

**MULTISTATE HIGHWAY TRANSPORTATION
AGREEMENT MODIFICATIONS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Don E. Bush

This act modifies the Motor Vehicle Code by amending the Multistate Highway Transportation Agreement. The act repeals the sunset provision of the Multistate Highway Transportation Agreement.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-23-2, as enacted by Chapter 179, Laws of Utah 1981

63-55-241, as last amended by Chapter 52, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-23-2** is amended to read:

41-23-2. Text.

The text of this agreement is as follows:

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

ARTICLE I

Findings and Purposes

Section 1. Findings. The participating jurisdictions find that:

- (a) The expanding regional economy depends on expanding transportation capacity;
- (b) Highway transportation is the major mode for movement of people and goods in the western states;
- (c) Uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;

(d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive; and

~~[(e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly 92% complete; and]~~

~~[(f)]~~ (e) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for their economy and transportation requirements, consistent with and in recognition of principles of highway safety.

Section 2. Purposes. The purposes of this agreement are to:

(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system.

(b) Establish a system recommending the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards.

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards.

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

(f) Study and recommend appropriate highway user fees.

(g) Facilitate communication between legislators, state transportation administrators, and commercial industry representatives in addressing the emerging highway transportation issues in participating jurisdictions.

ARTICLE II

Definitions

Section 1. As used in this agreement:

(a) "Cooperating Committee" means a body composed of the designated representatives from the participating jurisdictions.

~~[(a)]~~ (b) "Designated representative" means a legislator or other person authorized under Article XII to represent the jurisdiction.

~~[(b)]~~ (c) "Jurisdiction" means a state of the United States or the District of Columbia.

~~[(c)]~~ (d) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III

General Provisions

Section 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

Section 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

Section 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

Section 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

Section 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

Section 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement,

subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

Section 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

Section 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV

Cooperating Committee

Section 1. Each participating jurisdiction shall have two designated representatives. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute ~~[a committee]~~ the Cooperating Committee which shall have the power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

(d) Recommend improvements in highway operations, in vehicular safety, and in state administration of highway transportation laws.

(e) Perform functions necessary to facilitate the purposes of this agreement.

Section 2. Each designated representative of a participating jurisdiction shall be entitled to one vote only. No action of the committee shall be ~~[binding]~~ approved unless a majority of the total number of votes cast by the designated representatives of the participating jurisdictions are in favor ~~[thereof]~~ of the action.

Section 3. The committee shall meet at least once annually and shall elect, from among its

members, a chairman, a vice-chairman, and a secretary.

Section 4. The committee shall submit annually to the legislature of each participating jurisdiction~~[, no later than November 1st,]~~ a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. ~~[Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway and Transportation Officials.]~~

ARTICLE V

Objectives of the Participating Jurisdictions

Section 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

$$[\del{W=500((LN/N-1)+12N+36)}] \quad W=500 \{LN/(N-1) + 12N+36\}$$

where W = maximum weight in pounds carried on any group of two or more consecutive axles computed to nearest 500 pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that ~~[in the event]~~ the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section ~~[would result in withholding or forfeiture of federal-aid funds pursuant to Section 127, Title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will]~~ be authorized under special permit authority by each participating jurisdiction ~~[which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in~~

effect as of July 1, 1956, are adhered to:] for vehicle combinations in excess of statutory weights of 80,000 pounds or statutory lengths.

~~[(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.]~~

~~[(d)]~~ (c) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

~~[(e)]~~ (d) ~~[In recognition of the limited prospects of federal revision of Section 127, Title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to]~~ The Cooperating Committee may recommend that the participating jurisdictions jointly secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

~~[(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size, and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards:]~~

(e) It is the further objective of the participating jurisdictions to:

(1) Establish transportation laws and regulations to meet regional and economic needs and to promote an efficient, safe, and compatible transportation network;

(2) Develop standards that facilitate the most efficient and environmentally sound operation of vehicles on highways, consistent with and in recognition of principles of highway safety; and

(3) Establish programs to increase productivity and reduce congestion, fuel consumption, and related transportation costs and enhance air quality through the uniform application of state vehicle regulations and laws.

ARTICLE VI

Entry Into Force and Withdrawal

Section 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

Section 2. Any participating jurisdiction may withdraw from this agreement by cancelling the same but no such withdrawal shall take effect until 30 days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

Construction and Severability

Section 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

Section 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

Filing of Documents

Section 1. A copy of this agreement, its amendments, and rules or regulations adopted thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

Existing Statutes Not Repealed

Section 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

State Government Departments

Authorized to Cooperate with Cooperating Committee

Section 1. Within appropriations available therefor, the departments, agencies and officers of the government of this state shall cooperate with and assist the Cooperating Committee within the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said Cooperating Committee.

ARTICLE XI

Funding Section

Section 1. Funds for the administration of this agreement, including participation in the Cooperating Committee and the actual expenses of the designated representatives, shall be budgeted or expensed as determined appropriate.

ARTICLE XII

Selection of Designated Representatives

Section 1. The process for selecting the designated representatives to the Cooperating Committee shall be established by law under this section.

Section 2. The persons authorized to represent the state of Utah as the designated representatives to the committee shall be the chairperson of the Senate Transportation Committee and the chairperson of the House Transportation Committee or a legislator or a state agency official that the chairperson assigns.

Section 3. The transportation chairpersons in each house shall also designate one alternative designated representative who shall also be a legislator or state agency official to serve in their absence.

Section 2. Section **63-55-241** is amended to read:

63-55-241. Repeal dates, Title 41.

The following provisions of Title 41 are repealed on the following dates:

[(1)] Title 41, Chapter 12a, Part VIII, Uninsured Motorist Identification Database Program, is repealed July 1, 2010.

~~[(2) The Multistate Highway Transportation Cooperating Committee, created in Article IV of Section 41-23-2, is repealed July 1, 2002.]~~