Omitted

E–3.

Docket No. ER92–592–000, Yankee Atomic Electric Company. Order on initial decision concerning unamortized investment, expenses, and decommissioning costs

E–4.

Omitted

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.

Docket Nos. RM94–6–000 and RM87–5–016, Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions. Final Rule

II. Restructuring Matters

RS–1.

Reserved

III. Pipeline Certificate Matters

PC–1.

Reserved

Dated: June 8, 1994.

Lois D. Cashell,

Secretary.

[FR Doc. 94–14379 Filed 6–9–94; 11:56 am]

BILLING CODE 6717–01–P

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Audit and Appropriations Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Audit and Appropriations Committee will meet on June 18, 1994. The meeting will commence at 9 a.m.

PLACE: Washington Court Hotel, 525 New Jersey Avenue, NW., Hermitage Room, Washington, DC 20001, (202) 628–2100.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of May 13, 1994 Meeting.
3. Consideration and Review of Budget and Expenses for Period Ending April 30, 1994.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: June 9, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94–14372 Filed 6–9–94; 11:23 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Presidential Search Committee Meeting

TIME AND DATE: A meeting of the Legal Services Corporation Board of Directors Presidential Search Committee will be held on June 16–17, 1994. The meeting will commence at 9:00 a.m. on June 16, 1994, and at 8:30 a.m. on June 17, 1994.

PLACE: Washington Court Hotel, June 16th: Board Room Lounges, 750 First Street, N.W., Washington, D.C. 20001 June 17th: Montpelier Room, (202) 628–2100.

STATUS OF MEETING: *Open*, except that part of the meeting may be closed on both days pursuant to a vote, to be solicited prior to the meeting, of a majority of the Board of Directors. Should the aforementioned majority vote to close all or a portion of the meeting be obtained, the Committee will, with its Advisory Committee, interview and consider applicants for the position of President of the Corporation. The Committee, with its Advisory Committee, will also consider the qualifications of the applicants interviewed for the position of President of the Corporation, after which the Committee will, alone, consider the recommendations of its Advisory Committee and the qualifications of the applicants interviewed for the position of President of the Corporation and will settle on a recommendation to make to the Board of Directors as to selection of a candidate for the position. In addition, the Committee will consider for approval the minutes of the executive session(s) held on March 12, 1994, April 14, 1994, and May 14, 1994.[1] The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(2) and (6)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5(a) and (e)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, N.E., Washington, D.C., 20002, in its eleventh floor reception area, and will otherwise be available upon request.

June 16, 1994 Agenda

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of May 14, 1994 Meeting.

CLOSED SESSION:

3. Approval of Minutes of March 12, 1994 Executive Session.
4. Approval of Minutes of April 14, 1994 Executive Session.
5. Approval of Minutes of May 14, 1994 Executive Session.
6. Interview and Consider, With Advisory Committee, Applicants for the Position of President of the Corporation.

OPEN SESSION:

8. Consider and Act on Motion to Recess the Executive Session Until June 17, 1994, at 8:30 a.m.

June 17, 1994 Agenda

MATTERS TO BE CONSIDERED:

CLOSED SESSION:

1. Interview and Consider, With Advisory Committee, Applicants for the Position of President of the Corporation.
2. Consider, With Advisory Committee, Qualifications of Applicants Interviewed for the Position of President of the Corporation.
3. Presidential Search Committee's Consideration of the Relative Merits of Applicants Interviewed for the Position of President of the Corporation and Selection of Candidate(s) to Recommend to the Board of Directors for the Position.

OPEN SESSION: (Resumed)

4. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: June 9, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94–14374 Filed 6–9–94; 11:23 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Provision for the Delivery of Legal Services Committee will meet on June 18, 1994. The meeting will commence at 9:00 a.m.

PLACE: Washington Court Hotel, 525 New Jersey Avenue, NW., Ballroom West, Washington, DC 20001, (202) 628–2100.

STATUS OF MEETING: Open.

---

[1] As to the Committee's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the **Federal Register** notice(s) corresponding to that/those Committee meeting(s).

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of May 13, 1994 Meeting.
3. Report and Recommendation to the Committee Regarding Monitoring, Evaluation, and Support Functions.
4. Report on Various Activities, Including the Application to the Corporation for National and Community Service and the Law School Clinical Civil Legal Services Grants.
5. Discussion of Issues Related to Program Improvement: Technical Assistance, Training, and Support.
6. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: June 9, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94–14373 Filed 6–9–94; 11:22 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Operations and Regulations Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Operations and Regulations Committee will meet on June 19–20, 1994. The meeting will commence at 9:00 a.m. on both days. On June 19, 1994, it is anticipated the substantive portion of the open session (i.e., deliberation of agenda item number 5) will commence at approximately 10:00 a.m.

PLACE: Legal Services Corporation, 750 First Street, NE., Board Room, Washington, DC 20002, (202) 336–8800.

STATUS OF MEETING: *Open*, except that portion of the meeting may be closed pursuant to a vote to be solicited prior to the meeting, of a majority of the Board of Directors. Should the aforementioned majority vote to close all or a portion of the meeting be obtained, the Committee will hear the report of the General Counsel on litigation to which the Corporation is or may become a party. In addition, the Committee will consider and act on internal personnel and operational matters related to the Executive Office, the Office of the General Counsel, the Office of Administration, and the Office of Human Resources/Equal Opportunity, the four offices of the Corporation under the Committee's purview. Finally, the Committee will consider for approval the minutes of the executive session(s) held on May 13, 1994. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c) (2), (6), and (10], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5 (a), (e), and (h)].[1] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posed for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

June 19, 1994 Agenda

MATTERS TO BE CONSIDERED

OPEN SESSION:

1. Approval of Agenda.

CLOSED SESSION:

2. Approval of Minutes of May 13, 1994 Executive Session.
3. Consider and Act on General Counsel's Report on Litigation to Which the Corporation is or May Become a Party.
4. Consider and Act on Internal Personnel and Operational Matters.

OPEN SESSION: (Resumed)

5. Approval of Minutes of May 13, 1994 Meeting.
6. Consideration of Update on the Reauthorization Legislative process.
7. Possible Consideration of and Action on Publication of Proposed Revisions to Part 1607 of the Corporation's Regulations in the **Federal Register** for Public Comment.
8. Consider and Act on Proposed Changes to Part 1608 of the Corporation's Regulations.

OPEN SESSION: (Continued)

9. Consider and Act on Proposed Changes to Part 1621 of the Corporation's Regulations.
10. Public Comment.

June 20, 1994 Agenda

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Consider and Act on Proposed Changes to Part 1611 of the Corporation's Regulations.
2. Public comment.
3. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: June 9, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94–14375 Filed 6–9–94; 11:22 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

TIME AND DATE: The Legal Services Corporation Board of Directors will meet on June 18, 1994. The meeting will commence at 8:00 a.m.[2]

PLACE: Washington Court Hotel, 525 New Jersey Avenue, NW., Ballroom West, Washington, DC 20001, (202) 628–2100.

STATUS OF MEETING: *Open*, except that a portion of the meeting may be closed pursuant to a vote of a majority of the Board of Directors to hold an executive session. At the closed session, in accordance with the aforementioned vote, the Board will receive the recommendation of its Presidential Search Committee regarding selection of an applicant for the position of President of the Corporation, and may settle on an applicant to fill that position. The Board will also consider and vote to approve draft minutes of executive sessions held on November 8, 1993; December 6, 1993; April 15, 1994; and May 13, 1994. Further, the Board will consult with the Inspector General on internal personnel, operational and investigative matters. The Board will also consult with the President on internal personnel and operational matters. Finally, the Board will deliberate regarding internal personnel and operational matters. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c) (2) (5), (6) and (7)], and the corresponding regulation of the Legal Services Corporation [45 CFR Section 1622.5 (a), (d), (e), and (f)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at

---

[1] As to the Committee's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the **Federal Register** notice(s) corresponding to that/those Committee meeting(s).

[2] Note that the Board will convene at 8:30 a.m., briefly in open session, but primarily in closed session until approximately 9:00 a.m., at which time the Board will recess the meeting until approximately 11:00 a.m. the same morning. The brief recess will be taken to permit two of the Board's standing committees to meet.

750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.

CLOSED SESSION:

2. Receive and Consider the Report of the Presidential Search Committee.

OPEN SESSION: (Resumed)

3. Receive the Report of the Presidential Search Committee.
4. Consideration of Motion to Select a President of the Corporation.
5. Consideration of Motion to Recess Meeting Until 11:00 a.m.
6. Approval of Minutes of May 13, 1994 Meeting.
7. Chairman's and Members' Reports.
8. President's Report.
9. Ratification of Vote Taken on May 30–31, 1994, Approving the Management Response to the Inspector General's Semiannual Report to Congress for the Period Ending March 31, 1994.
10. Consideration of Issues Related to the Allocation and Distribution of the Corporation's Fiscal Year 1995 Appropriation.
11. Consider and Act on Proposed Changes to the Corporation's Bylaws.
12. Consider and Act on Operations and Regulations Committee Report.
13. Consider and Act on Provision for the Delivery of Legal Services Committee Report.
14. Consider and Act on Audit and Appropriations Committee Report.
15. Inspector General's Report.

CLOSED SESSION:

16. Consider and Act on Draft Minutes of the November 8, 1993 Executive Session.
17. Consider and Act on Draft Minutes of the December 6, 1993 Executive Session.
18. Consider and Act on Draft Minutes of the April 16, 1994 Executive Session.
19. Consider and Act on Draft Minutes of the May 13, 1994 Executive Session.
20. Consultation by Board with the President on Internal Personnel and Operational Matters.
    a. Consideration of the Inspector General's Access to Corporation Documents.
21. Consider and Act on Internal Personnel and Operational Matters.
22. Consultation by Board with the Inspector General on Internal Personnel, Operational and Investigative Matters.
    a. Briefing on the Status of the Internal Investigation Requested by the Board.

OPEN SESSION: (Resumed)

23. Public Comment.
24. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie, (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: June 9, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94–14376 Filed 6–9–94; 11:22 am]

BILLING CODE 7050–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Board of Directors Meeting

TIME AND DATE: Tuesday, June 21, 1994, 1:00 P.M. (Open Portion), 1:30 p.m. (Closed Portion).

PLACE: Office of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, N.W., Washington, D.C.

STATUS: Meeting Open to the Public from 1:00 p.m. to 1:30 p.m. Closed portion will commence at 1:30 p.m., (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report.
2. Approval of 3/22/94 Minutes (Open Portion).
3. Meeting schedule through December 1994.

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 1:30 p.m.)

1. Finance Project in Russia.
2. Insurance Project in Russia.
3. Insurance Project in Russia.
4. Insurance Project in Russia.
5. Finance and Insurance Joint Project in India.
6. Insurance Project in Indonesia.
7. Insurance Project in Philippines.
8. Finance Project in Argentina.
9. Insurance Project in Argentina.
10. Insurance Project in Venezuela.
11. Pending Major Projects.
12. Approval of the 3/22/94 Minutes (Closed Portion).

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from the Corporate Secretary at (202) 336–8403.

Dated: June 9, 1994.

Anne H. Smart,

OPIC Corporate Secretary.

[FR Doc. 94–14460 Filed 6–9–94; 3:29 p.m.]

BILLING CODE 3210–01–M

Corrections

Federal Register
Vol. 59, No. 112
Monday, June 13, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 940-536-4136; I.D. 041994B]

Reef Fish Fishery of the Gulf of Mexico

Correction

In proposed rule document 94-12832 beginning on page 27258 in the issue of Thursday, May 26, 1994, make the following correction:

On page 27258, in the second column, under **DATES**, in the second line, "July 11, 1994" should read "July 7, 1994".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD-769-FC]
RIN 0938-AG34

Medicare Program; Changes to the Requirement for Annual Physician Acknowledgement of Physician Attestation Responsibilities

Correction

In rule document 94-5315 beginning on page 11000 in the issue of Wednesday, March 9, 1994, make the following corrections:

(1) On page 11000, in the first column, under **DATES**, in the second line "April 18, 1994" should read "April 8, 1994".

(2) On the same page, in the second column, under **ADDRESSES**, in the first line "Room 309-," should read "Room 309-G,".

(3) On page 11001, in the first column, in the second full paragraph, in the penultimate line insert "denial" between "issue" and "determinations".

(4) On page 11002, in the first column, in the penultimate bulleted paragraph, in the fifth line "a" should read "at".

(5) On the same page, in the third column:

(a) In the first paragraph, five lines from the bottom "review of" should read "review to".

(b) In the third paragraph, six lines from the bottom "FRA" should read "RFA".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4}
RIN 0960-AA99

Revised Medical Criteria for Determination of Disability, Cardiovascular System

Correction

In rule document 94-2844 beginning on page 6468 in the issue of Thursday, February 10, 1994, make the following correction:

Appendix 1 to subpart P [Corrected]

On page 6497, in the second column, in Appendix 1 to subpart P, item 5, in the last line, "February 10, 1994" should read "February 10, 1998".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1917, and 1918

[Docket No. S-025]

Longshoring and Marine Terminals

Correction

In proposed rule document 94-13058 beginning on page 28594 in the issue of Thursday, June 2, 1994 make the following corrections:

1. On page 28642, in the second column, in the third full paragraph:

a. In the fifth line, "September 30, 1994" should read "September 20, 1994".

b. Beginning in the sixth line, "October 31, 1994" should read "October 19, 1994".

c. Beginning in the seventh line, "November 29, 1994" should read "July 11, 1994".

2. On the same page, in the same column, in the fourth full paragraph, beginning in the third line, "August 31, 1994" should read "August 24, 1994".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09-94-005]

Safety and Security Zone; Lake Michigan - Chicago Harbor - Burnham Park Harbor

Correction

In proposed rule document 94-13090 beginning on page 27516 in the issue of Friday, May 27, 1994, the docket number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Jacksonville 93-115]]

Security Zone Regulations; Naval Air Station, Jacksonville, FL

Correction

In proposed rule document 94-11977, beginning on page 26155 in the issue of Thursday, May 19, 1994, in the third column in **DATES:**, insert "Comments must be received on or before " after the colon.

BILLING CODE 1505-01-D

federal register

Monday
June 13, 1994

Part II

Department of Transportation

Federal Highway Administration

23 CFR Parts 657 and 658

Truck Size and Weight; Restrictions on Longer Combination Vehicles and Vehicles With Two or More Cargo-Carrying Units; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 657 and 658

[FHWA Docket Nos. 90-9 and 92-15]

RIN 2125-AC86

Truck Size and Weight; Restrictions on Longer Combination Vehicles and Vehicles With Two or More Cargo-Carrying Units

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Final rule.

SUMMARY: The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) restricts the operation of longer combination vehicles (LCV's) on the Interstate Highway System and commercial motor vehicle (CMV) combinations with two or more cargo-carrying units on the National Network (NN) to the types of vehicles in use on or before June 1, 1991, subject to whatever State restrictions were in effect on that date. The ISTEA also includes special variances from the June 1 date for Alaska, Ohio, and Wyoming. As required by the ISTEA and based on information provided by the States, industry, and the public, the final rule lists applicable limitations by specific vehicle combination, by State, in effect on June 1, 1991, and does not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991. This rule also establishes criteria for States to make minor adjustments to the list of limitations; defines certain terms, such as "nondivisible load," "beverage container," and "maxi-cube" vehicle; makes technical amendments to the list of federally-designated routes on the NN; and makes other minor changes to conform existing regulations to the ISTEA.

EFFECTIVE DATE: July 13, 1994

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management, at (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: Section 1023 of the ISTEA (Pub. L. 102-240, 105 Stat. 1914, 1951, codified at 23 U.S.C. 127(d)) required States, within 60 days of the date of enactment, to submit to the Secretary of Transportation for publication in the **Federal Register** 30 days thereafter a complete list of (1) all operations of LCV's being conducted as of June 1, 1991; (2) State laws, regulations, and any other limitations and conditions, including routing-specific and configuration-specific designations governing the operation of LCV's; and (3) a copy of such laws, regulations, limitations, and conditions. An LCV is defined in the ISTEA as any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

Similarly, section 4006 of the ISTEA (49 U.S.C. app. 2311(j)) required the States to submit a complete list of State length limitations applicable to CMV combinations with two or more cargo-carrying units in effect on or before June 1, 1991. This section prohibits States from allowing the operation (by statute, regulation, permit, or other means) of CMV's with cargo-carrying unit lengths that exceed the length, by specific configuration, allowed and in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) on the NN in that State on or before June 1, 1991. The NN is defined in 23 CFR 658.5, and includes the Interstate System, with minor exceptions, and selected non-Interstate routes. The non-Interstate NN highways are listed in appendix A to part 658.

Sections 1023 and 4006 provide that no statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of LCV or CMV combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

States may continue to issue special permits, in accordance with applicable State laws, for those vehicles and loads which cannot be easily dismantled or divided. A definition of such nondivisible loads is included in this final rule.

The ISTEA included three narrow exceptions to the June 1, 1991, freeze date. Wyoming would have been able to allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, provided they were authorized by State law not later than November 3, 1992. No additional vehicles were authorized, however, and accordingly no additional vehicles are included in appendix C over those listed in the previous two rulemakings on this issue.

Ohio may allow LCV's with three cargo-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at, and extends south of, Exit 16 on the Ohio Turnpike. Alaska may continue to allow the operation of CMV's which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

A preliminary list of the information provided by the States in response to sections 1023 and 4006 was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 20, 1992 (57 FR 9900). A second proposed list of vehicles and restrictions, including corrections, clarifications, and additional material submitted to the docket in response to the NPRM was published as a supplemental notice of proposed rulemaking (SNPRM) on February 25, 1993 (58 FR 11450). In the NPRM the information provided by the States was organized into appendices C and D to part 658; in the SNPRM that information was combined into a single list of vehicles and restrictions and presented as a new appendix C. The format of the SNPRM has been retained for the final rule.

In response to publication of the SNPRM, 154 sets of comments were received from 136 separate entities. The vast majority of those comments deal with specifics on the information published in the SNPRM, and they will be discussed under individual topical headings. Four of the commenters, however, the American Trucking Associations, Inc. (ATA), the Wyoming Trucking Association, Inc. (WTA), the Alaska Department of Transportation and Public Facilities, and the Citizens for Reliable And Safe Highways (CRASH), provided comments concerning the rulemaking in general, and the philosophy used by the FHWA in presenting the information. These particular comments provide an opportunity for the FHWA to explain its approach.

The ISTEA stipulates that the "final list" of LCV operational requirements for each State be published in the **Federal Register** not later than 180 days after the date of enactment. That date was June 15, 1992. The lead comment by the CRASH in its docket submission was that publication of the final list by the FHWA was "long overdue." The CRASH contends that since the freeze does not take effect until the Secretary publishes the final list, the FHWA's delay in publication has prevented the law from taking effect. This in turn means that LCV's may today be operating on highways from which

Congress intended they be barred. It concludes this comment by stating that the review and correction process included with the final rule can be used to make corrections after publication of the rule.

