONS REQUIRED.—An operation of a ve-  
23 hicle or combination may be included on  
24 the list published under subparagraph (A)  
25 only if the vehicle or combination was in

1 actual and lawful operation in the State on  
2 a regular or periodic basis on or before  
3 June 1, 2003.

4 “(ii) STATE AUTHORITY NOT SUFFI-  
5 CIENT.—An operation of a vehicle or com-  
6 bination may not be included on the list  
7 published under subparagraph (A) on the  
8 basis that a State law or regulation could  
9 have authorized the operation of the vehi-  
10 cle or combination at some prior date by  
11 permit or otherwise.

12 “(C) PUBLICATION OF FINAL LIST.—Not  
13 later than 270 days after the date of enactment  
14 of the Safe Highways and Infrastructure Pres-  
15 ervation Act, the Secretary shall publish a final  
16 list of vehicles and combinations described in  
17 subparagraph (A).

18 “(3) LIMITATION ON STATUTORY CONSTRUC-  
19 TION.—This subsection does not prevent a State  
20 from reducing the gross vehicle weight limitation,  
21 the single and tandem axle weight limitations, or the  
22 overall maximum gross weight on a group of 2 or  
23 more consecutive axles applicable to portions of the  
24 Interstate System in the State for operations on the  
25 list published under paragraph (2)(C) as long as no

1 such reduction results in a limitation that is less  
2 than an Interstate weight limit.

3 “(4) APPLICABILITY OF EXISTING REQUIRE-  
4 MENTS.—All vehicles and combinations included on  
5 the list published under paragraph (2) shall be sub-  
6 ject to all routing-specific, commodity-specific, and  
7 weight-specific designations in force in a State on  
8 June 1, 2003.

9 “(5) INTERSTATE WEIGHT LIMIT DEFINED.—In  
10 this subsection, the term ‘Interstate weight limit’  
11 means the 80,000 pound gross vehicle weight limita-  
12 tion, the 20,000 pound single axle weight limitation  
13 (including enforcement tolerances), the 34,000  
14 pound tandem axle weight limitation (including en-  
15 forcement tolerances), and the overall maximum  
16 gross weight (including enforcement tolerances) on a  
17 group of 2 or more consecutive axles produced by  
18 application of the formula in subsection (a).”.

19 (b) CONFORMING AMENDMENT.—The fourth sen-  
20 tence of section 127(a) of title 23, United States Code,  
21 is amended by striking “the State determines”.

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

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

25 “(i) NONDIVISIBLE LOADS.—

1           “(1) PROCEEDING.—Not later than 60 days  
2 after the date of enactment of the Safe Highways  
3 and Infrastructure Preservation Act, the Secretary  
4 shall initiate a proceeding to define the term ‘vehic-  
5 les and loads which cannot be easily dismantled or  
6 divided’ as used in subsection (a) and section 31112  
7 of title 49.

8           “(2) LIST OF COMMODITIES.—

9           “(A) IN GENERAL.—The definition devel-  
10 oped under paragraph (1) shall include a list of  
11 commodities (or classes or types of commod-  
12 ities) that do not qualify as nondivisible loads.

13           “(B) LIMITATION.—The list of commod-  
14 ities developed under paragraph (1) shall not be  
15 interpreted to be a comprehensive list of com-  
16 modities that do not qualify as nondivisible  
17 loads.

18           “(3) REGULATIONS.—Not later than 270 days  
19 after the date of enactment of the Safe Highways  
20 and Infrastructure Preservation Act, the Secretary  
21 shall issue final regulations setting forth the deter-  
22 mination of the Secretary made under paragraph  
23 (1). The Secretary shall update the regulations as  
24 necessary.

1           “(4) APPLICABILITY.—Regulations issued  
2 under paragraph (2) shall apply to all vehicles and  
3 loads operating on the National Highway System.

4           “(5) STATE REQUIREMENTS.—A State may es-  
5 tablish any requirement that is not inconsistent with  
6 regulations issued under paragraph (2).

