

MAINE STATE LEGISLATURE

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Date: 4/22/15

L.D. 554
(Filing No. H- 85)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 378, L.D. 554, Bill, "An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, rural communities in the State are particularly dependent upon forest products industries for employment opportunities and economic development and, given the current economic climate, the State's lumber and pulp and paper mills are struggling to continue their operations and to keep people employed; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to avoid damage to the State's transportation infrastructure; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in section 1 in paragraph A in the next to the last line (page 1, line 12 in L.D.) by striking out the following: "Bridge Street" and inserting the following: '~~Bridge Street~~ Acadian Way'

Amend the bill in section 1 in paragraph A in the last line (page 1, line 13 in L.D.) by striking out the following: "1 1/2" and inserting the following: '~~1-1/2~~ 2'

Amend the bill in section 2 in paragraph B in subparagraph (1) in the last line (page 1, line 21 in L.D.) by striking out the following: "~~and~~" and inserting the following: 'and'

Amend the bill in section 2 in paragraph B in subparagraph (2) in the last line (page 1, line 25 in L.D.) by striking out the following: "~~semitrailer; and~~" and inserting the following: 'semitrailer.'

COMMITTEE AMENDMENT

1 Amend the bill in section 2 in paragraph B by striking out all of subparagraph (3)
2 (page 1, lines 26 to 30 in L.D.)

3 Amend the bill in section 2 in paragraph C by striking out all of the last 2 lines (page
4 1, lines 34 and 35 in L.D.) and inserting the following: 'meters.'

5 Amend the bill by adding after section 2 the following:

6 '**Sec. 3. 29-A MRSA §2354-D, sub-§1**, as enacted by PL 2013, c. 565, §2, is
7 amended to read:

8 **1. Commissioner may allow certain commercial motor vehicles that exceed**
9 **weight limits and vehicle dimension standards.** ~~Except for B-train double~~
10 ~~configurations as defined in section 2354 C, subsection 2, the~~ The Commissioner of
11 Transportation, in consultation with the Department of Public Safety and the Department
12 of the Secretary of State, may allow a specified commercial motor vehicle configuration
13 with any number of axles that would otherwise be in violation of the provisions in this
14 chapter regarding operational weight limits, gross vehicle weights, axle weights, tire
15 weights or vehicle dimensions to operate on a specified route of travel over public ways
16 if:

17 A. The department receives a proposal from an entity seeking an allowance to
18 operate a specified commercial motor vehicle configuration pursuant to this
19 subsection on a specified route of travel;

20 B. The chief engineer of the department, as appointed in accordance with Title 23,
21 section 201, finds the proposed configuration and weight can be safely operated on
22 the proposed route of travel. In making this finding, the chief engineer may consider
23 available manufacturer's ratings for gross vehicle weight, axle capacity, brake
24 systems and other components. The chief engineer may place such restrictions on
25 operations as are necessary to ensure public safety;

26 C. The chief engineer of the department, as appointed in accordance with Title 23,
27 section 201, finds that the public ways and bridge infrastructure affected by the
28 proposed route of travel can withstand, or can be improved and maintained to
29 withstand, the proposed configuration and weight. The improvements necessary may
30 include initial capital improvements and future maintenance or capital improvements;
31 and

32 D. The department receives satisfactory assurance that at least 50% of the cost of any
33 infrastructure assessment and at least 50% of the cost for any infrastructure
34 improvements determined necessary pursuant to paragraph C will be provided by the
35 entity seeking the allowance. The department may provide the balance of funding, if
36 feasible.

37 **Sec. 4. 29-A MRSA §2354-E** is enacted to read:

38 **§2354-E. Allow certain commercial vehicles with 7-axle configuration to travel from**
39 **the United States-Canada border to certain points in the State**

40 **1. Canadian gross vehicle weight limits.** Notwithstanding section 2354, the
41 Commissioner of Transportation, in consultation with the Department of Public Safety
42 and the Department of the Secretary of State, is authorized to allow certain commercial

1 vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada
2 border in Calais to Baileyville under the following conditions.

3 A. The only allowable routes of travel are from the United States-Canada border in
4 Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to
5 Woodland Pulp LLC mill or its successor on Main Street and north on Main Street to
6 the former oriented strand board facility in Baileyville.

7 B. The allowable truck configuration is limited to a 3-axle truck tractor with a 4-axle
8 semitrailer at a gross vehicle weight of 113,800 pounds. The individual weight
9 distribution maximum limits are as follows: for the steering axle, 12,375 pounds; for
10 the drive axles, 40,500 pounds; and for the semitrailer axles, 72,000 pounds, but in no
11 case may the total of these values exceed 113,800 pounds.

12 C. Maine axle weight limits, axle group limits, commodity allowances, maximum
13 dimensions and all other commercial vehicle limits and requirements apply, and the
14 4-axle semitrailer length limit must be not greater than 53.15 feet, or 16.2 meters.

15 D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems
16 and other components for which a manufacturer's rating is available may not be
17 exceeded.

18 E. Each truck combination allowed under this section must display a credential
19 obtained for a fee from the Secretary of State. The fee must be established by the
20 Commissioner of Transportation in an amount to cover related administrative costs,
21 compliance monitoring and the additional cost of highway damage resulting from the
22 allowance under this section calculated using accepted engineering practices.