As the FHWA stated in the Supplementary Information section of the SNPRM, the content of the States' original responses to the ISTEA request for LCV operational information covered the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses was so great that the FHWA determined that before any list could be finalized, increased uniformity both in terms of items covered and the type of information would be necessary. Thus, despite the likelihood that the statutory due date for a final rule might be missed, the FHWA determined that it was in the public's interest to publish a SNPRM soliciting further public comment on revisions to the initial list. The FHWA considered publishing a "final list" without this additional public procedure, but believed that the list published at that stage would have required numerous subsequent changes. We believe that the intent of Congress in including a correction process was to take care of relatively minor single-issue situations which may be discovered after publication of this final rule, not to make wholesale changes in a State's submission without good cause.

The WTA expressed concern that the interpretations used by the FHWA in developing this rule have involved many combination vehicles that, until passage of the ISTEA, were not considered by anyone to be LCV's. In a similar vein, Alaska commented that the SNPRM "seeks to significantly expand the ISTEA legislation and, we believe, severely constrains the states' abilities to legitimately regulate commercial traffic within each state."

This final rule implements two similar, yet separate provisions of the ISTEA. Section 1023, as discussed earlier, involves LCV's and includes an LCV definition. The scope of vehicle combinations covered by this section is narrow. The definition requires that an LCV combination include a truck tractor, which by previous congressional action (section 411(f), Surface Transportation Assistance Act (STAA) of 1982) is defined as a noncargo-carrying power unit and two or more trailers or semitrailers. The combination must operate on the Interstate System, and its gross vehicle weight must be in excess of 80,000 pounds. The vehicles listed in appendix C as a result of this statutory definition include only what might best be described as the "traditional" LCV's, that is, the "Rocky Mountain" and "Turnpike" Doubles and the "Triple." Under the definition of LCV provided by the ISTEA, it is true that the State of Alaska has no LCV's because it has no Interstate System mileage in the sense used in the ISTEA; that is, Alaska does not have Interstate System mileage designated under 23 U.S.C. 103(e), 139(a), or 139(b). Accordingly, all references to LCV's for Alaska have been deleted from this final rule.

Alaska does, however, have mileage that is part of the NN. Section 4006 of the ISTEA requires the FHWA to include in the final list "any commercial motor vehicle combination * * * with 2 or more cargo carrying units." A "cargo-carrying unit" is defined as "any portion of a commercial motor vehicle combination * * * used for carrying cargo, including a trailer, semitrailer, or the cargo carrying section of a single unit truck." While section 1023 is relatively narrow in scope, section 4006 has very widespread applicability. If, as the WTA contends, vehicles not previously considered to be LCV's are covered by this final rule, it is because of section 4006. This section is also the reason that vehicles are listed in appendix C for Alaska. Thus, vehicles not previously considered LCV's are included in this final rule, because the statute applies to more than just LCV's.

The ATA expressed concern that the FHWA's attempt to organize the vehicles subject to the freeze into four basic categories requires the FHWA to go beyond the role established for it in the ISTEA. The ATA contends that the ISTEA limits the role of the Secretary to reviewing for accuracy and publishing State information and that the categorization made by the FHWA involves the interpretation of State laws and regulations. Similarly, Alaska commented that the nomenclature used in designating the four basic categories "is not universally acceptable." The categories used in appendix C, as included in the SNPRM, were (1) Rocky Mountain Doubles, (2) Turnpike Doubles, (3) Triples, and (4) Other. These names were chosen in an attempt to describe the vehicles covered by the freeze in terms commonly used in the trucking industry. Since there is no industry-wide or statutory definition for categories 1, 2, or 3, a degree of confusion remained as to just what vehicle combinations were covered, especially by categories 1 and 2.

The ISTEA required the FHWA to list vehicles by "configuration type" (section 1023) or "specific configuration" (section 4006). In creating the basic configuration categories used in the NPRM and SNPRM, the FHWA believed it had to go beyond just publishing State-submitted information. For example, many States do not differentiate between a "Rocky Mountain" and "Turnpike" Double in the statutes or regulations which authorize their operation. Typically, these States allow a truck tractor-semitrailer-trailer, or a truck tractor and two trailing units where each trailing unit can be up to some maximum length. Interpretations were required to develop the maximum parameters that would apply if the State did differentiate by vehicle type.

The FHWA has re-examined the meaning of "configuration," however, and determined that there is no statutory requirement to classify vehicle combinations according to industry usage.

In order to reduce confusion and simplify the description of vehicles covered by the freeze, the vehicles described in appendix C of this final rule have therefore been regrouped into three categories: (1) Truck tractor and two trailing units, (2) Truck tractor and three trailing units, and (3) Other. This preserves the freeze required by the ISTEA without limiting the discretion allowed by some States before June 1, 1991.

Vehicles Submitted by States but Excepted From or Not Subject to Section 4006 of the ISTEA

In preparing the March 20, 1992, NPRM and the February 25, 1993, SNPRM, the FHWA decided not to include certain vehicle combinations submitted by the States, which it determined Congress did not intend to include in the ISTEA freeze. No additional information regarding conditions, routes, or authority to operate these vehicles was required. In addition to describing the categories of vehicles proposed for exemption, a detailed listing by State of the vehicles submitted but exempted was contained in the SNPRM.

In its comments, the ATA urged the FHWA to include in the regulatory language of the final rule the list of exempted vehicles included in the preamble to the SNPRM. The basis for the ATA's suggestion was "to ensure that only the vehicles intended by Congress are restricted and to help clarify the intent of the restriction for enforcement and judicial purposes." The ATA's proposal was to include the list of excepted vehicles in an expanded definition of LCV in the final rule.

The categories of multiple cargo unit vehicles exempted from coverage by the

freeze include: (1) Truck tractor-semitrailer-trailer and truck tractor-semitrailer-semitrailer combinations with a maximum length of the individual cargo units of 28.5 feet or less, (2) conventional automobile and boat transporters with an overall length of 65 feet or less, (3) stinger-steered automobile and boat transporters with an overall length of 75 feet or less, (4) truck-trailer and truck-semitrailer combinations with an overall length of 65 feet or less, (5) maxi-cubes, (6) most tow trucks with vehicles in tow, and (7) combination vehicles which include a truck tractor containing a dromedary box, deck, or plate, and one semitrailer or trailer. With respect to the dromedary equipped vehicle exclusion, strict interpretation of ISTEA section 4006 would include this equipment under the freeze. By its function, a dromedary box, deck, or plate is a cargo-carrying unit. When combined with a semitrailer, the result is technically a combination with two cargo-carrying units, thus subjecting the combination to the freeze. However, dromedary equipped truck tractors in actual operation on December 1, 1982, are grandfathered under § 658.13(f), causing a combination consisting of one of these units and a semitrailer to be considered as simply a truck tractor-semitrailer under the provisions of part 658. Dromedary equipped semitrailer combinations are a minor segment of the industry which probably escaped the notice of Congress, and which would require a good deal of additional time and effort to list. Should States or carriers try to evade the ISTEA freeze mandate by expanding the size of these unlisted combinations, the FHWA may have to initiate rulemaking to close this loophole.

The exclusion information is codified by this final rule at § 658.23(b)(1) through (b)(5). The list of exempted vehicles by State included in the SNPRM has not been codified, however, because of the likelihood that it is not a complete list. The original instruction to the States about these vehicles was to submit anything they thought might be covered by the freeze. Since the effect of ATA's comment would be to exempt only those vehicle combinations listed, some States could be penalized in terms of allowing certain vehicles simply because they reviewed the guidelines and made a decision that certain vehicles were not involved in the freeze coverage.

The definition of LCV used throughout this proceeding is that established in the ISTEA. In the interest of avoiding confusion with respect to terminology, the FHWA will not amend the LCV definition at this time.

Documentation of Actual Operation

Under the terms of ISTEA section 1023, an LCV may continue to operate only if on or before June 1, 1991, the specific configuration was (1) legally allowed in the State and (2) was in actual lawful operation on a regular or periodic basis. Under section 4006, the overall length of two or more cargo-carrying units used in a specific configuration may not exceed the length allowed by State law, and in actual lawful operation on a regular or periodic basis, on or before June 1, 1991. If a specific multi-trailer configuration was authorized by State statute or regulation, but *not* in actual lawful operation on a regular basis on or before June 1, 1991, it may *not* now be put into service.

All of the vehicles listed in appendix C meet the requirements for continued operation set forth in ISTEA sections 1023 and 4006.

The information on these vehicles which the States supplied in response to the ISTEA, the March 20, 1992, NPRM and the February 25, 1993, SNPRM, satisfies the legal requirement for operation, i.e., authorized by State law. In a similar manner, various commenters, responding to a request contained in the SNPRM, have documented the actual operation on a regular or periodic basis of the vehicle combinations listed.

The SNPRM requested information, from any source, to show the actual operation of vehicles described in appendix C. While a copy of the special permit under which operations occurred was listed as the preferred means of satisfying the documentation requirement, any item which could support operation of these vehicles would be considered as acceptable.

In an early response to the docket, the ATA expressed concern that the FHWA was placing a "tremendous burden on State DOT's and the trucking industry to satisfy a totally new requirement in a very short time period." The SNPRM allowed for a 45-day comment period with April 12, 1993, as the docket closing date. The ATA also stated that "(i)t is unlikely that two year old copies of the actual permit will be available," and that working with the permit issuing offices in each State to locate these records would "no doubt be a very time consuming and cumbersome process." As an alternative, the ATA suggested that the FHWA allow the submission of an affidavit from a carrier and/or State agency to satisfy the documentation requirement, and further that a time extension be granted to allow appropriate review and certification of these documents, if allowed. A request for a time extension for the docket was also received from the WTA and Coastal Chem Sales Company of Cheyenne, Wyoming. The need to accurately comply with the actual operation documentation requirement was given as the reason for the request.

In its comments, the CRASH stated that the proof requirement contained in the SNPRM was "far too broad, and (could) easily lead to mistake or fraud." That organization argued that anything less than "verifiable documentary evidence created and dated on or before June 1, 1991, specifically detailing the vehicle length, weight, configuration and routes traveled" would fail to comply with ISTEA requirements.

In reviewing the time extension requests, the FHWA agreed that more time was needed to help assure that accurate and complete documentation information, including affidavits, was submitted to the docket. On April 14, 1993, a 45-day extension of the comment period, to May 27, 1993, was published in the **Federal Register** at 58 FR 19367. The type of information the CRASH argued the FHWA should require appears to exceed the documentation most States demand of LCV operators. It would distort the purpose of the ISTEA freeze to ban certain vehicles or routes simply because the States lacked the foresight to issue permits that met the maximum possible data requirements of a Federal law not yet enacted.

An affidavit made by an individual familiar with the issue at hand is both reasonable and within the documentation parameters established by the SNPRM. The authenticity of any document proposed as evidence to support activity occurring over 2½ years ago could be challenged by any party. Of the possible items of documentation which could be submitted, a notarized affidavit may be the least susceptible to alteration. It represents an individual's witnessed, sworn statement.

An affidavit could, of course, be fraudulent, and the FHWA would be reluctant to take regulatory action based solely on an affidavit without other support. In fact, however, affidavits are merely one kind of information which the FHWA has combined with other types of documentation to demonstrate the operation of vehicles that State law and/or regulation allows. In addition, section 1023(c) of the ISTEA amended 23 U.S.C. 141(b) by adding at the end the following sentence: "Each State shall also certify that it is enforcing and *complying with* the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance

Act of 1982 (49 U.S.C. App. 2311(j))" (emphasis added). Additional discussion of the certification change is contained elsewhere in this document. However, for this discussion the statement means that if a State is found not to be complying with the ISTEA LCV requirements, it will be subject to Federal-aid highway funding sanctions involving millions of dollars annually.

Documentation of operation of the vehicles listed in appendix C for each State was provided to the docket by the following sources. All original submissions are filed in docket number 92–15.

Alaska: Five carriers, State Department of Commerce and Economic Development
Arizona: Seven carriers, one shipper, State Department of Transportation (DOT)
Colorado: Seven carriers, State DOT
Florida: Three carriers, three private fleets
Hawaii: One private fleet, State DOT
Idaho: Fifteen carriers, six private fleets, one agricultural cooperative, one owner-operator, State DOT
Indiana: Five carriers, State DOT
Kansas: Five carriers, one private fleet, State DOT, State Turnpike Authority
Massachusetts: Two carriers, State Turnpike Authority
Michigan: State DOT
Mississippi: State DOT
Missouri: Three carriers, State Highway & Transportation Department
Montana: Ten carriers, one shipper, five private fleets, one owner-operator, State DOT
Nebraska: State Department of Roads
Nevada: Thirteen carriers, one shipper, one private fleet, one agricultural cooperative, one owner-operator
New Mexico: One carrier, State Taxation and Revenue Department
New York: Two carriers, State Motor Truck Association, State DOT, State Thruway Authority
North Dakota: Four carriers, four private fleets, State DOT
Ohio: Four carriers, State Turnpike Commission
Oklahoma: Nine carriers, four private fleets
Oregon: Fourteen carriers, three private fleets, one agricultural cooperative, State DOT
South Dakota: Four carriers, one shipper, three private fleets, State Trucking Association, State Highway Patrol, State DOT
Utah: Sixteen carriers, one shipper, three private fleets, one agricultural cooperative, one owner-operator, State Motor Truck Association, State DOT
Washington: Five carriers, one shipper, two private fleets, one agricultural cooperative, one owner-operator, State DOT
Wyoming: Six carriers, two shippers, four private fleets, one owner-operator, three individuals, State DOT

The following vehicle combinations included in the SNPRM, or comments thereto, have *not* been included in appendix C for the reasons given.

California: "Triple," including a 28-foot semitrailer, two 28-foot trailers, an overall length of 107.4 feet, and a maximum gross vehicle weight of 111,000 pounds. "Rocky Mountain Double," including a 48-foot semitrailer, a 28-foot trailer, an overall length of 93.2 feet, and a maximum gross vehicle weight of 106,850 pounds. "Turnpike Double," including a 48-foot semitrailer, a 48-foot trailer, an overall length of 116.7 feet, and a maximum gross vehicle weight of 122,650 pounds.

Two permits were issued by the California Department of Transportation (Caltrans) for "Triples" at the request of the California legislature in 1971 in order to conduct a test to evaluate the possible allowance of "Triples" in California. In 1983, permits were issued to allow the operation of the above described vehicle combinations in order to conduct an over the road test of these vehicles. The State, in its comments, points out that the 1983 tests were conducted, in part, to assist the FHWA in its study of the costs and benefits of a national intercity LCV route network.

Based on these two occurrences, California claims the right to issue permits for good cause for the future operation of these vehicles up to the limits stated.

The FHWA has rejected California's claim because it fails to meet the standard for "regular or periodic" use established by Congress in writing the ISTEA. According to the Conference Report on the ISTEA (H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)), "Use of an LCV on only one or two occasions pursuant to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations under this subsection." Clearly the California situation falls within the scope of the congressional guidance. "Triples" were allowed twice, for very brief periods 12 years apart, the last being more than 10 years ago. "Turnpike Doubles" and "Rocky Mountain Doubles" were authorized only once, over 10 years ago, during a single 5-day period. These occurrences do not constitute "regular or periodic" use.

Connecticut: Vehicle and trailer for carrying poles, lumber, piling, or structural units.

No documentation was received in the docket to support the actual operation of this vehicle on or before June 1, 1991. This vehicle was originally included because it appeared to meet the LCV or extra-length multi-unit commercial vehicle requirements. This vehicle is made up of a truck tractor and a dolly unit. Since the weight of a cargo, for example utility poles, is carried partially by the truck tractor and partially by the dolly unit, the argument might be made that this vehicle has two cargo-carrying units.

In fact, the load and rear dolly combine to create a *de facto* semitrailer. Truck tractor-semitrailers are not subject to the freeze.

Delaware: Truck tractor-semitrailer-trailer, with a cargo-carrying length of 62 feet.

No documentation was received in the docket to support the actual operation of this vehicle on or before June 1, 1991. The initial submission by Delaware, to satisfy the LCV freeze requirements, indicated that the listed combination was allowed by State law wherein each trailing unit could be up to 29 feet long. The 62-foot length was derived by adding 4 feet for interunit spacing to the twin 29-foot dimension. Due to the de-listing of a vehicle combination with twin 29-foot units, the maximum length of any one unit in a multi-unit combination vehicle reverts to 28.5 feet, that allowed by the STAA of 1982.

Louisiana: "Rocky Mountain Double-LCV," with a cargo- carrying length of 75 feet.

No documentation was received in the docket to support the actual operation of this vehicle on or before June 1, 1991. The initial submission by Louisiana, to satisfy the LCV freeze requirements, indicated the listed combination was allowed by State law wherein each trailing unit could be up to 30 feet long. The 75-foot length was derived by adding the maximum interunit spacing allowed by State regulation of 15 feet to the twin 30-foot dimension. Due to the de-listing of a vehicle combination with twin 30-foot units, the maximum length of any one unit in a multi-unit combination vehicle reverts to 28.5 feet, that allowed by the STAA of 1982.

New Hampshire: Truck-trailer combination with a cargo-carrying length of 85 feet.

No documentation was received in the docket to support the actual operation of this vehicle on or before June 1, 1991. The initial submission by New Hampshire, to satisfy the LCV freeze requirements, indicated the listed combination was allowed because State law does not prohibit a straight truck of up to 40 feet long from pulling a trailer that may be up to 48 feet long. Due to the de-listing of the described vehicle combination, the maximum cargo-carrying length of any truck-trailer combination on NN highways reverts to 58 feet. This length is derived by subtracting 7 feet for the cab from the 65-foot overall length for this combination allowed by this rule.

without a requirement to document actual operations. Off the NN, the maximum lengths allowed by State law continue to apply.

List of ISTEA Vehicle Operations and Conditions

In addition to the lists of vehicle configurations, the ISTEA also required each State to submit a copy of all its statutes, regulations, limitations, and conditions which apply to the operation of each of the LCV's or extra-length vehicles reported as in use on or before June 1, 1991.

The content of the States' original responses to this request covered the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses was so great that the FHWA determined that before any list could be finalized, increased uniformity would be necessary. One of the subheadings for each LCV or extra-length vehicle described in the NPRM was "Operational Conditions." The information in the NPRM was taken directly from the initial State responses to the LCV information request contained in the ISTEA, regardless of content. In those cases where another document was referenced, the FHWA attempted to summarize that document. Because of the differences in State-provided responses, there was little consistency as to coverage or depth. Therefore, in addition to asking for comments, the NPRM also asked the States and all other sources, including industry trade groups, either to reformat existing information, or to provide new information following a suggested format. Those States which allow LCV's or extra-length vehicles were requested to provide the operational condition information in the following subheadings: *WEIGHT, DRIVER, VEHICLE, PERMIT,* and *ACCESS.*

The information included in the SNPRM reflected the States' and other responses to the NPRM request.