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

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

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

17           “(j) WAIVERS DURING PERIODS OF NATIONAL  
18 EMERGENCY.—

19           “(1) IN GENERAL.—Notwithstanding any other  
20 provision of this section or section 126, the Sec-  
21 retary, in consultation with the Secretary of De-  
22 fense, may waive or limit the application of any vehi-  
23 cle weight limit established under this section or sec-  
24 tion 126 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.—Title 23, United States Code, is  
9 amended by inserting after section 125 the following:

10 **“§ 126. Vehicle weight limitations—National Highway**  
11 **System**

12 “(a) NON-INTERSTATE HIGHWAYS ON NHS.—

13 “(1) IN GENERAL.—After the 270th day after  
14 the date of enactment of the Safe Highways and In-  
15 frastructure Preservation Act, any Interstate weight  
16 limit that applies to vehicles and combinations (other  
17 than longer combination vehicles) operating on the  
18 Interstate System in a State under section 127 shall  
19 also apply to vehicles and combinations (other than  
20 longer combination vehicles) operating on non-Inter-  
21 state segments of the National Highway System in  
22 such State, unless such segments are subject to  
23 lower State weight limits as provided for in sub-  
24 section (d).

25 “(2) EXISTING HIGHWAYS.—

1           “(A) IN GENERAL.—Notwithstanding para-  
2 graph (1), in the case of a non-Interstate seg-  
3 ment of the National Highway System that is  
4 open to traffic on June 1, 2003, a State may  
5 allow the operation of any vehicle or combina-  
6 tion (other than a longer combination vehicle)  
7 on such segment that the Secretary determines  
8 under subsection (b) could be lawfully operated  
9 on such segment on June 1, 2003.

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 statutes, regulations, limitations  
14 and conditions, including routing-specific, com-  
15 modity-specific, and configuration-specific des-  
16 ignations and all other restrictions, in force on  
17 June 1, 2003.

18           “(3) NEW HIGHWAYS.—Subject to subsection  
19 (d)(1), the gross vehicle weight limitations and axle  
20 loading limitations applicable to all vehicles and  
21 combinations (other than longer combination vehi-  
22 cles) on a non-Interstate segment of the National  
23 Highway System that is not open to traffic on June  
24 1, 2003, shall be the Interstate weight limit.

25           “(b) LISTING OF VEHICLES AND COMBINATIONS.—

1           “(1) IN GENERAL.—The Secretary shall initiate  
2 a proceeding to determine and publish a list of vehi-  
3 cles and combinations (other than longer combina-  
4 tion vehicles), otherwise exceeding an Interstate  
5 weight limit, that could be lawfully operated on a  
6 non-Interstate segment of the National Highway  
7 System on June 1, 2003.

8           “(2) REQUIREMENTS.—In publishing a list of  
9 vehicles and combinations under paragraph (1), the  
10 Secretary shall identify—

11               “(A) the gross vehicle weight limitations  
12 and axle loading limitations in each State appli-  
13 cable, on June 1, 2003, to vehicles and com-  
14 binations (other than longer combination vehi-  
15 cles) on non-Interstate segments of the Na-  
16 tional Highway System; and

17               “(B) operations of vehicles and combina-  
18 tions (other than longer combination vehicles),  
19 exceeding State gross vehicle weight limitations  
20 and axle loading limitations identified under  
21 subparagraph (A), which were in actual and  
22 lawful operation on a regular or periodic basis  
23 (including seasonal operations) on June 1,  
24 2003.

1           “(3) LIMITATION.—An operation of a vehicle or  
2 combination may not be included on the list pub-  
3 lished under paragraph (1) on the basis that a State  
4 law or regulation could have authorized such oper-  
5 ation at some prior date by permit or otherwise.

6           “(4) PUBLICATION OF FINAL LIST.—Not later  
7 than 270 days after the date of enactment of the  
8 Safe Highways and Infrastructure Preservation Act,  
9 the Secretary shall publish a final list of vehicles and  
10 combinations described in paragraph (1).

11           “(5) UPDATES.—The Secretary shall update  
12 the list published under paragraph (1) as necessary  
13 to reflect new designations made to the National  
14 Highway System.

15           “(c) APPLICABILITY OF LIMITATIONS.—The limita-  
16 tions established by subsection (a) shall apply to any new  
17 designation made to the National Highway System and  
18 remain in effect on those non-Interstate highways that  
19 cease to be designated as part of the National Highway  
20 System.

21           “(d) LIMITATIONS ON STATUTORY CONSTRUC-  
22 TION.—

23           “(1) STATE ENFORCEMENT OF MORE RESTRIC-  
24 TIVE WEIGHT LIMITS.—This section does not pre-  
25 vent a State from maintaining or imposing a weight

1 limitation that is more restrictive than the Interstate  
2 weight limit on vehicles or combinations (other than  
3 longer combination vehicles) operating on a non-  
4 Interstate segment of the National Highway System.

