

1 **MULTISTATE HIGHWAY TRANSPORTATION**

2 **AGREEMENT MODIFICATIONS**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Don E. Bush**

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

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

10 AMENDS:

11 **41-23-2**, as enacted by Chapter 179, Laws of Utah 1981

12 **63-55-241**, as last amended by Chapter 52, Laws of Utah 2000

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

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

15 **41-23-2. Text.**

16 The text of this agreement is as follows:

17 **MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT**

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

21 **ARTICLE I**

22 **Findings and Purposes**

23 Section 1. Findings. The participating jurisdictions find that:

24 (a) The expanding regional economy depends on expanding transportation capacity;

25 (b) Highway transportation is the major mode for movement of people and goods in the  
26 western states;

27 (c) Uniform application in the West of more adequate vehicle size and weight standards

28 will result in a reduction of pollution, congestion, fuel consumption, and related transportation  
29 costs, which are necessary to permit increased productivity;

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

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

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

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

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

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

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

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

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

53 (f) Study and recommend appropriate highway user fees.

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

57 ARTICLE II

58 Definitions

59 Section 1. As used in this agreement:

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

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

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

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

### 67 ARTICLE III

#### 68 General Provisions

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

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

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

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

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

84 Section 6. Amendment. This agreement may be amended by unanimous joint action of the  
85 participating jurisdictions, acting through the officials thereof authorized to enter into this  
86 agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in  
87 writing and become a part hereof.

88 Section 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement  
89 shall provide each other participating jurisdiction with a list of any restriction, condition or

90 limitation on the general terms of this agreement, if any.

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

93 ARTICLE IV

94 Cooperating Committee

95 Section 1. Each participating jurisdiction shall have two designated representatives.

96 Pursuant to section 2, article III, the designated representatives of the participating jurisdictions  
97 shall constitute ~~[a committee]~~ the Cooperating Committee which shall have the power to:

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

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

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

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

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

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

113 Section 3. The committee shall meet at least once annually and shall elect, from among its  
114 members, a chairman, a vice-chairman, and a secretary.

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

121 ~~Transportation Officials.]~~

122 ARTICLE V

123 Objectives of the Participating Jurisdictions

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

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

$$131 \quad W = 500((LN/N - 1) + 12N + 36)$$

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

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

135 N = number of axles in group under consideration.

136 (b) It is the further objective of the participating jurisdictions that ~~[in the event]~~ the  
137 operation of a vehicle or combination of vehicles in interstate commerce according to the  
138 provisions of subsection (a) of this section ~~[would result in withholding or forfeiture of federal-aid~~  
139 ~~funds pursuant to Section 127, Title 23, U.S. Code, the operation of such vehicle or combination~~  
140 ~~of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section~~  
141 ~~will]~~ be authorized under special permit authority by each participating jurisdiction ~~[which could~~  
142 ~~legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to~~  
143 ~~such issuance in effect as of July 1, 1956, are adhered to.]~~ for vehicle combinations in excess of  
144 statutory weights of 80,000 pounds or statutory lengths.

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

150 ~~[(d)]~~ (c) It is the further objective of the participating jurisdictions to facilitate and expedite  
151 the operation of any vehicle or combination of vehicles between and among the participating

152 jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the  
 153 participating jurisdictions hereby agree, through their designated representatives, to meet and  
 154 cooperate in the consideration of vehicle size and weight related matters including, but not limited  
 155 to, the development of: uniform enforcement procedures; additional vehicle size and weight  
 156 standards; operational standards; agreements or compacts to facilitate regional application and  
 157 administration of vehicle size and weight standards; uniform permit procedures; uniform  
 158 application forms; rules and regulations for the operation of vehicles, including equipment  
 159 requirements, driver qualifications, and operating practices; and such other matters as may be  
 160 pertinent.

161 ~~[(e)] (d) [In recognition of the limited prospects of federal revision of Section 127, Title~~  
 162 ~~23, U.S. Code, and in order to protect participating jurisdictions against any possibility of~~  
 163 ~~withholding or forfeiture of federal-aid highway funds, it is the further objective of the~~  
 164 ~~participating jurisdictions to] The Cooperating Committee may recommend that the participating  
 165 jurisdictions jointly secure congressional approval of this agreement and, specifically of the vehicle  
 166 size and weight standards set forth in subsection (a) of this section.~~

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

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

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

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

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

180 ARTICLE VI

181 Entry Into Force and Withdrawal

182 Section 1. This agreement shall enter into force when enacted into law by any two or more

183 jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon  
184 its enactment thereof, except as otherwise provided in section 8, article III.

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

189 ARTICLE VII

190 Construction and Severability

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

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

200 ARTICLE VIII

201 Filing of Documents

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

205 ARTICLE IX

206 Existing Statutes Not Repealed

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

210 ARTICLE X

211 State Government Departments

212 Authorized to Cooperate with Cooperating Committee

213 Section 1. Within appropriations available therefor, the departments, agencies and officers

214 of the government of this state shall cooperate with and assist the cooperating committee within  
215 the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments,  
216 agencies and officers of the government of this state are authorized generally to cooperate with said  
217 cooperating committee.

218 ARTICLE XI

219 Funding Section

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

223 ARTICLE XII

224 Selection of Designated Representatives

225 Section 1. The process for selecting the designated representatives to the cooperating  
226 committee shall be established by law under this section.

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

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

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

235 **63-55-241. Repeal dates, Title 41.**

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

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

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

**Legislative Review Note**

**as of 1-4-01 4:03 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**