The SNPRM included specific vehicle descriptions for 30 States. Comments were received concerning those descriptions for 23 States. The vehicle descriptions included in appendix C to part 658 by this final rule have been modified, where appropriate, by comments received and by the change in categories described earlier. Comments, changes, and corrections made to appendix C information will be discussed by State, by subheadings, in the same order that they appear in appendix C:

STATE NAME
COMBINATION:
LENGTH OF THE CARGO-CARRYING UNITS:
MAXIMUM ALLOWABLE GROSS WEIGHT:
OPERATIONAL CONDITIONS:
WEIGHT:
DRIVER:
VEHICLE:
PERMIT:
ACCESS:
ROUTES:
LEGAL CITATIONS:
OTHER COMMENTS:

Other comments considered, that did not result in a change, will be discussed at the end. Any heading not included in the discussion means that the information included in the SNPRM was accurate, and the same information has been included in appendix C as published by this final rule.

Alaska

OPERATIONAL CONDITIONS:

WEIGHT: The State DOT commented that the weight restriction discussion in the SNPRM for Alaska should not apply because the section 1023 freeze applies only to the Interstate System, and Alaska does not have Interstate System mileage designated under 23 U.S.C. 103, 139(a), or 139(b). The FHWA agrees with this comment. Accordingly, the weight condition for each vehicle described has been revised to indicate that a carrier has to be in compliance with State laws and regulations and does not list maximum weight limit values. In addition, because LCV's, as defined in the ISTEA, do not operate in Alaska due to the lack of Interstate System mileage, the "LCV" notation previously included by the combination description has been removed.

VEHICLE: The State indicated that the hours of operation for three trailing unit combinations are established by permit and not by regulation. Accordingly, this has been removed from the "VEHICLE" discussion.

PERMIT: The SNPRM noted that permits were required for divisible loads. The State commented that this was incorrect. Permits are only required for nondivisible loads.

OTHER COMMENTS:

The CRASH stated that Alaska Administrative Permit Manual Section 11.6 provides that "all oversize or overweight vehicles not in convoy shall maintain a minimum distance of 800 to 1,500 feet from any other oversize vehicle or vehicle with load and pilot car traveling in the same direction on the same highway in rural areas." Since Alaska is not contiguous to any other State this type of information would be of little use to any out-of-State trucker. Any vehicle requiring a permit would be subject to the Alaska permit rules which would be given to the driver when the permit was obtained. Therefore, in view of its limited usefulness in terms of general information, we will not add this provision to appendix C.

Section 4006(a) of the ISTEA provides that Alaska "may allow operation of commercial motor vehicle combinations which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991." Verification has been furnished that "Triples" with trailers not over 45 feet in length were in actual operation under permit prior to July 6, 1991. The CRASH believes that the operation of "Triples" after June 1, 1991, was authorized only on an experimental basis as provided in 17 AAC 25.106(b)(4). However, the ISTEA allows the continued operation of any combinations put into service between June 2 and July 5, 1991, without further condition. Therefore, "Triples" may continue to operate, as indicated in appendix C.

The State advised that under Alaska regulations, a truck tractor equipped with a dromedary box is defined as not being cargo carrying. Dromedary boxes do in fact carry cargo. However, for the reasons given above, the FHWA has decided for the time being not to list the cargo-carrying length of dromedary tractor-semitrailer combinations.

The State indicated that an additional route, AK–1 from Palmer-Wasilla Highway Junction to Wishbone Hill Coal Access Road, must be added to Alaska's routes chart under the caption for "Rocky Mountain Double-LCV" (58 FR 11467) of the SNPRM. However, this is incorrect because the freeze on vehicle length is applicable only on the NN, and this is not an NN route. The State is free to regulate the size and weight of vehicles off the NN as it sees fit.

ARIZONA

LEGAL CITATIONS:

The CRASH stated that Arizona statute ARS 28–1011.N should not be shown as authority for permitting overweight vehicles on the NN since it only covers the issuance of permits on other than NN routes. We agree, since the provisions of Section 4006 of the ISTEA apply only to vehicles on the NN. Therefore, ARS 28–1011.N has been deleted from the "Legal Citations" for Arizona in appendix C.

OTHER COMMENTS:

The CRASH stated that the legal size for "Rocky Mountain Doubles" is 90 feet, and not 92 feet as shown in proposed appendix C contained in the SNPRM. Arizona statute ARS 28–1011.A provides that the Arizona DOT may issue oversize permits for vehicles exceeding otherwise applicable length limits on the State highway system. Further, the change in categories from those listed in the SNPRM makes this a moot point insofar as the final appendix C is concerned.

The CRASH stated that the State may not issue "verbal policy directives" authorizing overlength vehicles. It adds that the State appears to be violating its own statutes. The question cannot be resolved in this proceeding but the FHWA will investigate the issue in connection with Arizona's certification of compliance with 49 U.S.C. app. 2311(j).

The CRASH also stated that weight limits for LCV's on US 89A and I–15 cannot be determined under ARS 28–1011.N. The FHWA agrees. Since the ISTEA freezes the weight of LCV's only on the Interstate System, we will not further consider weight limits on US 89A. The State indicated that the maximum allowable weight limits for all LCV's on the Interstate System is 111,000 pounds, except for "Triples," which it said are subject to a maximum allowable weight of 123,500 pounds. The 111,000-pound maximum weight limits are specifically authorized under ARS 28–1011.M, and higher maximum weights may be authorized under ARS 28–1011.A on the State highway system. Since the State indicated that the highest weight authorized for "Triples" on or before June 1, 1991, was 123,500 pounds, that value is retained in appendix C.

COLORADO

LENGTH OF THE CARGO-CARRYING UNITS:

Appendix C in the SNPRM showed the cargo-carrying length for "Rocky Mountain Doubles" in Colorado as 85 feet, for "Turnpike Doubles" 95 feet, for "Triples" 95 feet, and for truck-trailer combinations as 78 feet. However, on June 1, 1991, the State actually allowed one of the trailing units in "Rocky Mountain Doubles" to be up to 48 feet long and the other up to 28 feet 6 inches long, with not over 15 feet of hitch between the two units, or a total cargo-carrying length of 91.5 feet. The State also allowed "Turnpike Doubles" to have two trailers of approximately equal length, not to exceed 48 feet each, with a hitch not to exceed 15 feet in length. The resulting cargo-carrying length becomes 111 feet. Revised appendix C has been changed to reflect these values.

The State allowed "Triples" to have three trailing units, not to exceed 28.5 feet, with a 15-foot hitch between the trailing units. Appendix C has been changed to a cargo-carrying length of 115.5 feet to reflect this.

OPERATIONAL CONDITIONS:

PERMIT: The State requested that a new sentence be added after the first sentence under the "Permit" provisions for "Rocky Mountain Doubles" in appendix C as follows: "Also, the vehicle must purchase an overweight permit pursuant to C.R.S. 42–4–409(11)(a)(II)(A), (B), or (C), and comply with Rule 4–15 in the rules pertaining to Extra-Legal Vehicles or Loads." The State also commented that the time restrictions on the operation of "Rocky Mountain Doubles" in the next sentence should be changed from 7 a.m. to 6 a.m. and from 4 p.m. to 3 p.m. and that the sentence in parentheses should read as follows: "('Rocky Mountain' doubles not operating at greater than the legal maximum weight of 80,000 pounds are subject to different hours of operation restrictions. Refer to rules pertaining to the Operation of Longer Vehicle Combinations on Designated State Highway Segments)." The CRASH said motor carriers that operate ISTEA vehicles must have an established safety program as provided in Chapter 9 of the Colorado Department of Highways Rules and Regulations for Operation of Longer Vehicle Combinations on Designated State Highway Segments. Elements of the program include compliance with minimum safety standards at 8 CCR 1507–1; hazardous materials regulations at 8 CCR 1507–7, 8, and 9; Colorado Uniform Motor Vehicle Law, Articles 1 through 4 of Title 42, C.R.S., as amended; and Public Utility Commission's regulations at 4 CCR 723–6, 8, 15, 22, and 23. Revised appendix C includes these changes.

ROUTES:

Appendix C in the SNPRM indicated routes on which "Rocky Mountain Doubles" could travel as "National Network routes except that LCV's may not operate on I–70 from Exit 90 to Exit 259." However, the State indicated that they essentially may operate only on the Interstate System. Appendix C has been amended accordingly.

LEGAL CITATIONS:

The State said that in the "Legal Citations" for "Rocky Mountain Doubles," 42–4–407(1)(C)(III)(A), should be corrected by changing the capital "C" to a small "c." It also said that provisions following this citation should be deleted and the following added: "LVC's must comply with Longer Vehicle Combination Rules and the Extra-Legal Vehicles or Load Rules. However, when the rules address the same subject, the LVC, since it is operating at greater than 80,000 pounds, must comply with the Extra-Legal Vehicles or Loads Rules. Such rules are: 4–1–2 and 4–1–3 concerning holiday travel restrictions, 4–1–5 concerning hours of operation restrictions, 4–8 concerning minimum distance between vehicles and 4–15 concerning maximum allowable gross weight." These changes have been made.

OTHER COMMENTS:

The State pointed out that no maximum gross weight is shown in connection with the truck-trailer combination listed in appendix C. This is correct because a truck-trailer combination is not an LCV as defined in the ISTEA since it is not a combination of a truck tractor and two or more trailers or semitrailers. Therefore, its maximum weight on the Interstates is not frozen as of June 1, 1991, but remains as provided in 23 U.S.C. 127(a). The listing for this combination has been changed in appendix C by adding "WEIGHT" as a separate category under "Operational Conditions" and indicating that the vehicle must be in compliance with State laws and regulations.

The State also noted that "Rocky Mountain Doubles" could operate from milepoint 8.9 to milepoint 9.7 on State Highway 133 in Delta. However, as this is not on the Interstate System or the NN, the ISTEA freeze provisions do not apply. Accordingly, the route is not listed in the vehicle descriptions. The CRASH said that prior to June 1, 1991, "Rocky Mountain Doubles" could operate on I–70 from the Utah State Line only to State Highway 65 (Exit 49). In fact, the route was extended from State Highway 65 to State Highway 13 (Exit 90) on April 5, 1990. Since this was prior to June 1, 1991, "Rocky Mountain Doubles" may continue to operate from the Utah State Line to State Highway 13 (Exit 90) after that date.

The State also commented that the freeze on the operation of LCV's on the Interstate System and the freeze on the operation of CMV's with two or more cargo-carrying units on the NN may create administrative and enforcement problems. However, it also recognized that this arises from the ISTEA and cannot be changed in this proceeding.

FLORIDA

COMBINATION:

The State commented that Florida law and rules contain no references to "Rocky Mountain Doubles" and that all references to them in appendix C should be deleted. The revision of the categories used in appendix C, as presented by this final rule, addresses the State's concern over nomenclature.

OTHER COMMENTS:

Florida commented that the 106-foot length previously given for "Turnpike Doubles," now shown for a truck tractor and two trailing unit combination, is incorrect. The maximum length should be 116 feet. The 116-foot dimension is the maximum overall vehicle length established by State regulation. Appendix C is a listing which includes maximum cargo-carrying length. The convention used throughout this rulemaking is that, in the absence of any information to the contrary, cargo-carrying length for a truck tractor combination is the maximum overall length minus 10 feet. Thus, 106 feet remains the cargo-carrying length value for Florida's truck tractor and two trailing unit combination.

The State also expressed concern over the fact that the vehicles listed for Florida are not considered LCV's as provided in the ISTEA definition, because the route on which they operate, Florida's Turnpike, is not part of the Interstate System. The State made the point that the twin-trailer combinations which operate on the Florida Turnpike match the configuration and weight criteria for LCV's, and only an administrative action, whether or not the Turnpike is part of the Interstate System, keeps them from being designated as such.

Until the ISTEA was enacted, the meaning of the term LCV differed from one region to another, and sometimes depended on the commodity being transported. By providing a definition of LCV, Congress has provided a basis for describing these combinations on a national basis. Any combination which does not meet all of the criteria, including operation on the Interstate System, is not to be considered an LCV.

IDAHO

OTHER COMMENTS:

The CRASH stated that the SNPRM omitted the provisions for time-of-travel restrictions for overlegal loads published in Idaho Transportation Department Rule 39.C.11.5, and the requirement that an applicant for a permit certify that the load is indivisible. These restrictions apply only to nondivisible loads as indicated in Rule 39.C.11.4.c. There are no time-of-day restrictions for Extra-Length Vehicle Combinations operating under permits issued pursuant to Rule 39.C.22. The CRASH also indicated that time-of-travel restrictions applied to overweight loads under Rule 39.C.11.5. Although the rule is entitled "Time of Travel Restrictions for Overlegal Loads," the text deals only with "oversize" loads. The CRASH said that the SNPRM omitted seasonal weight limits in Rule 39.C.14. The Rule simply provides that such limits will be posted. Therefore, they are in the same category as speed limits or other general restrictions that all vehicles must observe.

The "Dromedary tractor semitrailer" combination listed in the SNPRM has been removed from appendix C due to the exclusion of such combinations from the list as discussed earlier. The "Dromedary tractor semitrailer trailer" combination has also been removed from appendix C due to the dromedary equipment exclusion. This vehicle is covered by the listing for the truck tractor and two trailing unit LCV's.

INDIANA

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH commented that the SNPRM omitted several equipment requirements for all LCV combinations including those for emergency equipment, safety chains, lights, reflectors, and for three trailing unit combinations, spray-suppressant mud flaps. All of these items have been added to appendix C.

PERMIT: The CRASH indicated that maximum speed and the State wind operational restrictions were omitted from the permit discussion. These have been added.

OTHER COMMENTS:

The CRASH also commented that the State 3-inch sway limitation was not included in the SNPRM. The requirement was, in fact, included in the SNPRM and has been retained in this final rule.

KANSAS

MAXIMUM ALLOWABLE GROSS WEIGHT:

The State commented that the maximum allowable gross weight listed for "Triples" in the SNPRM was incorrectly listed as 110,000 pounds and that the value should instead be 120,000 pounds. The 110,000-pound limit applies only to three trailing unit operations on I–70 between the Colorado State Line and Goodland. The Kansas Turnpike allows these combinations to operate at 120,000 pounds. This change has been made in appendix C.

OPERATIONAL CONDITIONS:

Under the Operational Conditions described for "Triple—LCV" in the SNPRM, the phrase at the beginning of the section "called special vehicle combinations (SVC's) in Kansas," has been deleted in appendix C at the request of the State. The term "SVC" applies only to operations on I–70 between the Colorado State Line and Goodland. It does not apply on the Turnpike.

DRIVER: At the request of the State, the wording has been corrected to accurately differentiate between SVC operations and operations on the Turnpike.

VEHICLE: The CRASH commented that vehicle equipment requirements concerning lateral movement in the travel lane and anti-spray devices were not included in the SNPRM for SVC operations. Both items are now included in appendix C.

PERMIT: The CRASH commented that the permit discussion for SVC operations did not include the requirement to have insurance coverage of certain amounts. Appendix C has been changed to reflect the requirement to have insurance coverage, however, the amounts are not included in appendix C. The amount of insurance coverage is not an item that is directly related to the size and weight of LCV's.

ACCESS: SVC access was not included in the SNPRM because SVC operations were not included. Appendix C now includes SVC access provisions according to comments provided by the State.

ROUTES:

I–70 in Western Kansas: Kansas allows SVC's on the short segment of I–70 from Goodland to the Colorado State line. Kansas submitted this information and it was published in the NPRM. The FHWA subsequently learned that SVC operations began on that route only on May 31, 1991, the day before the June 1 freeze date.

The ISTEA provides that LCV's (including SVC's) must have operated "on a regular or periodic basis" on or before June 1, 1991 (23 U.S.C. 127(d)(1)(A)). According to the ISTEA conference report:

To be considered "regular or periodic" use, operations must have occurred at recurring intervals over a period of time. Moreover, periodic operations must have occurred on an intermittent but consistent basis. Use of an LCV on only one or two occasions pursuant

to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations * * *. (H.R. Rep. No. 404, 102d Cong., 1st Sess., at 314 (1991))

Because SVC operations on I–70 did not appear to be "regular or periodic" by this standard, the FHWA revised the SNPRM to remove the Goodland segment from the list of authorized Kansas LCV routes.

Thirty-seven commenters discussed this subject, and all of them favored restoration of the I–70 route. Yellow Corporation, the parent company of Yellow Freight, explained in detail how the problem arose. Yellow Freight uses a hub and spoke system. The company commented that "(w)here distances between hubs do not allow for the journey to be made within the ten-hour federal drivers hours of service limit, Yellow Freight has established driver relay facilities (where) * * * drivers * * * are changed, with the equipment moving on to meet customer service demands." Yellow Freight has for 25 years maintained a driver relay facility at Goodland which serves vehicles moving between its Kansas City and Denver hubs. "Linehaul drivers leave Kansas City westbound to Goodland, layover and return eastbound the next day. Goodland-domiciled linehaul drivers operate a turn between Goodland and the Denver hub."

Colorado authorized triple-trailer and other large combinations in 1989. Unlike competitors with facilities in eastern Colorado, Yellow Freight was unable to use these vehicles between Goodland and Denver because Kansas did not allow them on I–70. Rather than move its relay facility into Colorado or forgo the economic advantages of "Triples," Yellow Freight asked Kansas in September 1989, to allow SVC's on I–70 between Goodland and the Colorado line. The Kansas Department of Transportation (KDOT) announced a rulemaking proposal in January 1990, that would have allowed "Triples" on all Kansas Interstates. The Kansas Railroad Association (KRA) responded by having a bill to ban "Triples" introduced in the legislature; the KDOT withdrew its proposal. Yellow Freight and the KRA negotiated a compromise which, among other things, allowed triple-trailer combinations on the Goodland segment of I–70. The bill was approved on April 12, 1990, and SVC regulations to implement it were promulgated on March 4, 1991. Yellow Freight ran one "Triple" on May 31, 1991, and a second on June 1.

Both Yellow Freight and the KDOT place much of the blame for delays in issuing the permits required to start I–70 operations on the FHWA's failure to clarify its position on the State's grandfather rights in a timely fashion. The FHWA and a number of States—not including Kansas—had long disagreed on the question of whether LCV operations were legitimately grandfathered. One of the purposes of the LCV freeze was to resolve these disputes by ratifying actual operations allowed by State law on June 1, 1991. The KDOT's announced intention to allow SVC's on I–70 was one more indication of the rapid spread of LCV's in States west of the Mississippi. Because of the desirability of a uniform policy toward all States that allowed LCV operations, the FHWA did not immediately address the question of Kansas' grandfather rights. However, on April 8, 1991, just over a month after the KDOT's regulations authorizing SVC permits became effective, the FHWA asked for an opinion by the Kansas Attorney General (AG). The KDOT requested the opinion on April 26, 1991, and the AG replied on May 30, 1991, that the State's grandfather rights were broad enough to encompass SVC operations on I–70. Since the issue here is "regular or periodic" operations, it would serve no purpose to discuss the AG's grandfather claims. The KDOT quickly issued an annual SVC permit to Yellow Freight and operations began the following day.

The State's regulatory process was not completed until March 4, 1991, and the Kansas AG required more than a month to respond to the KDOT's request for an opinion. The FHWA had no part in these delays. It is true, however, that the KDOT made a good faith effort to satisfy the FHWA's legal concerns and postponed the start of SVC operations on I–70 until the deadline included in the draft ISTEA legislation had nearly passed. We do not wish to penalize Kansas simply for cooperating with the FHWA.