5 “(2) STATE ACTIONS TO REDUCE WEIGHT LIM-  
6 ITS.—This section does not prevent a State from re-  
7 ducing the State’s gross vehicle weight limitation,  
8 single or tandem axle weight limitations, or the over-  
9 all maximum gross weight on 2 or more consecutive  
10 axles on any non-Interstate segment of the National  
11 Highway System.

12 “(e) LONGER COMBINATION VEHICLES.—

13 “(1) PROHIBITION.—

14 “(A) IN GENERAL.—After the 270th day  
15 after the date of enactment of the Safe High-  
16 ways and Infrastructure Preservation Act, a  
17 longer combination vehicle may continue to op-  
18 erate on a non-Interstate segment of the Na-  
19 tional Highway System only if the operation of  
20 the longer combination vehicle configuration  
21 type was authorized by State officials pursuant  
22 to State statute or regulation on June 1, 2003,  
23 and in actual and lawful operation on a regular  
24 or periodic basis (including seasonal operations)  
25 on or before June 1, 2003.

1           “(B) APPLICABILITY OF STATE LAWS AND  
2 REGULATIONS.—All operations described in  
3 subparagraph (A) shall continue to be subject  
4 to all State statutes, regulations, limitations  
5 and conditions, including routing-specific, com-  
6 modity-specific, and configuration-specific des-  
7 ignations and all other restrictions, in force on  
8 June 1, 2003.

9           “(2) LISTING OF VEHICLES AND COMBINA-  
10 TIONS.—

11           “(A) IN GENERAL.—Not later than 60  
12 days after the date of enactment of the Safe  
13 Highways and Infrastructure Preservation Act,  
14 the Secretary shall initiate a proceeding to de-  
15 termine and publish a list of longer combination  
16 vehicles that could be lawfully operated on non-  
17 Interstate segments of the National Highway  
18 System on June 1, 2003.

19           “(B) LIMITATION.—A longer combination  
20 vehicle may not be included on the list pub-  
21 lished under subparagraph (A) on the basis  
22 that a State law or regulation could have au-  
23 thorized the operation of such vehicle at some  
24 prior date by permit or otherwise.

1           “(C) PUBLICATION OF FINAL LIST.—Not  
2 later than 270 days after the date of enactment  
3 of the Safe Highways and Infrastructure Pres-  
4 ervation Act, the Secretary shall publish a final  
5 list of longer combination vehicles described in  
6 subparagraph (A).

7           “(D) UPDATES.—The Secretary shall up-  
8 date the list published under subparagraph (A)  
9 as necessary to reflect new designations made  
10 to the National Highway System.

11           “(3) LIMITATION ON STATUTORY CONSTRUC-  
12 TION.—This subsection does not prevent a State  
13 from further restricting in any manner or prohib-  
14 iting the operation of a longer combination vehicle if  
15 the restrictions or prohibitions are consistent with  
16 the requirements of section 127 of this title and sec-  
17 tions 31112 through 31114 of title 49, United  
18 States Code.

19           “(f) MODEL SCHEDULE OF FINES.—

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

23           “(2) PURPOSE.—The purpose of the schedule of  
24 fines shall be to ensure that fines are sufficient to  
25 deter violations of the requirements of this section

1 and to permit States to recover costs associated with  
2 damages caused to the National Highway System by  
3 the operation of such vehicles.

4 “(3) ADOPTION BY STATES.—The Secretary  
5 shall encourage but not require States to adopt the  
6 schedule of fines.

7 “(g) DEFINITIONS.—In this section:

8 “(1) INTERSTATE WEIGHT LIMIT.—The term  
9 ‘Interstate weight limit’ has the meaning given that  
10 term in section 127(h).

11 “(2) LONGER COMBINATION VEHICLE.—The  
12 term ‘longer combination vehicle’ has the meaning  
13 given that term in section 127(d).”.

14 (b) ENFORCEMENT OF REQUIREMENTS.—Section  
15 141(a) of title 23, United States Code, is amended—

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

21 (2) by striking “section 127” and inserting  
22 “sections 126 and 127”.

23 (c) CONFORMING AMENDMENT.—The chapter anal-  
24 ysis for subchapter I of chapter 1 of title 23, United

- 1 States Code, is amended by inserting after the item relat-
- 2 ing to section 125 the following:

“126. Vehicle weight limitations—National Highway System.”.