23 **2. Overlimit movement permits.** As provided in section 2382, the Secretary of
24 State, acting under guidelines and advice of the Commissioner of Transportation, may
25 grant permits to commercial vehicles at Canadian gross vehicle weight limits operating
26 under the requirements of this section. The Secretary of State shall adopt rules to
27 implement this section in consultation with the Department of Transportation and the
28 Department of Public Safety. Rules adopted pursuant to this subsection are routine
29 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 **3. Revocation of privileges.** The Commissioner of Transportation may revoke the
31 privileges of operation under this section of trucks and trucking companies for cause,
32 including repeatedly exceeding size and weight limits or operating outside the designated
33 route of travel. Revocation by the Commissioner of Transportation is considered a final
34 agency action.

35 **4. Repeal.** This section is repealed January 1, 2018.

36 **Sec. 5. Monitor; report.** The Department of Transportation shall monitor and
37 evaluate the effects of the allowance under the Maine Revised Statutes, Title 29-A,
38 section 2354-E on road conditions. The Commissioner of Transportation shall submit an
39 initial report to the Joint Standing Committee on Transportation for presentation to the
40 Second Regular Session of the 127th Legislature and a final report to the joint standing
41 committee of the Legislature having jurisdiction over transportation matters to the First
42 Regular Session of the 128th Legislature. The reports must include any findings
43 regarding the effects on road conditions and recommendations for continuance,

1 discontinuance or modification of the allowance under Title 29-A, section 2354-E. The
2 joint standing committee of the Legislature having jurisdiction over transportation matters
3 may submit a bill relating to the subject matter of the final report to the First Regular
4 Session of the 128th Legislature.

5 **Sec. 6. Contingent effective date.** That section of this Act that enacts the Maine
6 Revised Statutes, Title 29-A, section 2354-E does not take effect unless the chief
7 engineer of the Department of Transportation, as appointed in accordance with Title 23,
8 section 201, conducts an analysis and determines that commercial vehicles of the
9 proposed configuration and weight can be safely operated on the proposed route of travel.
10 The Commissioner of Transportation shall notify the Secretary of Senate, the Clerk of the
11 House of Representatives and the Revisor of Statutes when the chief engineer of the
12 Department of Transportation has made the determination under this section.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect when approved.'

15 SUMMARY

16 This amendment changes the bill by removing language allowing 3-axle truck
17 tractors with 4-axle semitrailers of no more than 122,380 pounds total to travel from the
18 United States-Canada border in Calais, Madawaska and Van Buren to certain points
19 within the State.

20 The amendment allows certain commercial vehicles with a 7-axle configuration to
21 travel from the United States-Canada border in Calais to Woodland Pulp LLC mill or its
22 successor and the former oriented strand board facility in Baileyville. The amendment
23 provides that this allowance does not take effect unless the chief engineer of the
24 Department of Transportation conducts an analysis and determines that commercial
25 vehicles of the proposed configuration and weight can be safely operated on the proposed
26 routes of travel. The amendment repeals the allowance on January 1, 2018. The
27 amendment requires the Department of Transportation to monitor and evaluate the effects
28 of this allowance on road conditions and to report to the joint standing committee of the
29 Legislature having jurisdiction over transportation matters during the Second Regular
30 Session of the 127th Legislature and the First Regular Session of the 128th Legislature.
31 The amendment provides that the joint standing committee has authority to submit a bill
32 during the First Regular Session of the 128th Legislature regarding the subject matter of
33 the report. The amendment adds an emergency preamble and emergency clause to the
34 bill.

35 The amendment revises the authorized route of travel in the Town of Van Buren in
36 the current law allowing certain commercial vehicles at Canadian weight limits to travel
37 from the United States-Canada border to certain points in the State.

38 Current law authorizes the Department of Transportation to adopt rules, in
39 consultation with the Department of Public Safety and the Department of the Secretary of
40 State, that allow certain commercial motor vehicles that exceed gross vehicle weight
41 limits and vehicle dimension standards established in statute to travel upon designated
42 routes. The amendment repeals the exclusion from the commercial motor vehicle
43 configurations that may be allowed to operate on specified routes of travel by the

ROFS

COMMITTEE AMENDMENT "A" to H.P. 378, L.D. 554

1 Commissioner of Transportation truck tractor-semitrailer-semitrailer combination
2 vehicles in which the 2 trailing units are connected with a B-train assembly.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 554

LR 1703(02)

An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State

Fiscal Note for Bill as Amended by Committee Amendment

A(CH-85)

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

- Potential current biennium cost increase - Highway Fund
- Potential current biennium cost increase - Federal Expenditures Fund
- Potential current biennium revenue increase - Other Special Revenue Funds
- Minor savings - General Fund
- Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Eliminates traffic infractions.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Allowing certain commercial vehicles with a 7-axle configuration to travel at a gross vehicle weight of 113,800 pounds could result in damage to the infrastructure leading to an increase in costs for repairing the affected road or bridge. Any truck allowed to exceed gross vehicle weight limits would need to obtain a credential from the Secretary of State. The Commissioner of Transportation would determine the fee by rule and it would be set to cover administrative costs, compliance monitoring and the additional cost of highway damage resulting from this allowance.