Yellow Freight asserted that "(a)s originally drafted, the Federal LCV freeze date would have been April 1, 1991. Senator Dole's office intervened to move that federal freeze date to June 1, 1991, specifically to accommodate the Goodland triples route."

In its comments in response to the SNPRM, the ATA said:

ATA was deeply involved in the Congressional deliberations leading to the LCV freeze. It is our understanding that the language in the Conference report was designed to preclude establishing LCV operations based on single trip permits for infrequent truck movements. Therefore one or two movements of heavy machinery by a specialized carrier would not create "grandfathered rights."

ATA understands that for Kansas, a single trip permit would normally be issued for "occasional use" purposes. It is clear that the intent of the (SVC) permit was for multiple trip purposes and not occasional "one or two trips." The permit had been applied for long before the freeze language was proposed. It was only a matter of timing that so few trips were made.

There is nothing in the ISTEA legislative history that clarifies the meaning of "regular or periodic basis," but the ATA's interpretation is plausible, especially in view of the Caltrans' response to the SNPRM. The Caltrans stated that it

[I]ssued two permits, at the request of the California Legislature, allowing two vehicle combinations with three 26.5-foot trailers to operate from October 27 to November 5, 1971. These vehicle combinations had an overall length of 94.25 feet with gross vehicle weights of 76,800 pounds and 90,000 pounds. The 1971 permits were issued to gather information on truck tractor and triple trailer combination operations. The information was used to consider whether triple combination operations should be allowed in California.

In 1983, the Caltrans issued permits for operational tests of (1) a 111,000-pound "Triple" (28-foot trailers) between October 24–28; (2) a 106,850-pound "Rocky Mountain Double" (48-foot semitrailer, 28-foot pup) between November 7–10; and (3) a 122,650-pound "Turnpike Double" (two 48-foot trailers) between November 14–18. The Caltrans argued that

California retains the right to issue an extralegal permit for good cause to operate a divisible combination of vehicles exceeding the maximum size or weight limits with specific guidance provided by the California Legislature.

The brief tests performed by California one and two decades ago, which never resulted in the authorization of LCV's, are certainly among the minimal operations that the requirement for "regular or periodic" use was intended to exclude. The FHWA has therefore declined to list these vehicles in appendix C.

Kansas and Yellow Freight, on the other hand, clearly expected LCV's to use I–70 routinely and for years to come, and made elaborate preparations on that basis. In addition, the KDOT's efforts to cooperate with the FHWA delayed the issuance of the first permits, which would otherwise have been available in March 1991. On balance, the FHWA believes that the SVC operations on I–70 satisfy the statutory standard. The Goodland route has therefore been restored to appendix C.

The CRASH commented on the accuracy of the lists of routes available

to the different vehicle combinations. Appendix C now reflects the proper route listings. Due to the SVC and Turnpike operations, the truck tractor and three trailing unit combination does have more route mileage available to it than do two trailing unit combinations. The new route lists show that I–70 between the Colorado State Line and Goodland is available only to SVC's with three trailing units and not to LCV combinations with two trailing units.

LEGAL CITATIONS:

One change has been made at the request of the State. KSA–8–1915 has been moved from the list of applicable statutes for two trailing unit combinations to the list for three trailing unit combinations.

MASSACHUSETTS

LENGTH OF THE CARGO-CARRYING UNITS:

The CRASH commented that the cargo-carrying length listed in the SNPRM for the "Turnpike Double—LCV" was incorrectly listed as 114 feet. This figure is the overall length previously allowed for this configuration. Applying the convention for determining cargo-carrying length used throughout this rulemaking, 10 feet will be deducted for the tractor. The cargo-carrying length now shown in appendix C for the truck tractor and two trailing unit combination is 104 feet.

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH pointed out two vehicle requirements missing from the SNPRM, one concerning emergency equipment and the other concerning passing requirements. Both provisions have been added to appendix C.

PERMIT: The CRASH commented that the SNPRM did not include the requirement to have insurance coverage of certain amounts. Appendix C has been changed to reflect the requirement to have insurance coverage, however, the amounts are not included in appendix C. The amount of insurance coverage is not an item that is directly related to the size and weight of LCV's.

MICHIGAN

COMBINATION:

The State commented that the vehicle in question is a truck tractor-semitrailer-trailer where one of the cargo units exceeds 28.5 feet in length. Michigan statutes allow an overall length for the two trailers, as measured from the front of the first trailer to the rear of the second trailer, of 58 feet, including the load. This vehicle configuration was excluded from the original listing of LCV's in the NPRM. The exclusion was based on a definition of excepted combination used in the NPRM (57 FR 9901, March 20, 1992) as follows:

Truck tractor-semitrailer-semitrailer and truck tractor-semitrailer-trailer configurations with a maximum length of cargo-carrying units of 62 feet or less are subject to the provisions of 23 CFR part 658. These are the twin 28-foot units authorized by the STAA, and the 28-foot B-train doubles authorized as specialized equipment by the FHWA.

Michigan contends that the vehicle was correctly excepted in the NPRM since the Michigan vehicle clearly fell within the length parameters of non-LCV vehicles.

The exclusion by the FHWA in the NPRM was erroneous. The vehicle was included in the SNPRM and is now in the final rule since it can consist of a truck tractor and two trailing units and can carry more than 80,000 pounds on the Interstate System.

The State also commented that the "Rocky Mountain Double—LCV" description in the SNPRM was inappropriate for the vehicle in operation in Michigan. The revised combination categories now used in appendix C has alleviated this concern.

MAXIMUM ALLOWABLE GROSS WEIGHT:

The State commented that the table listing vehicle combinations subject to the ISTEA, illustrating a Michigan vehicle listed under "Rocky Mountain Doubles" with a 128,000-pound maximum gross weight, was inappropriate. Michigan, the State argued, is an axle weight State with a grandfather provision and maximum gross weights are determined based on axle and axle group weight limits. Therefore, it would be inappropriate to specify a single maximum gross weight for Michigan. The FHWA does not agree. The table and text have been revised to show a maximum allowable gross weight of 154,000 pounds. The 154,000-pound figure was determined from the maximum axle weight limits for an 11-axle vehicle (the maximum number of axles allowed under State law) with optimum axle spacing and with a combined cargo-carrying box length of 58 feet. Vehicles with fewer axles or less than optimum axle spacing will have a lower allowable gross weight based on State requirements.

OPERATIONAL CONDITIONS:

VEHICLE: Michigan commented that certain statements included in the SNPRM did not apply to the vehicle in question. These statements concerned (1) the overall length of a truck and trailer or semitrailer combination and (2) operational hours for certain vehicles hauling hazardous materials. The appropriate sentences have been removed from the text.

ACCESS: The State commented that "Access" should read "all designated State highways." This change has been made.

ROUTES:

In response to a comment by the State, the "ROUTES" description has been changed to indicate that all Interstate and designated State highways are open to these vehicles.

MISSISSIPPI

COMBINATION:

The State commented that a CMV with two cargo units, subject to the freeze requirements of section 4006 of the ISTEA, originally submitted by the State and included in the NPRM, was inadvertently left out of the SNPRM. The vehicle, which is subject to the freeze because the trailing units may each be up to 30 feet long, has been included in appendix C with the operational information listed as supplied by the State.

MISSOURI

OTHER COMMENTS:

The CRASH claimed that an error in available routes had been made in the SNPRM, and that the SNPRM did not include several items that pertain to permitted loads. The CRASH not only questioned the availability of several Interstate routes in the Kansas City metropolitan area, but also the availability of I–44 in southwest Missouri. It stated that "the only National Network route from which LCV's can enter Missouri is I–70 in Kansas." Several NN routes in Kansas and Oklahoma come up to the Missouri State Line. LCV's are allowed to operate on I–44 in Oklahoma, thus making I–44 available to enter Missouri. In Kansas, LCV's have access to the northeastern end of the Kansas Turnpike, over any route within a 20-mile radius. Within that 20-mile radius in Kansas, several Interstate and other highways, which prior to passage of the ISTEA were designated as Federal-aid Primary highways, come up to the Missouri State Line. LCV's may use any of these routes to reach terminals in Missouri which fall within a 20-mile band of the Kansas State Line.

The CRASH indicated that the State indivisible load requirement had been omitted from the SNPRM. In addition, the CRASH contends that several operational requirements were also

omitted, including those involving time-of-day restrictions, weather requirements, oversize load signs, speed, tractor unit power, and the need for insurance. The State responded that routine overdimension and overweight special permit issuance in Missouri is made in accordance with State Rule 7 CSR 10–2.010 (based on Section 304.200, Revised Statutes of Missouri 1992), which provides for a uniform administration of large and heavy loads.

Although the rule (7 CSR 10–2.010) as originally promulgated by the Missouri Highway and Transportation Commission disallows routing reducible loads (except for farm products) under permit, in July 1986 the State's chief engineer, exercising other authority within the rule, authorized travel for multi-unit LCV's carrying reducible loads. To quote Rule 7 CSR 10–2.010:

[T]he chief engineer of the State Department of Highways and Transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height, and weight herein specified * * *.

It was determined to be in the public interest to allow LCV operation to relieve economic stress and give motor carriers the incentive to retain terminals in Missouri. Missouri would then be more competitive with adjacent western States which allow LCV operations. The operation of LCV's has gone without reported incident, according to annual documented safety assessments made by the Missouri Highway and Transportation Department, the Missouri State Highway Patrol, the Kansas City Public Works Department, and the Kansas City Police Department.

In response to other items listed, the State made the point that Missouri Revised Statute § 304.200 (1992) gives the chief engineer significant latitude in allowing the operation of LCV's, and that several items including speed and weather restrictions are conditions of the permit issued for the operation of LCV's.

MONTANA

OPERATIONAL CONDITIONS:

PERMIT: The CRASH said that a provision requiring carriers operating vehicles subject to the ISTEA freeze to have "public liability and property damage insurance for the protection of the traveling public as a whole" was omitted from appendix C. Appendix C has been changed to reflect the requirement to have insurance coverage; however, the amounts are not included. The amount of insurance coverage is not an item that is directly related to the size and weight of LCV's.

OTHER COMMENTS:

The CRASH said that Chapter 672 of the Montana Session Laws of 1991, which amended Montana Code Annotated (MCA) section 61–10–124, increased the length of Turnpike Doubles from 95 to 100 feet in length effective January 1, 1992, and, therefore, the cargo-carrying length in appendix C should be based on the shorter length. This is incorrect. Before the change, section 61–10–124 read as follows:

A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in length, * * *.

After the 1992 change, it read as follows, with the additional word underlined.

A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in *combination* length, * * *.

The amendment clarified but did not substantially change the law; term permits could be issued for "Turnpike Doubles" not more than 100 feet long on June 1, 1991.

NEVADA

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH said that the Nevada Department of Transportation Rules and Regulations in Sections 484.400, 484.405(4), 484.425, 484.430, 408.100–4, and 408.100–6(a), primarily dealing with emergency and safety equipment, should be added to the Nevada provisions in appendix C. We concur, and this has been done.

OTHER COMMENTS:

While appendix C has been changed to reflect the requirement to have insurance coverage, the amounts are not included in appendix C. The amount of insurance coverage is not an item that is directly related to the size and weight of LCV's.

NEW MEXICO

LENGTH OF THE CARGO-CARRYING UNITS:

The cargo-carrying length restriction does not apply to two trailing unit combinations. The length of each trailing unit is limited to 28.5 feet. This describes a two trailing unit vehicle whose operation is guaranteed by the STAA regardless of inter-unit spacing. As long as each trailing unit is 28.5 feet long or less, cargo-carrying length is not restricted. This combination is listed as an LCV because it can exceed the 80,000-pound threshold established in the congressional definition. New Mexico has a grandfathered gross weight limit of 86,400 pounds.

NEW YORK

COMBINATION:

The State submitted an additional vehicle for inclusion in appendix C. It is an STAA Double (twin 28.5-foot units) hauling up to 100,000 pounds under a State DOT permit. As this combination may operate on NN highways in New York, appendix C has been amended to account for its operation. This combination was inadvertently omitted by the State DOT in its previous LCV submissions and docket comments.

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH commented that several items were omitted from the "VEHICLE" discussion in the SNPRM, including the need to carry emergency equipment, mud flaps, safety chains, and a tractor certification identification number. All of these items are now included in appendix C.

The discussion under *DRIVER*, *VEHICLE*, and *PERMIT* has been revised to note the fact that the New York State Thruway Authority, in addition to its responsibility for the tolled sections of Interstate routes 87, 87/287, 90, 95, and 190 (the original Thruway mainline between New York City and Pennsylvania along with the Berkshire, New England, and Niagara sections), now also has jurisdiction over the full length of I–84, and that portion of I–287 between Thruway exit 8 and I–95. These latter two sections remain toll-free, and the operating rules that apply are the same as those in effect on all other highways in the State that are under the jurisdiction of the New York State DOT.

OTHER COMMENTS:

The CRASH also sought to include the insurance requirements and the amounts. While appendix C has been changed to reflect the requirement to have insurance coverage, the amounts are not included in appendix C. The amount of insurance coverage is not an item that is directly related to the size and weight of LCV's.

In addition to the added combination discussed earlier, the State submitted a second vehicle for inclusion in appendix C. It is a combination which uses twin 28.5-foot units to carry nondivisible loads. This vehicle has not been included as nondivisible loads moving under permit are not subject to the freeze.

OKLAHOMA

LENGTH OF THE CARGO-CARRYING UNITS:

The cargo-carrying unit length for the two trailing unit combination has been listed in this final rule at 110 feet. This length was determined after further review of docket comments submitted by the CRASH, actual operation documentation submitted by various carriers, and the appropriate State statutes and regulations. The composite of the information available leads the FHWA to conclude that on or before June 1, 1991, the longest legally allowed multi-unit combination vehicle in regular or periodic use in the State consisted of a truck tractor-semitrailer-trailer, wherein each of the trailing units was 53 feet long. Combining twin 53-foot units with a 4-foot drawbar results in the 110-foot cargo-carrying length. In the NPRM the cargo-carrying length listed for both the "Rocky Mountain" and "Turnpike" Doubles was 123 feet. In the SNPRM, 123 feet was again listed for the "Turnpike" Double. The 123-foot distance was the result of combining a 4-foot drawbar with twin 59-foot 6-inch units.

For purposes of establishing a cargo-carrying length subject to the freeze provisions of the ISTEA, the State incorrectly interpreted relevant provisions of the STAA of 1982. It appears the State reasoned that since the STAA required (1) that all States allow truck tractor-semitrailer-trailer "Doubles" combinations, and (2) that Oklahoma must allow a 59-foot 6-inch semitrailer to meet the grandfather provisions of the STAA (53 FR 2599, Jan. 29, 1988), it follows that Oklahoma must therefore allow twin 59-foot 6-inch units to operate as part of a multi-unit combination vehicle.

While the STAA does require all States to allow "Doubles," the only applicable length requirement is that each State must allow at least 28.5-foot trailing units. The allowance of any longer unit is at a State's discretion within the parameters established by this final rule. The grandfathered semitrailer length applies only for truck tractor-semitrailer combinations. The STAA requires that each State continue to allow trailers or semitrailers of such dimensions as those that were in actual and lawful use in the State on December 1, 1982. The January 1988 rulemaking referred to earlier established that length as 59 feet 6 inches for Oklahoma.

For purposes of establishing a cargo-carrying length subject to the freeze provisions of the ISTEA, a determination must be made as to the unit lengths comprising combination vehicles authorized by State statute or regulation and in actual operation on a regular or periodic basis on or before June 1, 1991. Re-examination of all submitted material and docket comments resulted in the 110-foot length.

OREGON

LENGTH OF THE CARGO-CARRYING UNITS:

The Oregon Department of Transportation (ODOT) commented that overall length requirements for three trailing unit combinations have a significant impact on public safety and must be retained. The ODOT also said that the length of tractors in combination with three trailing units is not a uniform 10 feet long but can range from 9 to 14 feet.

The freeze does not affect the authority of the ODOT to enforce an overall length limit on triple-trailer combinations. However, it does limit the overall length of the cargo-carrying units to what was authorized and in use on or before June 1, 1991. Although the comment does not specifically indicate that 9-foot-long tractors were in use with "Triples" on or before June 1, 1991, we assume that was the intent. Therefore, appendix C has been changed to correct the cargo-carrying length of three trailing unit combinations from 95 to 96 feet.

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH commented that ORS 818.150(5) provides that any towed vehicles in a combination must be equipped with safety chains or cables to prevent the towbar from dropping to the ground in the event the coupling fails. The chains or cables must have sufficient strength to control the towed vehicle in the event the coupling device fails and must be attached with no more slack than necessary to permit proper turning. However, this requirement does not apply to a fifth-wheel coupling if the upper and lower halves of the fifth wheel must be manually released before they can be separated. Appendix C has been amended accordingly.

ROUTES:

The ODOT indicated that there is no direct relationship between approved routes for three trailing unit combinations and the NN highways. The connection is that the freeze applies only on NN highways. Consequently, truck tractor and three trailing unit combinations may not operate with more than 96 feet of cargo-carrying length on routes shown in appendix C. The State is free to regulate the use of triple-trailer combinations as it sees fit on other highways.

OTHER COMMENTS:

The CRASH also indicated that officials who issue permits may require the applicant to furnish public liability and property damage insurance and establish that the permit vehicle will stay on the right side of the centerline at all times. We do not regard these conditions to be the type which must be published in appendix C since the State has discretion whether or not to apply them.

The ODOT asked for a definition of terms and vehicles used in FHWA rulemakings but did not cite any specific items that should be defined. We are unaware of any items that should be defined or that could be defined without affording interested persons the opportunity to comment on the proposed definitions.

SOUTH DAKOTA

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH said that provisions relating to public liability insurance, the amount of offtracking allowed and the entering of the dimensions used to calculate the offtracking on the permit form should be included in appendix C. We concur, and appendix C has been modified accordingly.

OTHER COMMENTS:

The State said that the maximum weight limit for "Rocky Mountain Doubles" is not "129K" as shown on the table at 58 FR 11465–11466 of the SNPRM but is the "Uncapped Federal Bridge Formula." For LCV's the maximum allowable weight is capped at what was allowed and in actual operation on June 1, 1991. Based on the information submitted by the State, a "Turnpike Double," which must also comply with the Federal Bridge formula, is limited to a maximum of 129,000 pounds. The recategorization of the vehicles subject to the LCV freeze has adopted the 129,000-pound value for the "Turnpike Double" as the maximum for a truck tractor and two trailing units.

The State showed the length of the road tractor-trailer-trailer combination as 80 feet. However, this is the overall length. When the length determination in the SNPRM is used, the cargo-carrying length is the overall length minus 10 feet for the length of the tractor. Therefore, the cargo-carrying length of this combination is shown in appendix C as 70 feet.

The State asked for certain additions and deletions to appendix C. The

recategorization of the vehicles subject to the LCV freeze accounted for most of the changes suggested by the State. The descriptions for South Dakota, which now appear in appendix C, take into account the comments made by the State.

UTAH

OPERATIONAL CONDITIONS:

VEHICLE: The CRASH said that Utah Regulations for Legal and Permitted Vehicles, sections 400.2(8), (12), and (14) pertaining to sway of multiple-trailer vehicles, following distance, and insurance requirements, respectively, should be reflected in appendix C. We concur, and appendix C has been amended accordingly.

ROUTES:

The State clarified the basis for delineating vehicles allowed to operate on divided or nondivided highways from overall length to length of cargo-carrying units. This reformatting did not change the lengths allowed, but simply re-stated the lengths to match the language of the ISTEA.

LEGAL CITATIONS:

The State also corrected the legal citation for truck tractor and two trailing unit combinations and indicated that those for "Triples" should be the same. These changes have been made.

WASHINGTON

COMBINATION:

The State indicated that the listing in the SNPRM for "Dump truck with pup trailers" should be changed to "Truck and trailer." We agree, and this change has been made in appendix C.

OTHER COMMENTS:

The State indicated that the listing in the SNPRM of "truck tractor with dromedary box-semitrailer-trailer" should be changed to read "truck tractor carrying a freight compartment no longer than eight feet-semitrailer-semitrailer or full trailer." As indicated previously, we have decided for the time being not to list dromedary equipment separately. This vehicle is therefore covered by the listing for the truck tractor and two trailing unit LCV which also has a cargo-carrying length of 68 feet.

The State also commented that the length of the cargo-carrying units for "Rocky Mountain Doubles" should indicate that the 68-foot length includes the load. We disagree. The ISTEA limited the length of cargo-carrying units, not loads. If the State wants to prohibit, or allow, cargo overhangs over that length, it is free to do so since it retains all the authority it possessed prior to the ISTEA to regulate cargo overhangs.

WYOMING

Many of the comments made by the WTA and the State DOT involved allowable lengths and weights for what previously had been differentiated as "Rocky Mountain" and "Turnpike" Doubles. The recategorization into truck tractor and two trailing units now used in appendix C, has accommodated many of these comments.

COMBINATION:

On or before June 1, 1991, Wyoming only allowed combination vehicles consisting of not more than three single vehicles. This precluded the operation of triple-trailer combinations which consist of four single vehicles—a truck tractor, a semitrailer, and two trailers. A provision of the ISTEA, in effect, gave the State until the next general election day following enactment (November 3, 1992) to decide whether to allow "Triples." A Statewide referendum to allow their use was defeated in the November 3, 1992, election and, as a result, the ISTEA bars the use of "Triples" in Wyoming.

LENGTH OF THE CARGO-CARRYING UNITS:

Provisions relating to the length of a semitrailer in a truck tractor-semitrailer combination will not be added to appendix C since this vehicle is not subject to the ISTEA freeze. The State DOT argued that its 60-foot semitrailer length limit would apply to automobile and boat transporters with no overall length limit. This is not consistent with the Federal requirement that States must allow standard automobile and boat transporters to have a minimum overall length of 65 feet (75 feet if stinger-steered), with no specific limit on the length of the semitrailer. However, application of the State rule does not conflict with the Federal requirement since, as a practical matter, it only applies to vehicles longer than 65 or 75 feet. Such longer combinations would be subject to the ISTEA freeze. As a result, appendix C has been changed to list the overall length of auto and boat transporters, since cargo is typically carried on a headrack the same length as the tractor, in addition to the cargo on the trailer.

OTHER COMMENTS:

The WTA said that a truck-trailer combination falls under the definition of "any other combination of vehicles" in Wyoming law and, therefore, is limited to a total overall length of 85 feet with no single unit exceeding 60 feet. While the combination is limited to 85 feet, the 60-foot limit applies only to semitrailers in a truck tractor-semitrailer combination. The showing of 78 feet for the length of the cargo-carrying units was based on allowing 7 feet for cab length.

The WTA said that it could not understand why the cargo-carrying length of saddlemount combinations was shown in the SNPRM as 75 feet. Under Wyoming law it would be considered as "any other combination" subject to an overall length of 85 feet. We agree. Since the tractor in a saddlemount combination is part of the cargo being transported, we have changed the length of the cargo-carrying units for this combination to 85 feet.

TOW TRUCK OPERATIONS

The nature of the service provided by wreckers or tow trucks is such that these vehicles need to have immediate access to all roads in a State to remove disabled or abandoned, as well as accident-damaged, vehicles. They are, to that extent, emergency vehicles. There is no evidence that Congress intended to include these operations under the freeze restrictions. Therefore, the FHWA proposed in the SNPRM to exclude emergency towing operations from any of the freeze provisions proposed in appendix C. Comments on this issue were received from the California and Washington DOT's and the California Highway Patrol.

Both of the California agencies recommended that proposed 23 CFR 658.23(b)(5), which would allow tow trucks and vehicles in tow to operate on the NN without regard to the freeze on length, be amended to require a State permit to operate overlength. This is unnecessary since 23 CFR 658.23(b)(5) merely means that they are not limited to whatever length was allowed and in use on June 1, 1991. Since they also are not STAA vehicles, the State may regulate their length in any manner it sees fit, including the requirement for a permit, if it wishes.

The Washington DOT asked if tow truck operations are restricted to the length and weight in effect on June 1, 1991. As stated in the SNPRM, emergency towing operations are excluded from any of the freeze provisions in appendix C. However, the proposed provisions in paragraph (b) of 23 CFR 658.23 only excluded tow trucks from the length provisions of appendix C. In order to fully exclude emergency towing operations from any of the provisions contained in new 23 CFR

658.23, the underlined phrase in paragraph (a)(1) has been added:

(a)(1) Except as otherwise provided in this section and *except for tow trucks with vehicles in tow*, * * *.

Also, in paragraph (b)(5) "with" has been substituted for "and."

Pole Trailers

In the SNPRM the FHWA proposed to list, as the authorized length for expandable trailers used for carrying poles, logs or pipe, etc. (pole trailers), the lengths allowed by State law, even if these limits refer to the cargo rather than the vehicle itself.

Only five sets of comments were received which specifically addressed the issue of pole trailers. The South Dakota DOT supported the position that the State-allowed length of the cargo should be considered the cargo-carrying length of the unit. The State added that the FHWA should establish a national cargo overhang policy similar to that in effect for automobile and boat transporters; that is, 3 feet in front and 4 feet to the rear of the vehicle. The Pennsylvania DOT commented that its special length limitation (70 feet) for any combination transporting nondivisible articles has been in place for over 20 years, and that it should be listed as Pennsylvania's length for these vehicles. The California Highway Patrol provided that State's applicable length limits for pole or log trailers. Taking a different tack, both the ATA and the WTA stated in their comments that pole trailers should not be considered or regulated as LCV's. The ATA stated that the "FHWA is incorrect in believing that establishing length limits for pole trailers is consistent with the purpose of section 4006 of ISTEA." In addition to echoing the ATA's comment, the WTA went on to state that the FHWA's proposal with regard to regulating pole trailers as an LCV, "does not recognize that timber harvesters do not cut logs in the same lengths all the time. Utility poles transported by telephone and power companies are not the same length and neither are the joints of pipe used in oil well drilling, pipe line construction and water and sewer line repair and construction."

The FHWA has re-examined this issue. In the SNPRM, the FHWA admitted that the statutory language concerning the freeze is not readily applicable to such vehicles. The discussion of pole trailers and the inclusion of these vehicles in the SNPRM was based on an interpretation that the two cross-members on which the cargo rests constitute individual cargo-carrying units for purposes of section 4006 of the ISTEA. That argument is difficult to maintain. In fact, the hitch, the load, and rear dolly combine to create a *de facto* semitrailer. The FHWA has decided not to include these vehicles in appendix C, as truck tractor-semitrailers are not subject to the requirements of the freeze. Two separate pole trailers pulled by a tractor, however, must comply with section 4006.

Further Restrictions on ISTEA Vehicles

The ISTEA provides that States may further restrict, or even prohibit, the operation of LCV's or CMV's with two or more cargo-carrying units after June 1, 1991. Such restrictions, however, must be consistent with sections 411, 412, and 416(a) of the STAA. This means that States may not prohibit twin trailer combinations with trailers not over 28 feet long (28.5 feet if grandfathered) from operating on the NN or reasonable access routes. States may not restrict the width of vehicles on the NN or reasonable access routes to less than 102 inches or the metric equivalent, 102.36 inches.

A State must notify the Secretary within 30 days after the imposition of further restrictions or prohibitions on the operation of LCV's or CMV's with two or more cargo-carrying units. The FHWA does not have approval authority over any additional restrictions a State may impose, but is required to publish such restrictions in the **Federal Register**. The FHWA may require further information or clarification before publishing the restrictions in the **Federal Register**.

No additional comments were received on this issue in response to the SNPRM. The proposed regulatory language in the SNPRM directly reflected congressional intent as expressed in the ISTEA. That language has been adopted unchanged by this final rule in § 658.23(e).

Minor Adjustments to Listed Information

Sections 1023 and 4006 of the ISTEA allow States to make minor adjustments of a temporary and emergency nature which will relax route designations and vehicle operating restrictions in effect on June 1, 1991. They also direct the Secretary to issue regulations establishing criteria for the States to follow in making such adjustments.

Minor adjustments must be both temporary and caused by an emergency. According to the Conference Report on the ISTEA (H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)), such adjustments are intended to be temporary and limited, e.g., a bridge failure that would require the rerouting of ISTEA vehicles to highways where they would otherwise be prohibited. Since it is impossible to foresee all types of emergencies that might necessitate a minor adjustment, and it is not the intent of the FHWA to establish a burdensome reporting requirement, the proposed regulation would require a State to report the details of an adjustment only if the duration was expected to exceed 30 days. Emergency adjustments with a duration of 30 days or less would not be reported to the FHWA.

The NPRM proposed to cap the duration of minor adjustments at 1 year. Adjustments lasting more than 1 year would not be considered to be of a temporary or emergency nature. Minor adjustments for the same emergency would not be permitted to be broken into periods of less than 1 year to extend the emergency for a period longer than that. Similarly, an emergency would not be permitted to be broken into 30-day or shorter periods to avoid reporting. The FHWA re-examined the issue in light of the comments received to the NPRM docket. Subsequently, the SNPRM removed the NPRM's 1-year maximum duration for a minor adjustment, but clearly spelled out that the FHWA must approve any minor adjustments which exceed 30 days. The SNPRM proposal also clearly spelled out that rejection of a State's request would cause the immediate reimposition of freeze restrictions, with failure to do so putting a State at risk of a funding penalty pursuant to 23 U.S.C. 141.

Two sets of comments to the SNPRM addressed the issue, those of the CRASH and those of the Advocates For Highway and Auto Safety (Advocates). Both organizations objected to the removal of the original 1-year time limit. They feared that under the SNPRM States would be allowed to detour LCV's onto highways less capable of safely accommodating these vehicles for unspecified, indefinite lengths of time. The Advocates also objected to the SNPRM proposal because

It fails to provide any criteria for the states to use in choosing alternate routes. The agency (FHWA) simply asserts that it will exercise its discretion to review and approve or disapprove any state's request for an LCV routing adjustment.

It argues that the FHWA is reserving for itself a power to make decisions on an important issue without publicly available guidelines which have been developed through a rulemaking process.

The criteria represented in the final rule by § 658.23(c) are necessarily

general and rely on the review-and-approval nature of the Federal-State relationship.

It is not practical to develop specific criteria to evaluate requests which might originate for any number of reasons. However, to allay the concerns of both the CRASH and Advocates—that minor adjustments, insofar as alternate routes are concerned, will result in LCV's temporarily operating on highways perceived to be less safe—this final rule includes additional guidance in selecting alternate routes. Section 658.23(c) now provides that in selecting alternate routes, States should, to the extent possible, select routes with geometric and pavement design features equivalent to those of the highway segment which is temporarily unavailable. In addition, each request involving an alternate route should include a discussion of what steps the State will take to mitigate any operational and/or safety problems that may develop.

The operating philosophy of the FHWA with respect to State issues has always been that of individual office autonomy within broad national guidelines. The Division Office of Motor Carriers within each State is in the best position to evaluate requests involving truck issues in the State. However, in order to assure that a degree of uniformity is applied to such requests, the Regional Office of Motor Carriers must be consulted before a decision is made on a State's request. On issues which involve alternate routes for LCV's, the final rule directs the Division Office of Motor Carriers to coordinate with the Division Administrator before consulting with the Regional Office.

Definition of Nondivisible Loads

Background

The definition of a nondivisible vehicle or load included in the NPRM was criticized by many commenters, and the following revised definition was therefore proposed in the SNPRM:

> *Nondivisible vehicle or load.* As used in this part, "nondivisible" means any vehicle or load exceeding applicable length or weight limits which cannot readily be separated into smaller vehicles or loads that comply with such limits without:
>
> (1) Compromising the intended use of the vehicle,
>
> (2) Destroying the value of the load, or
>
> (3) Using expert knowledge or specially designed tools. The intended use of a vehicle would be compromised if separating it into smaller units would make it unable to perform the function for which it was designed. The value of a load would be destroyed if separating it into smaller units would make the load unusable for its intended purpose. Expert knowledge means familiarity with procedures required to dismantle and reassemble a load which are beyond the job requirements typically associated with positions in the motor carrier industry. Specially designed tools means equipment designed and manufactured only for use with the load in question. A State may treat a sealed containerized load moving in international commerce as a nondivisible load.

Many of those who responded to the SNPRM discussed nondivisible loads, but a number of comments suggested that the scope of the definition requires clarification. The definition adopted here (and the others already codified in 23 CFR 658.5) apply, like the ISTEA freeze itself, to the same highways and vehicle characteristics as the underlying Federal law. The following paragraphs explain that principle in more detail.

Weight: As a condition of receiving Federal-aid funds, States are required to enforce Federal weight limits (23 U.S.C. 127) on the Interstate System and on routes providing reasonable access to and from the Interstate. The penalty for failure to do so is the withholding of a State's National Highway System (NHS) apportionment. A State may set any weight limit it wishes on other highways, though many have voluntarily adopted Interstate limits for all roads. States are therefore required to use the FHWA's definition only when considering whether to issue a nondivisible load permit allowing an overweight vehicle to operate on the Interstate System and roads providing reasonable access to and from the Interstate.

Length: Federal laws relating to vehicle length (49 U.S.C. app. 2311 and 23 CFR 658.13, 658.23) apply to the NN of highways—see appendix A to part 658—and routes providing reasonable access to and from the NN (49 U.S.C. app. 2312 and 23 CFR 658.19). The Interstate is part of the larger NN, and reasonable access rights extend the reach of Federal size laws beyond the NN itself. In contrast to Federal weight law, these provisions and the implementing regulations preempt conflicting State laws or regulations.

As a practical matter, the FHWA definition of a nondivisible load will rarely be applied to cargo length because it does not cover straight trucks or single-trailer combinations. It covers only loads on vehicles (1) operating on the NN, and routes providing reasonable access to and from the NN, (2) which have two or more cargo-carrying units, and (3) when the overall length from the front of the first to the rear of the last cargo-carrying unit exceeds the longest such length in actual legal operation for a specific configuration on or before June 1, 1991. There are very few single loads that rest simultaneously on the bed of a straight truck and on a trailer, or on two or more trailers. And even in those cases, the definition would not apply unless the total cargo box length were greater than that allowed by the State in 1991. The definition will apply more often to loads, like entire buildings, that are moved on a series of dollies, each of which is a single cargo-carrying unit. There has been virtually no controversy about these loads, and we expect little in the future.

Width: Federal width law (49 U.S.C. app. 2316 and 23 CFR 658.15), like the length requirements, applies on the NN and reasonable access routes, and it preempts conflicting State laws or regulations. However, the definition of a nondivisible load adopted by this rule does not apply to an overwidth vehicle because Federal law provides that States may issue permits to motor vehicles more than 102 inches wide without regard to divisibility or nondivisibility (49 U.S.C. app. 2316(c)).

Height: The FHWA has no authority to regulate vehicle height; there is no Federal law on this subject.

Comments to the Docket

Containers: The SNPRM proposed to allow States to treat containers moving in international commerce as nondivisible loads. Responses were about equally divided. Three State transportation departments favored the proposal, while two States, the ATA, and the Advocates opposed it.

Missouri said that "(u)niformity among States to issue overweight permits for containerized loads in excess of 80,000 pounds gross weight would be a giant accomplishment."

Connecticut suggested that States be required to treat sealed containerized loads moving in international commerce as nondivisible, subject to maximum dimensions and weights it did not specify. Florida went even further, pointing out that

> no justification is presented in the SNPRM for not affording identical containerized loads in domestic commerce a benefit being afforded such containers in international commerce. Therefore, it is proposed that the final rule make no reference to either international or domestic commerce and the statement in question should be revised to read: A State may treat a sealed containerized load as a nondivisible load.

On the other hand, the Washington State Patrol strongly disagreed with the proposal.

> If that were allowed, the industry could load any container to whatever weight, claim its (sic) moving in international commerce and obtain an overweight permit, without

regard to axle, gross weight or bridge formula requirements * * *.

During a recent "Container Weight" study, conducted by the Washington State Patrol, it was shown that of the 3,100 vehicles transporting containers, which exceeded the legal weight limits, all but one could be transported legally by using vehicles with the proper number of axles and axle spacings.

The Washington State Patrol concluded that "(t)he proposal * * * appears to be in conflict with the 'Intermodal Safe Container Transportation Act of 1992' * * *."

Similarly, the Washington DOT argued that "(r)ather than stating a policy that the FHWA is ambivalent about whether the states allow containerized cargo to be treated as non-divisible, it would seem better to encourage a national policy that they are not. This would alleviate competition on this point among ports to make their services more amenable to haulers and shippers." South Dakota contended that "(j)ust because the container is 'sealed' or is 'moving in international commerce' should not preclude a loaded container from meeting the same size and weight requirements which exists for a load which is loaded in a container, such as a truck box, not 'sealed' and not 'moving in international commerce.'"

The ATA recommended that the proposal to allow containers to be treated as nondivisible loads be dropped and that the issue be addressed in the rulemaking to implement the Intermodal Safe Container Transportation Act.

The Advocates argued that the FHWA had "openly contravened Congressional intent" expressed in section 4006 of the ISTEA "by explicitly endorsing the prospective regular issuance of such permits for any 'sealed containerized cargo in international commerce.'"

FHWA Response: The FHWA agrees that there is a serious question whether the proposal to allow States to treat containers in international commerce as nondivisible loads is consistent with the Intermodal Safe Container Transportation Act of 1992 (Safe Container Act) (Pub. L. 102–548, 106 Stat. 3646, partly codified at 49 U.S.C. 508).

Briefly, the Safe Container Act requires the party tendering a loaded intermodal container or trailer with a cargo weight in excess of 10,000 pounds to provide the initial carrier a written certification of the cargo weight and a reasonable description of the contents. Each carrier in the intermodal chain is required to transmit the certification to the next carrier. Motor carriers are prohibited from hauling loaded intermodal containers or trailers subject to the Safe Container Act without receiving a certification. It is also illegal to coerce a motor carrier to haul such a container or trailer (1) without a certification or (2) when the certified weight would make the combination vehicle exceed applicable State weight limits. There are two statutory options if State enforcement personnel discover an overweight tractor-chassis-intermodal container (or tractor-intermodal semitrailer) combination which is on the highway because the motor carrier relied on a false or erroneous certified weight. First, the State is authorized to assess the overweight fine against the initial tenderer and to impound the container or trailer until that party or the beneficial owner of the cargo has paid the fine. Second, if the State fines the motor carrier instead of trying to collect from the shipper or beneficial owner, the motor carrier has a lien on the contents of the container or trailer equal to the amount of the fine imposed and any additional costs incurred in the incident until it receives payment from the tenderer or beneficial owner. If payment is not made within a reasonable time, the carrier may sell the contents to satisfy the lien. The FHWA's proposed regulations to implement the Safe Container Act were published on July 14, 1993, at 58 FR 37895.

The Safe Container Act imposes administrative requirements and costs on tens of thousands of intermodal shippers around the world, and on the international transportation system, in part to reduce the number of overweight containers operating on the Nation's highways. The Safe Container Act is designed to give U.S. motor carriers enough information about the weight and cargo characteristics of intermodal containers and trailers to enable them to decide whether a particular vehicle can be transported without violating State weight limits. If States were allowed to continue routinely to issue nondivisible load permits for overweight containers, some of the essential purposes of the Safe Container Act would appear to be compromised. There would be little incentive for shippers to load intermodal containers or trailers with U.S. weight limits in mind, little if any reduction in the number of overweight vehicles (even though a permit makes them legal), and little reduction in pavement and bridge damage. Many of the expected benefits of the Safe Container Act would be lost, and the regulatory burdens it entails for shippers and carriers would be pointless, if the FHWA adopted the rule on containers proposed in the SNPRM. The FHWA has therefore decided not to promulgate a final rule dealing with containers, but to treat this subject in a separate notice of proposed rulemaking where the issue can be examined more explicitly and in greater detail. In the meantime, the FHWA's previous policy will remain in effect: the States may continue to issue nondivisible load permits to containers moving in international commerce.

Expert Knowledge or Specially Designed Tools: Many of the comments focused on the third test for nondivisibility proposed in the SNPRM. If "expert knowledge or specially designed tools" were required to dismantle a load, it would be considered nondivisible. Most of the comments were critical.

The Pennsylvania Department of Transportation found the test to be

(1) Vague,

(2) Impractical to measure or verify,

(3) Subject to manipulation by industry,

(4) Subject to subjective factors other than the vehicle or load itself, such as driver knowledge of cargo,

(5) Subject to varying interpretation, and

(6) In reality, a restatement of the initial economic criterion that was deleted from this latest rulemaking * * *.

The members of the Specialized Carriers & Rigging Association (SCRA) often move loads that would qualify as nondivisible by any definition. The SCRA noted that the definition proposed by the SNPRM explained expert knowledge as familiarity with procedures required to dismantle and reassemble a load which are "beyond the job requirements typically associated with positions in the motor carrier industry." The Association argued that because highly specialized skills are typically associated with positions in its segment of the motor carrier industry, the definition would make it impossible for special carriers and riggers to obtain nondivisible load permits.

The Alaska Department of Transportation and Public Facilities also commented that "expert knowledge" means very different things in different parts of the industry. It concluded that "(s)ome further work needs to be done on this definition."

The Caltrans commented that, "(w)hatever definition is finally promulgated, Caltrans is totally opposed to the provisions concerning expert knowledge and specially designed tools."

FHWA Response: The FHWA agrees that a test based on "expert knowledge or specially designed tools" is too complicated and ambiguous to be effective. It has therefore been replaced with a test based on the time required to divide a load. This general approach was suggested by the Oregon DOT in response to the NPRM. The full definition adopted by this rule is as follows:

Nondivisible load or vehicle.

(1) As used in this part, "nondivisible" means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

(i) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;

(ii) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or

(iii) Require more than 8 workhours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the number of workhours required to dismantle the load.

(2) A State may treat emergency response vehicles and casks designed and used for the transport of spent nuclear materials as nondivisible vehicles or loads.

The first two tests proposed in the SNPRM, and adopted here as paragraphs (1)(i) and (1)(ii), have elicited little comment and no controversy. These standards are appropriate but very stringent. The FHWA believes there are loads that could be divided without literally destroying their value, but only after unreasonable delay and expense to the shipper and motor carrier; the States should be allowed to issue nondivisible load permits in those cases. As the Pennsylvania DOT recognized, this is essentially an "economic criterion." Our earlier proposals to codify this idea would have allowed nondivisible load permits if dismantling the load imposed "significant additional costs on the shipper or motor carrier" (NPRM) or required "expert knowledge or specially designed tools" (SNPRM). The final rule uses 8 workhours, i.e., a full working day, as a proxy for nondivisibility. The number of workhours required by the rule is the same no matter how many people are involved; for example, if one person working 8 hours, 2 people working 4 hours each, or 4 people working 2 hours apiece, could not dismantle the load, it would be nondivisible. Most loads that require more than one full workday to dismantle, using appropriate equipment, probably were not designed to be taken apart after leaving the factory. We believe Congress intended to allow the use of nondivisible load permits for cargoes which are theoretically divisible, but so tightly integrated that they cannot be dismantled without excessive cost and delay. On the other hand, the definition sets a standard high enough to keep easily divided overweight machinery and equipment off the highway.

The definition adopted today as paragraph (1)(iii) is more objective than that proposed in the NPRM and less confusing than the amended version included in the SNPRM. It remains complex, however, and disagreements between enforcement officers, motor carriers, and shippers are likely. The rule does not specify how State officials are to determine the length of time required to break down a given load. Manufacturers may sometimes provide the necessary information. The motor carrier itself may have reliable data if it has previously dismantled such cargoes. The rule does not require a carrier or shipper to demonstrate that a given load cannot be broken down in less than 8 workhours, but it would not prohibit a State from requiring such a demonstration either. Enforcement officials may be able to work out other reliable methods in cooperation with motor carriers. Paragraph (1)(iii) requires that "appropriate equipment" be used in an effort to dismantle a cargo. The number of workers involved and the type of equipment used will depend on the load to be moved. A State is not required to grant a permit in any case, and it would certainly be reasonable to deny a permit to a carrier or shipper which makes a perfunctory or deliberately inadequate effort to dismantle a load within 8 workhours.

The FHWA intends to allow the States some latitude in implementing the definition, unless indications of nonenforcement or abuse appear.

Overweight and Overwidth Vehicles: In many cases, nondivisible load permits are likely to be requested for loads which are both overweight and overwidth. The South Dakota DOT favored the definition of a nondivisible load adopted by the Western Association of State Highway Officials (WASHTO), which includes the following:

> Portions of a load can be detached and reloaded on the same hauling unit provided that the separate pieces are necessary to the operation of the machine or equipment which is being hauled, if the arrangement does not exceed permittable limits.

The State explained how this definition would work in case of an overweight, overwidth load.

> For example, suppose that a ten foot wide crawler tractor with a fourteen foot wide dozer is to be moved. This load can be moved two ways, overweight and fourteen feet wide with the dozer and ten feet wide without the dozer. Clearly the safest way to move the load would be legal weight and ten feet wide but separating the dozer from the crawler tractor destroys the unit for its intended use and it requires expert knowledge to take the dozer off.

FHWA Response: The State has misread the FHWA's proposed definition. Although a bulldozer might be temporarily "unusable for its intended purpose" without a blade, that phrase merely clarifies the term "destroy the value of the load." Removing the blade certainly would not destroy the value of the bulldozer. The "expert knowledge" test has been eliminated, but it is unclear whether a blade would require more than 8 workhours to remove.

The flaw in the WASHTO definition is that it allows the separate pieces of an allegedly nondivisible load to be reloaded onto the same vehicle. That defeats the purpose of such a provision, which is to hold down vehicle weights in order to protect the public investment in roads and bridges. The WASHTO definition simply allows a divisible load permit to masquerade as a nondivisible load permit. That is unacceptable.

Overwidth Vehicles: The WTA described a related, but different situation:

> FHWA seems to assume that all overlength (and over-width) loads are also overweight. Much of the equipment used in agriculture is oversize, but not overweight. Allowing the removal of a portion of this type of machinery such as tires and allowing it to be carried on the same trailer is clearly in the public interest, especially when in all respects, the machinery is otherwise eligible for a nondivisible load permit. Requiring a second vehicle to haul the removed part(s) is not smart economics.

FHWA Response: If a piece of farm machinery is overwidth but not overweight, the State may either issue an overwidth permit, make the permit conditional upon the removal of tires but allow them to be carried on the same trailer, or deny a permit. These options are entirely within the discretion of the State. If farm machinery is neither overwidth nor overweight, the question of divisibility would not arise unless two or more cargo-carrying units were needed to transport it, certainly a rare occurrence.

California Policy: The California Highway Patrol also argued that "there

are incidents involving the transportation of some nondivisible loads, when more than one unit is loaded, (and) can be transported safely. To qualify, loads would have to be oversize, rather than overweight in nature. California permit policy allows the transportation of multiple nondivisible pieces together, provided sufficient supporting justification is given." The Caltrans asked for a definition that allows this kind of flexibility.

FHWA Response: States may allow several nondivisible overwidth loads on the same vehicle, as long as the normal weight limits are observed. That appears to be what California authorizes. As mentioned above, Federal law gives the States great discretion in issuing permits for overwidth loads. There would also be no conflict with Federal regulations if a State allowed more than one overlength nondivisible load to be carried on a single trailer vehicle—assuming the vehicle was not overweight—because the FHWA's definition of a nondivisible load applies only to overlength nondivisible loads carried on two or more cargo-carrying units.

Safety: The Wyoming DOT, the WTA, and Black Hills Trucking, Inc., referred to *Rocky Mountain Prestress, Inc.*, v. *Leno Menghini et al.*, No. C79–057B, an unreported 1979 Wyoming Federal district court decision, in support of the proposition that safety should be considered in any definition of nondivisible loads. Rocky Mountain Prestress manufactured concrete panels that were to be mounted, two at a time, on A-frame trailers and transported from Denver to Casper for use in construction projects. Wyoming law allowed special permits for overweight "indivisible loads," but the Highway Department rejected plaintiff's application on the ground that two panels were a divisible load. Plaintiff sued the Chief Engineer of the Department, arguing among other things that Wyoming's permit law violated the Commerce Clause of the Constitution. The court held the law constitutional, but found that it had been applied in an arbitrary and capricious manner which impermissibly burdened interstate commerce. The court explained that:

> Our conclusion is buttressed by the admission of the Defendants that heavy equipment which is being carried by trailer qualifies as an indivisible load even though the parts thereof may be easily dismantled. Such an approach to granting overweight permits signifies that the State Highway Department has previously, as they must in this case, considered circumstances other than the mere physical divisibility of the goods in transit.
>
> * * * * *
>
> We would also observe that forestry goods, baled hay and sugar beets are statutory exceptions to the mandated weight limits. The special interest group exceptions in the Wyoming statutes discriminate against the Plaintiff and others similarly situated who may be equally deserving of exceptions from the weight limitation in view of the safety and economic factors involved. * * *
>
> * * * [T]he State's desire to protect its highways has been severely diluted by the discriminatory granting of overweight permits to special interest groups, as well as by the routine issuance of such permits based on an indivisible load regulatory provision that we believe was arbitrarily and capriciously applied to the Plaintiff.

FHWA Response: The court concluded that "the 'A' frame is the safest * * * mode of transportation for loading and shipping panels," but its evidence on that point was meager. The issue of safe transportation of concrete panels was discussed at some length in the SNPRM (see 58 FR 11455–11457). As we noted there, a single panel, mounted horizontally, would improve the vehicle's braking capability and reduce its susceptibility to side winds. Two such panels obviously constitute a divisible load, and a "safety" rationale for doubling the weight of a divisible load is not persuasive.

Black Hills Trucking now contends that one panel cannot be carried horizontally because it "is not constructed to stand up to forces coming through its sides," or vertically "because it is not heavy enough in proportion to the 'sail' area exposed to side winds which destabilize the load." The apparent fragility of these concrete panels does not make two of them any less divisible. Furthermore, the Great Plains experience winds high enough to overturn tractor trailer combinations and double-stack container trains. The interests of safety are better served by halting trucking operations under those conditions than by doubling the weight of the cargo in an effort to anchor the vehicle.

The *Rocky Mountain Prestress* decision is not binding on the FHWA. To the extent this rule requires Wyoming to adopt and enforce a new definition for purposes of issuing nondivisible load overweight permits for the Interstate System, it is no longer binding on the State either. The 1979 decision was based upon the State's arbitrary and capricious administration of its own permit law, in particular its failure to apply that law consistently to all motor carriers and commodities. At the time, there was no Federal law on nondivisible loads. Congress enacted nondivisible load provisions for vehicle weight in 1982 and for vehicle length in 1991. Proposed regulations to implement that authority have been subjected to extensive comment and discussion in this rulemaking. Wyoming, like the other States, will be required to adopt the new definition for Interstate operations. That definition will result in greatly increased nationwide uniformity in the treatment of nondivisible loads. Wyoming will have no more administrative discretion than any other State. A judicial challenge to the FHWA's definition of a nondivisible load would therefore confront a legal and factual situation completely different from that which existed in 1979.

Emergency Vehicles: Section 1023(e)(1) of the ISTEA prohibited the FHWA from penalizing States that allow emergency vehicles to use the Interstate at weights in excess of Federal axle and Bridge Formula limits. The exemption was in effect for 2 years after the date of enactment of the ISTEA and expired on December 18, 1993. Section 1023(e) also required a study of State laws and permit practices to determine whether statutory changes were needed to accommodate emergency vehicles.

To carry out the study, the FHWA requested comments on a variety of questions (57 FR 46941, October 13, 1992). The information submitted indicated that most fire trucks exceed the Federal single- and/or tandem-axle weight limits (20,000 and 34,000 pounds, respectively). These vehicles are rarely short enough to violate the Bridge Formula, however, and almost all of them have gross weights under 80,000 pounds. Technological developments in the manufacturing sector combined with the equipment preferences of fire departments are driving up the size and, especially, the weight of fire trucks. On the other hand, tandem and tridem axles are not favored because they reduce the maneuverability these vehicles need to reach burning buildings. Some States exempt fire equipment from normal weight limits, and others issue blanket overweight permits. The Caltrans reached a compromise with fire officials that will require the latter to observe specific axle limits for various types of vehicles and to make purchasing decisions accordingly.

The U.S. DOT's report was transmitted to Congress on September 7, 1993. It recommended that Congress take no further action because the matter could be resolved by an FHWA policy statement. On November 9, 1993, the Federal Highway Administrator informed the FHWA's regional offices,

and through them the States, that "the FHWA will not withhold Federal-aid funds from States which issue nondivisible load permits to emergency vehicles equipped for their intended use. We will not require that the vehicles have a full crew or be operating under emergency conditions. States may set whatever permit terms, conditions, and fees they consider appropriate." The Federal Highway Administrator added that this policy "is compatible with the Agency's draft definition" published on February 25, 1993, in the SNPRM and that if it "in any way conflicts with the definition ultimately adopted through the rulemaking process, appropriate action will be taken to amend or rescind the policy."

The Federal Highway Administrator's decision was based upon conclusions set forth in his November 9, 1993, letter:

> Some States may have refused to issue nondivisible load permits to emergency vehicles because much of their equipment is readily detachable. Fire trucks often carry firefighting teams, water, hoses, axes, respirators and other devices; advanced life support vehicles typically carry at least two paramedics (one of whom drives), defibrillators, oxygen tanks, stretchers, and medical supplies. In one sense, ancillary equipment and personnel are "divisible" parts of the load, and removing them might lighten an emergency vehicle enough to restore compliance with Interstate weight limits. Doing so, however, would defeat the purpose of these vehicles and make it impossible for them to respond effectively to emergencies. New vehicles may even be overweight as they leave the final stage manufacturing facility, either because the base vehicle is particularly heavy or because ancillary equipment is supplied with it. The equipment that could be removed from emergency vehicles to reduce weight is essential to the services they are designed to perform. These vehicles and loads are functionally if not physically nondivisible, and I believe the States should have the option to treat them as such.

In the language of the regulation we are adopting today, requiring an emergency vehicle to unload separable pieces of equipment would "compromise the intended use of the vehicle." Emergency vehicles meet the definition of a nondivisible vehicle or load.

Spent Nuclear Fuel: The Pennsylvania DOT pointed out that the FHWA informed the American Association of State Highway and Transportation Officials several years ago that the FHWA regards overweight casks used to move spent nuclear fuel as nondivisible. This determination was not reflected in the SNPRM. The casks used to transport spent nuclear materials, especially nuclear fuel, are extraordinarily strong and heavy, both to prevent a release in case the transporter vehicle was involved in an accident and to block radiation that would penetrate lighter materials. Some of these containment devices can make a vehicle overweight even before the nuclear materials are loaded. These vehicles cannot be used for any other cargo or reduced to legal weights without frustrating their purpose. A new provision has therefore been added which essentially states that specially designed casks used to move spent nuclear fuel meet the definition of a nondivisible load.

Other Issues: The Pennsylvania DOT suggested that the SNPRM be amended to acknowledge that both the President and State governors

> [H]ave the executive authority to temporarily modify any vehicle size or weight law or regulation, including the nondivisible criteria, in order to provide for emergency relief to promote the general welfare and public safety, without threat of Federal sanction after the emergency.

While the FHWA would not necessarily impose sanctions if weight enforcement suffered during emergencies that threatened public welfare, Federal weight law simply does not authorize waivers of the Interstate limits or regulatory definitions.

The Connecticut DOT suggested that we use the definition of a nondivisible load to establish "an Ultimate Limit or a guideline to be used by manufacturing." Federal size and weight laws confer no authority to regulate manufacturers.

The FHWA mentioned in the SNPRM that bulk commodities such as liquids, grain, and cement are inherently divisible. The CRASH suggested that the definition include "a much more complete listing of loads that are inherently divisible * * *." In view of the enormous variety of products that move by truck, we do not believe divisible loads could reasonably be itemized.

Grove Worldwide, a manufacturer of cranes, proposed that a load be defined as nondivisible if dismantling it would cause a competitive disadvantage, compromise the integrity and safety of the equipment when disassembled, or jeopardize the warranty. The FHWA considers these tests too far removed from the question of physical divisibility to be appropriate.

Procedure to Review and Correct Final List

Sections 1023 and 4006 of the ISTEA provide a review and correction procedure for the final list of ISTEA vehicles, published today as appendix C to 23 CFR part 658. Any person or State may request that the Secretary review the final list to determine if there is cause to believe that it contains a mistake. The Secretary may also initiate the review. If the Secretary believes an error exists, he or she must commence a proceeding to determine if the list should be corrected, and if so, make the correction. Proposed language establishing such a procedure was included in the SNPRM. No comments were received on this issue. Accordingly, that language has been adopted, unchanged, by this final rule in § 658.23(f).

Temporary Exemption for Public Transit Vehicles

Section 1023 of the ISTEA was amended by the Department of Transportation and Related Agencies Appropriations Act for fiscal year (FY) 1993, Public Law 102–388, 106 Stat. 1520. Section 341 added a new subsection (h) which reads in part as follows:

> (h) Public Transit Vehicles.—
> (1) Temporary Exemption.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend such 2-year period for an additional year.

This prevents the FHWA from sanctioning States that fail to enforce the Interstate axle-weight limits for public transit vehicles at least until October 6, 1994. If the Secretary exercises the authority to extend the exemption an additional year, it would apply until October 6, 1995. The 2-year exemption was included in the ISTEA to allow States to suspend axle weight enforcement on the Interstate System against public transit vehicles while the Secretary conducts the study called for in section 1023(h)(2). That study, which is currently underway, is to determine whether or not public transit vehicles should be exempted from the requirements of 23 U.S.C. 127, State weight laws, or if such laws should be modified to accommodate these vehicles. The FHWA and the Federal Transit Administration published a joint notice and request for comments on this issue on November 16, 1993 (58 FR 60481). A report on the results of the study, along with recommendations, will ultimately be submitted by the Secretary to Congress.

In a comment to the SNPRM docket, the American Public Transit Association urged that the temporary exemption

language be codified into part 658. The FHWA agrees with this comment. Accordingly, the exemption is codified in this final rule at § 658.17(k).

Temporary Exemption for Emergency Vehicles

Section 1023(e) of the ISTEA added the following exemption from 23 U.S.C. 127:

(1) Temporary Exemption.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a fire fighting agency. The Secretary may extend such 2-year period for an additional year.

This prevented the FHWA from sanctioning States that failed to enforce the Interstate axle-weight and Bridge Formula limits for fire or emergency vehicles in actual operation on or before December 18, 1991, and for such equipment being delivered from the manufacturer to a fire department. The normal gross weight limit was not affected by the exemption. The exemption remained in effect through December 18, 1993. The SNPRM proposed to codify the exemption at § 658.17(k).

Two comments were received on this issue. The South Dakota DOT expressed its desire to go on record as "not in favor of allowing a temporary or permanent axle weight exemption or bridge formula weight exemption for emergency vehicles." The State contends that "operation of these vehicles overweight threatens the public's safety" and "that emergency vehicles should be designed to operate within legal size and weight limits." The Caltrans objected to the FHWA's interpretation of the law which indicated that the normal gross weight limit (80,000 pounds) remained in effect during the period of the exemption. They contend that gross weight is determined by the Bridge Formula and that our interpretation was contradictory.

The FHWA believes that Congress intended the exemption in section 1023(e)(1) to cover (1) single- and tandem-axle limits, (2) application of the bridge formula to intermediate axles (the inner bridge limits), and (3) application of the Bridge Formula to the overall wheelbase of the vehicle (the outer bridge limit). However, the 80,000-pound maximum gross weight allowed by 23 U.S.C. 127(a) is not inherently part of the Bridge Formula. It is a separate statutory restriction, and we do not believe Congress intended to authorize an exemption to the 80,000-pound limit.

The 2-year exemption was included in the ISTEA to allow States to suspend enforcement action against these vehicles while the Secretary conducted the study called for in section 1023(e)(2). That study has been completed, as indicated above, and the authority of the Secretary to extend the temporary exemption an additional year will not be exercised. The temporary exemption expired December 18, 1993. However, the definition of a nondivisible load adopted in this final rule specifically declares emergency vehicles to be nondivisible. States may therefore issue overweight permits for these vehicles if they wish.

Interstate System Weight Requirements

The first sentence in 23 U.S.C. 127(a) was amended by the STAA of 1982 to require all States to allow the maximum weights permitted by Federal law on the Interstate System. In effect, the weight limits set forth in section 127 became minimums which the States must allow, as well as the maximums the States could allow, on the Interstate System. Since the STAA amendment of section 127 became effective (January 6, 1983), States have occasionally argued that the amendment applied only to the single-axle, tandem-axle, and maximum gross weight limits, and not to gross weights developed by the Bridge Formula. In addition, a degree of confusion regarding applicability has lingered over the years as a result of the regulations issued to implement the STAA (49 FR 23302, June 5, 1984). Although those regulations were published 1½ years after enactment of the STAA, the statutory action making the weight value minimums was not highlighted nor was any regulatory language included.

The SNPRM proposed to clarify and resolve this issue by including a § 658.17(f) as follows.

(f) States may not enforce on the Interstate System vehicle weight limits of less than 20,000 pounds on a single axle, 34,000 pounds on a tandem axle, or the weights derived from the bridge formula, up to a maximum of 80,000 pounds, including all enforcement tolerances.

Comments on this proposal were received from six State Departments of Transportation (Arizona, Montana, Nevada, Oregon, South Dakota, and Washington), as well as from the WASHTO's Subcommittee on Highway Transport. All seven commenters objected to the paragraph as proposed for fear that it would no longer allow the States to further control axle weight using a regulation based on pounds per inch of tire width. Each of the six States providing direct comments currently has this type of weight control regulation in force. The "Guide For Uniform Laws and Regulations Governing Truck Size and Weight Among the WASHTO States," prepared by the WASHTO Subcommittee on Highway Transport and adopted by the WASHTO Policy Committee on June 26, 1993, recommends that all 17 member States adopt a 600-pound/inch tire width weight control.

State tire loading regulations are intended to limit the use of single tires or wheels designed for dual tire applications. This is a practice which results in higher pavement stress and shorter pavement life, and greatly reduces the safety margin provided by dual tires. Depending on the pound-per-inch limit chosen, these regulations may also restrict the use of some "super single" tires. The Washington State DOT included in its docket comments a copy of a report of research on the effects of wide based single tires on flexible pavements conducted by the FHWA at our Pavement Testing Facility during 1989 and 1990. Dual 11R22.5 radial tires, previously identified as one of the most common truck tires in use today, were tested against a 425/65R22.5 wide base single tire. Under a load rating methodology established by the United States Tire and Rim Association, the load ratings for the duals and the single are equivalent; however, the footprint on the pavement is significantly different. The approximate footprint of an 11R22.5 tire is 8.5 inches. Thus, two sets of duals (four tires) can result in approximately 34 inches of tire being available to transmit an axle load to the pavement. For the 425/65R22.5 wide base tire, the footprint is approximately 11 inches, which would make approximately 22 inches available to transmit an axle load to the pavement. The research demonstrated that the 425/65R22.5 wide based single tire was significantly more damaging to conventional flexible pavements than the traditional 11R22.5 dual tires.

The Federal axle weight limits on the Interstate System were adopted to protect the tremendous Federal investment in that System. Restrictions on the weight a tire may carry, based on its width, are consistent with that goal and not forbidden by Federal law. It would be anomalous to adopt axle

weight limits to protect Interstate System pavements and then prevent States from blocking the use of tires so narrow that much of the protection was lost. In addition, a pound-per-inch tire limit does not directly limit the weight that an axle may carry, since additional or wider tires may be utilized. Therefore, unless such restrictions operate so that, as a practical matter, axles cannot be loaded to the Federal weight limits, they are not inconsistent with 23 U.S.C. 127. We believe that laws limiting tire weights as low as 500 pounds per inch width of tire or tread width will allow axles to be loaded to the Federal axle weight limits without particular difficulty.

Steering axles must be treated differently, however, since they cannot always be equipped with wider or additional tires. The FHWA has already recognized a different standard for steering axles by not requiring States to allow truckers to load them to 20,000 pounds when the manufacturer's weight rating is less than that. Therefore, States may not impose pound-per-inch restrictions that would reduce the allowed weight of steering axles on the Interstate System to less than 20,000 pounds or the manufacturer's weight rating, whichever is lower.

Arizona, Montana, and Oregon also suggested that proposed § 658.17(f) be amended to allow temporary weight restrictions based on climatic conditions or emergencies.

Some northern States have for decades enforced lower axle limits during spring thaw. When moisture in a pavement's sub-base, frozen during the winter months, begins to melt, the load-carrying capacity of the pavement structure is reduced until the moisture drains. The degree of reduction is a function of the overall pavement structure thickness, the type of underlying material, amount of moisture, and depth of frost penetration.

Federal weight restrictions apply only to the Interstate System. The standards to which the System has been built include pavement designs developed with the strength to allow maximum legal weights year round. The FHWA does not agree that there is a need to provide regulatory flexibility for climatic conditions. The pavement design parameters of the Interstate System preclude the need for this authority. However, the States do retain the authority to establish such restrictions for highways that are not part of the Interstate System.

"Emergency" weight restrictions requested by States generally are not restrictions at all, but rather the lessening of restrictions to allow heavier weights. For example, when natural disasters occur, carriers, relief agencies, or States would often like to allow trucks carrying relief supplies to exceed normal weight limits. Federal law simply does not allow waivers of this kind. On the other hand, if a flood or earthquake has seriously weakened a bridge or stretch of pavement, it remains within the police powers of the State or municipality to close or limit access to the facility in order to protect the public.

Of the three exceptions to § 658.17(f) sought by commenters, the FHWA agrees that States should retain the authority to enforce the tire loading restrictions, but does not concur in the request to provide climatic or emergency restrictions. Accordingly, § 658.17(f), as proposed in the SNPRM, is amended to read as follows:

§ 658.17 Weight.

* * * * *

(f) Except as provided herein, States may not enforce on the Interstate System vehicle weight limits of less than 20,000 pounds on a single axle, 34,000 pounds on a tandem axle, or the weights derived from the Bridge Formula, up to a maximum of 80,000 pounds, including all enforcement tolerances. States may not limit tire loads to less than 500 pounds per inch of tire or tread width, except that such limits may not be applied to tires on the steering axle. States may not limit steering axle weights to less than 20,000 pounds or the axle rating established by the manufacturer, whichever is lower.

Bus Length and Access

Section 4006(b)(1) of the ISTEA amended section 411(a) of the STAA [49 U.S.C. app. 2311(a)] by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation."

Section 4006(b)(2) of the ISTEA amended section 412(a)(2) of the STAA [49 U.S.C. app. 2312(a)(2)] by inserting "motor carrier of passengers" after "household goods carriers."

The first provision has the effect of requiring States to allow buses with a length of 45 feet or less on the NN and reasonable access routes. The second provision requires States to allow motor carriers of passengers to have the same access off the NN as household goods carriers, i.e., to "points of loading and unloading." In the SNPRM, the FHWA proposed changes to the "Length" and "Reasonable Access" sections of part 658 to account for these provisions.

Comments on this proposal were received from the Caltrans and the Department of California Highway Patrol. Both agencies recommended that a final rule include definitions of both "bus" and "motor carrier of passengers" to "prevent confusion on the interpretation and application of the regulations." The FHWA agrees with this comment.

The STAA defines a "commercial motor vehicle" in part as "any self-propelled * * * vehicle used on the highways in [interstate] commerce principally to transport passengers * * * (B) if such vehicle is designed to transport more than 10 passengers, including the driver * * *" (49 U.S.C. app. 2301(1)(B)). While this definition applies only to subchapter I of chapter 32 of title 49, U.S.C., which makes grants available to States that agree to enforce Federal, or compatible State, safety regulations, it is an indication of congressional intent. For purposes of administering the commercial vehicle safety program, "bus" was defined in 49 CFR 390.5 as "any motor vehicle designed, constructed, and or used for the transportation of passengers, including taxicabs." The Motor Carrier Safety Act of 1984 amended the definition of a bus to a "vehicle designed to transport more than 15 passengers, including the driver * * *." (49 U.S.C. app. 2503(1)(B)).

The intent of Congress, as expressed in the ISTEA, is to guarantee national route availability and reasonable access for "buses" not exceeding 45 feet in length. Since virtually all States already allowed 40-foot buses to operate Statewide prior to the ISTEA, the number of passengers the vehicle is designed to carry is not an issue, simply the establishment of a national standard length. Accordingly, this final rule will use the most generic of the definitions already established, that found in 49 CFR 390.5.

While the term "motor carrier of passengers" has not previously been defined, this type of operation can generally be characterized as belonging to at least one of three groups: (1) Common carriers that offer service on regular (and sometimes on irregular) routes, (2) contract carriers that provide charter service to groups, or (3) private carriers that do not serve the public but use buses as part of some other enterprise. Someone who uses a 45-foot bus for recreational or other non-business purposes would not qualify as a motor carrier of passengers. For this final rule "motor carrier of passengers" is defined as follows:

Motor Carrier of Passengers—is a common, contract, or private carrier using a bus to provide commercial transportation of passengers.

The list of definitions contained in 23 CFR 658.5 has been amended to include this definition. In addition, the

provisions of § 658.13 (Length) and § 658.19 (Reasonable Access) have been amended to account for these provisions.

Lengths of Trailers and Semitrailers

Fruehauf Trailer Corporation (Fruehauf) commented that the FHWA should clarify the methods by which length is determined for trailers which are part of a multi-unit vehicle subject to the freeze. Because of the attention focused on the LCV length issue by the freeze, Fruehauf contends that it is important that all States (and enforcement agencies) have a uniform understanding of how the length of the individual units is to be determined. Fruehauf's specific concern is with full trailers used in LCV's which are actually made up of a semitrailer and a converter dolly.

In a Notice of Interpretation (NOI) published on March 13, 1987, at 52 FR 7834, the FHWA addressed the issue of trailer or semitrailer length, as part of an overall discussion of length and width exclusive devices. The first length interpretation is relevant here.

1. The length of a semitrailer equipped with an upper coupler (mates with a truck tractor fifth wheel) and a full trailer (with either a permanently mounted dolly or equipped with a converter dolly) is to be measured from the front vertical plane of the foremost transverse load carrying structure to the rear vertical plane of the rearmost transverse load carrying structure. The towbar of a full trailer is excluded from the length measurement (of that trailer) since, technically, it carries no load, but rather it is the means by which the trailer unit is drawn.

The length of any two or more units subject to the freeze requirements of section 4006 is to be measured from the front of the foremost transverse load-carrying structure of the first cargo-carrying unit to the rear of the rearmost transverse load-carrying structure of the last such unit. The upper coupler on a semitrailer is not to be included in the length determination of these units.

National Network—California

This final rule will also amend appendix A to 23 CFR part 658, National Network—Federally-Designated Routes, to reflect the inclusion of the I–580 Richmond-San Rafael Bridge (toll) in the NN. Under the STAA, all Interstate System routes are part of the NN unless deletion is authorized by law. The I–580 Richmond-San Rafael Bridge was withheld from the NN until a direct connection to I–80 from the east end of the bridge could be completed. This condition was reflected in Note 1 to the California listing of NN routes in appendix A. Now that this connection has been completed, the FHWA is amending appendix A by removing Note 1 and redesignating Note 2 as "Note."

This amendment will merely reflect the fact that the I–580 Richmond-San Rafael Bridge is now included in the NN pursuant to the provisions of the STAA. For this reason, and the others set forth above, the FHWA has determined that prior notice and opportunity for public comment on this action are unnecessary. Furthermore, due to the technical nature of this amendment, the FHWA has determined that prior notice and opportunity for comment are not required under the U.S. Department of Transportation's Regulatory Policies and Procedures, as it is not anticipated that such action will result in receipt of useful information.

National Network—Virginia

The ISTEA freeze applies to the operation of specified CMV's on the Interstate and other portions of the NN. The identification of NN routes in Virginia contained in appendix A to 23 CFR part 658 utilizes Interstate System exit numbers to identify the beginning or end of some NN routes. During 1992, the State converted all Interstate System exit numbers from a consecutive number system to a milepost numbering system. In response to this portion of the SNPRM, the State indicated that there appeared to be a discrepancy between what was published in the SNPRM and what the State was considering to be its NN.

The State list not only includes those highway sections designated by the Secretary which comprise appendix A to part 658, but also additional segments which the State has also decided to open to STAA vehicles. Each State retains the authority to open additional mileage, beyond what is listed in appendix A of part 658, to STAA vehicles without the approval of the Secretary. In order to identify NN routes in Virginia which have been federally designated, we are reissuing the State's NN routes in appendix A, 23 CFR part 658, to reflect the new milepost-based exit numbers.

Definition Of Maxi-Cube

Among the vehicles specifically excluded from listing in appendix C, and therefore not subject to the restrictions described in section 4006 of the ISTEA, is the maxi-cube vehicle. "Maxi-Cube" is a registered trademark of LHT Industries, which designed the vehicle, but the maxi-cube regulations adopted in this rule apply to any vehicles that meet their terms.

In 1987, Congress amended the STAA by adopting a definition of a maxi-cube and authorizing the vehicle to operate on the same terms as other STAA vehicles (49 U.S.C. app. 2311(f)(2) and 2311(c), respectively). It soon became apparent that the definition, reproduced below, was flawed:

(2) For purposes of this section, *maxi-cube vehicle* means a truck tractor combined with a semi-trailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semi-trailer, except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length.

49 U.S.C. app. 2311(f)(2).

Although the term maxi-cube was intended to apply to a specific combination of straight truck and trailing unit, the 1987 language described the power unit as a "truck tractor," which the STAA elsewhere defines as "the noncargo carrying power unit that operates in combination with a semitrailer or trailer * * *" (49 U.S.C. app. 2311(f)(1)).

Theoretically, therefore, the maxi-cube is a noncargo-carrying power unit combined with a semitrailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semi-trailer. Unfortunately, this vehicle is a chimera. The separable cargo-carrying unit cannot be placed on the "noncargo carrying" power unit, and if it were placed on the semitrailer, the result would seem to be a truck tractor-chassis-intermodal container combination. Container vehicles had long been legal, however, so the 1987 language certainly was not directed at them. In some sense all containers and semitrailers are designed to be loaded and unloaded "through" themselves, but the description does not really fit a combination with only one cargo-carrying unit. The fact is that the definition of the vehicle to be authorized did not correspond to the actual vehicle.

Recognizing the problem, Congress amended the STAA again in 1990 to make maxi-cubes "specialized equipment" and thus eligible for the special regulatory treatment authorized by 49 U.S.C. app. 2311(d). The accompanying report of the House Appropriations Committee said the following:

The bill includes language (Sec. 327) amending section 411(d) of the Surface Transportation Assistance Act of 1982 regarding maxi-cube vehicles. A maxi-cube vehicle is a truck combination consisting of a power unit capable of carrying cargo that pulls a semitrailer. The power unit is a single or tandem axle truck that carries either a

detachable or a permanently attached cargo box or platform. The trailing unit is a semitrailer attached to the front unit by a specially built draw bar which gives the entire combination a single point of articulation. The front of the rear unit is specially designed so cargo may be loaded through the rear unit to the front unit. The length of the trailing cargo unit can be no more than 34 feet excluding the draw bar. The distance from the front of the cargo box on the power unit to the rear of the trailing unit can be no more than 60 feet.

(H.R. Rep. No. 584, 101st Cong. 2d Sess. at 78–79 (1990).)

Although this is an accurate description of a maxi-cube, the flawed definition of the same vehicle in 49 U.S.C. app. 2311(f)(2) was not repealed. In the SNPRM, the FHWA therefore exercised its broad discretionary authority over specialized equipment to propose a definition of the maxi-cube that largely codified the policy guidance of the Committee Report while omitting or modifying the erroneous parts of the statutory definition. We believe this is consistent with the principle that ambiguous or confusing statutes must be interpreted and implemented in a manner that minimizes difficulties and produces the most sensible result.

The definition of a maxi-cube proposed in the SNPRM has been adopted in this final rule, with slight modifications for clarity. It should be noted that the word "semitrailer" used in the statute and Committee Report has been changed to "trailer or semitrailer," since some of the vehicles built as maxi-cubes in recent years are equipped with pintle-hooks, non-load-bearing hitches used for full trailers. Others are equipped with load-bearing fifth-wheel hitches typical of semitrailers. This modification of the definition is well within the FHWA's authority to promulgate rules to accommodate specialized equipment.

The SNPRM also proposed that maxi-cube vehicles should be measured with the adjustable-length drawbar (if so equipped) at its maximum extension, since we assumed that was how the drawbar would be positioned for over-the-road operations. The Pennsylvania DOT supported this proposal in its comments to the docket.

It appears, however, that adjustable drawbars usually are not fully extended when the vehicle is in motion. Magna Van and Coca Cola commented that 24 inches is the normal distance between the first and second units of their maxi-cube vehicles during over-the-road operations, but that longer distances are used for access to driveways and transferring freight in off-road situations. Other information submitted to the docket indicated that 27 inches is probably the longest distance between cargo units for highway travel. However, there are times when a longer drawbar setting may be desirable, such as on rough terrain to keep the cargo boxes from hitting each other; in urban areas while making sharp turns; or while loading and unloading cargo from the front unit while the rear unit is attached. The maximum reported unit separation in these instances is 42 inches.

The FHWA believes Congress intended the maxi-cube length limits to apply to vehicles in their normal operational configuration. We have concluded that the cargo capacity of these vehicles would be needlessly reduced if the rule required length measurements to be made with the drawbar at maximum extension, since that position is used only to assist in low-speed maneuvering or loading and unloading. The last sentence of § 658.13(e)(4) has therefore been modified to read:

If the maxi-cube vehicle is equipped with an adjustable drawbar, the 60- and 65-foot distances shall be measured with a drawbar spacing of not more than 27 inches. The drawbar may be temporarily extended beyond that distance to maneuver or load the vehicle.

The American Movers Conference believes that the load-through feature of the maxi-cube should be made optional. We do not agree. That language is included both in the statutory definition in 49 U.S.C. app. 2311(f)(2) and in the Appropriations Committee report. This feature is one of the primary reasons Congress declared maxi-cubes specialized equipment. Removing the load-through element from the definition would make these vehicles indistinguishable from truck-trailer combinations.

The State of Connecticut asked if the maxi-cube vehicle will be designated as specialized equipment since it will be limited to the NN and reasonable access routes. Maxi-cube vehicles are by statute specialized equipment, and Federal regulations for such equipment apply only on the NN and reasonable access routes.

This action concludes the FHWA rulemaking proceeding that was designated with the regulation identification number 2125–AC65.

Beverage Semitrailers

A rulemaking to designate as specialized equipment the 28-foot van-type, drop-frame beverage semitrailer when it is equipped with an upper coupler plate that extends in front of the semitrailer, has been underway since 1990. The last action on the subject was publication of an NPRM on June 25, 1990, at 55 FR 25850. The final rule was being prepared when the ISTEA was enacted. Since the rulemaking necessary to implement the "LCV-freeze" would, like the beverage semitrailer rule, amend 23 CFR part 658, the decision was made to include both in a single document. Since they amend the same existing regulation, combining them minimizes the number of separate changes made to an already complex regulatory document.

The STAA, codified at 49 U.S.C. app. 2311 *et seq.*, established length and width standards for vehicles using the highways designated as the NN (appendix A to 23 CFR part 658 (1993)). The STAA prohibited any State from enforcing a length limit of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination on the NN (49 U.S.C. app. 2311 (a)). The STAA, under an equipment grandfather provision, also allows the use of 28.5-foot semitrailers and trailers in truck tractor-semitrailer-trailer combinations if they were actually and lawfully operating on December 1, 1982, within a 65-foot overall length limit in any State. The statute prohibited any State from denying reasonable access to points of loading and unloading for a truck tractor pulling a single 28-foot (28.5-foot if grandfathered) semitrailer that generally operates as part of a truck tractor-semitrailer-trailer combination. In addition, the STAA gave the Secretary authority to exclude from measurement of trailer length and width, devices necessary for the safe and efficient operation of CMV's, provided length exclusive devices did not have, by design or use, the capability to carry cargo (49 U.S.C. app. 2311(h), 2316(b)).

Questions involving permissible vehicle length and length exclusive devices are critical to a new design for 28-foot beverage semitrailers. As used in this proceeding, "beverage" means a liquid for drinking, including water. One new design places the kingpin under the nose of the trailer with a portion of the upper coupler plate extending beyond the front of the vehicle. Since these beverage semitrailers use an enclosed van-type, drop-frame design, mounting the kingpin in this manner allows the drop-frame portion of the semitrailer to be extended forward. The FHWA has issued several NOI of length and width exclusive devices. The most recent was published on March 13, 1987, at 52 FR 7834. That NOI recognized a number of length-exclusive design features, including (1) the pickup plate lip of the upper coupler, and (2) any non-load-

carrying device which falls within the swing radius of the semitrailer (measured from the center line of the kingpin to the front corner of the semitrailer). As applied to the new design described above, these two provisions have proved difficult to administer and have caused confusion and misunderstanding between the FHWA and the industry. The June 25, 1990, NPRM proposed to designate as specialized equipment van-type, drop-frame beverage semitrailers. A 30-day comment period (through July 25, 1990) was provided.

In addition to seeking general comments, the NPRM requested all interested parties to respond to four questions concerning these vehicles.

The FHWA solicited comments on the following questions as well as other comments:

1. Should "beverage trailer" and "beverage semitrailer" be defined in the proposed regulation?

2. Is the proposed length limit for the upper coupler extension of the semitrailer clear?

3. Will the semitrailer, as configured, be as safe as one with the upper coupler plate positioned fully under the semitrailer?

4. Will the position of the center of the kingpin, not more than 28 feet from the rear of the semitrailer, produce offtracking characteristics that are significantly greater than those of conventional 28-foot semitrailers?

Discussion

Eight responses to the June 25, 1990, NPRM were submitted to the docket. The respondents included four State Departments of Transportation; California (Caltrans), Florida (FDOT), Minnesota (MnDOT), and Virginia (VDOT) and the Connecticut Department of Motor Vehicles, the Port Authority of New York and New Jersey, Hackney and Sons, Inc. (trailer manufacturer), and one individual. Of these respondents, six favored designating the beverage semitrailer as specified equipment, one (Caltrans) opposed, and one (VDOT) was not sure the vehicle could operate on its current system of highways for STAA dimensioned vehicles.

Comments Submitted to Docket 90–9

1. Should "beverage trailer" and "beverage semitrailer" be defined in the proposed regulation?

Six respondents commented on defining the "beverage trailer" and "beverage semitrailer." Two State DOT's (FDOT and VDOT) and the Port Authority requested that the terms "beverage trailer" and "beverage semitrailer" be defined in order to administer the regulation without erroneous interpretations. They see this terminology as a potential enforcement problem. The individual stated that the definition was incomplete as it was now written and should specify that the trailer has side access only for cargo. The trailer manufacturer requested that it not be defined because the trailers are also used for palletized cargo as well. Other types of cargo hauled on this type of trailer include automobile batteries, coin compartments from pay telephones, mushrooms, and nursery plants.

The trailer manufacturer also suggested that the regulation read as follows: "with the center line of the kingpin mounted not more than 28 feet from the rear of the semitrailer * * *." It requested the addition of the words "the center line of" because (1) in the semitrailer design under consideration, every inch is important, (2) this change would provide more swing clearance for the tractor under the gooseneck area of the semitrailer, (3) the length of the trailer body would not be increased, and (4) it is common in the industry to specify kingpin location by kingpin center. Based on these comments, the FHWA has modified the definition to state that the semitrailer have "side access only" and that the cargo be limited to bottled or canned beverages. The definition has also been revised to allow the 28-foot length to be measured from the centerline of the kingpin to the rear of the semitrailer.

2. Is the proposed length limit for the upper coupler extension of the semitrailer clear?

The trailer manufacturer and the individual commented that the proposed length limit of the upper coupler was clear and in a workable location. They did not foresee any possible misinterpretation. The trailer manufacturer responded that by limiting the upper coupler extension to fall within the swing radius of the front corner of the semitrailer it is both clear and very workable. This approach has been allowed for the purpose of excluding other front-mounted items from length measurement and accordingly is to be used for this case as well. The FDOT commented that the proposed length limit was not clear as described in the June 25, 1990, NPRM. The FDOT also suggests that language is needed to assure that the coupler plate does not become a cargo carrier in and of itself and that the device stays reasonable in length. The MnDOT responded that its law currently allows semitrailers of 28.5 feet, in three vehicle combinations, and the proposed design would only minimally exceed the current standard.

In accordance with these comments, the FHWA concludes that not allowing the upper coupler plate extension to extend beyond the swing radius of the semitrailer is a clear and sufficient means to restrict the length of this device. The operational rules have been amended to specify that the upper coupler plate itself cannot be used to carry cargo.

3. Will the semitrailer, as configured, be as safe as one with the upper coupler plate positioned fully under the semitrailer?

The Caltrans, MnDOT, trailer manufacturer, and individual agreed that the configuration would be as safe as the upper coupler positioned fully under the semitrailer. The FDOT commented that the final rule should include requirements similar to those found in 49 CFR part 393, subpart F—Coupling Devices and Towing Methods. These and other Federal regulations continue to apply to beverage trailers and need not be cross-referenced in every other applicable regulation. Due to the specialized nature of the equipment discussed here, however, reference to an applicable provision of 49 CFR part 393 is included.

The trailer manufacturer responded that the configuration would be safe because the maximum kingpin-to-trailer axle span will be 25.5 feet. A single 53-foot semitrailer can have a kingpin-to-center of trailer tandem-axle span of 45.5 feet and still be considered safe. The individual commented that there is no reason to believe that trailers produced to this configuration would be less safe than trailers with upper couplers fully under the trailer. Dump trailers and short container chassis often have configurations that place the kingpin forward of the body.

The VDOT commented that demonstrations should be conducted with each type of semitrailer to determine any difference between the two mounting plates. A demonstration is not necessary because this style of trailer has been in operation for several years, and the operating characteristics are known to be compatible to other trailers in current use.

Based on the comments, the FHWA concludes that the semitrailer as configured will be as safe as one with the upper coupler positioned fully under the semitrailer.

4. Will the position of the kingpin, not more than 28 feet from the rear of the semitrailer, produce offtracking characteristics that are significantly greater than those of conventional 28-foot semitrailers?

The Port Authority and the manufacturer responded "no" to the question. The Port Authority commented that it appears to them that the offtracking of the beverage semitrailer combinations set forth in the proposed regulation will not differ significantly from the conventional semitrailer combinations already permitted upon port authority vehicular crossings. The trailer manufacturer used a "sum of squares" method to determine offtracking (Society of Automotive Engineers (SAE) J695) and does not find a great increase in offtracking.

The individual commented that offtracking of these specialized trailers will be greater than conventional 28-foot trailers since the distance from the kingpin to the trailer's axle will increase by up to 3 feet. Also, using the techniques of SAE J695, he calculated the offtracking for conventional and beverage semitrailers as shown in the following table:

COMPARISON OF OFFTRACKING OF SELECTED SEMITRAILERS

Radius conventional curve semitrailer	Conventional 28-foot semitrailer	Beverage semitrailer	48-foot
50 feet	6.86 feet .	8.70 feet .	
120 feet ...	2.55 feet .	3.17 feet .	8.53 feet.

The FDOT responded that the potential of an extra 2 or 3 feet to the kingpin setting may be important with units running as a tandem combination; however, as a single-unit semitrailer, the difference would be insignificant when considering the 41-foot kingpin setting that is being discussed as a *de facto* national limit for such settings.

Based on the comments, the FHWA concludes that the offtracking characteristics of the beverage semitrailer being designated as specialized equipment are not significantly greater than those of conventional 28-foot semitrailers.

5. Other comments.

The Caltrans, FDOT, and MnDOT expressed concerns about future petitions for the FHWA to propose a similar rule for longer beverage semitrailers or semitrailers of a similar design for carrying other goods. The Caltrans' concern is that the beverage semitrailer is another small step toward allowing larger vehicles by means of an exception process. For example, since the weight of the beverage semitrailer and load rest on the upper coupler plate extending from the front of the semitrailer, why not allow the van portion to the semitrailer to be extended over the plate? Also, if a weight supporting upper coupler plate is permitted for a 28-foot beverage semitrailer, is a 48-foot beverage semitrailer next? The possibility of a 48-foot beverage semitrailer raises strong concerns about offtracking. A typical semitrailer has the kingpin located 3 feet from the front of the semitrailer. The Caltrans' evaluation of the State Highway System for designation of terminal access routes is on the basis of a 48-foot trailer with a 43-foot kingpin-to-center of the rearmost axle which is equivalent to the 41-foot kingpin-to-center of tandem axles.

The FDOT responded that the proposed rule needs to be modified to assure that other trailers/semitrailers do not grow in length as a result of this proposed rule. It should be expected that other segments of the industry will seek the same benefits as are being provided to the beverage haulers under this proposed rule. Similarly, the MnDOT would discourage the FHWA from further "piecemeal" exemptions until a comprehensive review of the commercial vehicle length definition is conducted. The State finds that this examination is warranted in light of the recent research from the Roads and Transportation Association of Canada, which demonstrates that the U.S. may in fact be discouraging uniformity and the use of more stable vehicle configurations on U.S. highways, due to current vehicle definitions. The State supported the use of the terms "box length" and uniform "kingpin or wheelbase" for specifying length limits for commercial vehicle equipment. On the other hand, the MnDOT also commented that the configuration under discussion here would not have adverse effects on pavements, bridges, or maneuvering.

The FHWA understands the concerns of these States about its handling of petitions from other segments of the trucking industry for relief similar to that being provided for beverage semitrailers. The FHWA also recognizes that different ways to specify trailer length provisions do exist. Future petitions for similar relief provisions will be evaluated with these concerns in mind.

Finally, the Caltrans commented that the 28-foot beverage semitrailer was not specialized equipment, but rather another attempt to incrementally increase (by regulatory action) the limits set by the STAA. The FHWA disagrees. This equipment as defined by this rulemaking is highly specialized.

Conclusions

In order to remove any doubt about using 28-foot beverage semitrailers with an upper coupler plate that extends beyond the front of the semitrailer on the NN without a special permit, the FHWA is designating them as specialized equipment pursuant to our authority under section 411(d) of the STAA (49 U.S.C. app. 2311(d)).

This designation as specialized equipment applies only to van-type, drop-frame, side-loading only, beverage semitrailers for which the upper coupler plate extends beyond the front of the semitrailer, and the distance from the centerline of the kingpin connection to the rear of the semitrailer is not greater than 28 feet. The rule preempts States from imposing an overall length limit on such vehicles operating in semitrailer or double trailer combinations and guarantees these truck tractor-single beverage semitrailer combinations the same access to points of loading and unloading as 28-foot (28.5-foot if grandfathered) semitrailers in 23 CFR 658.19. After reviewing the comments to the docket, the FHWA has concluded that this action would allow for a productivity gain without adversely effecting public safety. A definition of beverage semitrailer has been added to § 658.5, and regulatory language has been added to § 658.13. This action concludes the FHWA rulemaking proceeding that was designated with the regulation identification number 2125–AC57.

Certification

Section 1023(c) of the ISTEA amended 23 U.S.C. 141(b) by adding a new sentence at the end which reads as follows:

> Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982.
>
> (49 U.S.C. app. 2311(j)).

As implemented by 23 CFR 657.13, 23 U.S.C. 141(b) requires each State to certify annually that it is enforcing its size and weight laws on the Federal-aid Primary System (FAP), Federal-aid Urban System (FAU), Federal-aid Secondary System (FAS), and the Interstate System in accordance with 23 U.S.C. 127.

Under the new ISTEA provision, States must also certify that they are enforcing and complying with the ISTEA freeze on the use of LCV's and other multi-unit vehicles. Failure to certify would subject a State to the penalties provided in 23 U.S.C. 141(c)(2).

The ISTEA, however, effectively replaced the FAP with the NHS, and eliminated the FAU and FAS Systems, without providing a conforming amendment to 23 U.S.C. 141(b). Until 23 U.S.C. 141 is amended to reflect changes in system nomenclature, the FHWA will require the States to certify size and weight enforcement on those routes which, prior to October 1, 1991, were designated as part of the FAP, FAS, or FAU Systems.

The State of Alaska objected to the certification statement proposed in the SNPRM. That statement would require the State to certify that it is enforcing the freeze provisions of 23 U.S.C. 127(d) and that its State laws are consistent with 23 U.S.C. 127 (a) and (b). Alaska asserts that section 127 does not apply to the State because the State does not have any Interstate System mileage as defined in 23 U.S.C. 103, 139(a) or 139(b). The FHWA agrees with this comment.

The same situation with respect to highway system also exists in Puerto Rico, which is considered a "State" for the purposes of title 23, United States Code.

The certification language proposed by the SNPRM has been retained, except that language to recognize the situations in Alaska and Puerto Rico has also been included.

Language describing size and weight enforcement coverage in urban areas has also been clarified in this final rule.

Since its initial publication in 1980 (45 FR 52365), § 657.15 has required that "Urban areas not subject to State jurisdiction shall be identified and the statement shall address total (Federal-aid) mileage involved and an analysis of enforcement efforts in such areas." In practice, the FHWA's interpretation of this requirement over the years has been to focus on those areas over 50,000 population, also called urbanized areas (as determined by the Bureau of the Census). The FHWA recognizes an area as "urban" when the population is 5,000 or more. It is not now, nor has it ever been, the intent of the FHWA to require extensive size and weight enforcement activities, or an analysis thereof, in areas with a population between 5,000 and 50,000. The intent of this requirement has always been to ensure that an adequate size and weight enforcement effort be conducted by larger cities, i.e., over 50,000 population, where the State weight enforcement agency does not have legal jurisdiction. Substitution of the word "urbanized" for "urban" (both terms as defined in 23 U.S.C. 101) in the second sentence of § 657.15(b) accomplishes this clarification.

What, prior to October 1, 1991, was Federal-aid system mileage in urban areas of less than 50,000 population, should continue to be covered by the State's overall weight enforcement program. This change in wording does not preclude, nor should it discourage, weight enforcement activity by local jurisdictions. Such activity is encouraged with results to be reported as part of the overall enforcement activity in the State.

Conforming Amendment

ISTEA section 4006(c) consisted of a conforming amendment as follows:

> Section 411(e)(1) of such Act (the STAA of 1982) is amended by striking "those Primary System highways" and inserting "those highways of the Federal-aid primary system in existence on June 1, 1991 * * *."

Section 411(e)(1) of the STAA describes the type of highways that the Secretary shall designate as open to the vehicles described by the STAA. These designated highways, in combination with the Interstate System, have come to be known as the NN. The ISTEA effectively replaced what had been known as the FAP System with the NHS. This conforming amendment corrects the technical problem of designating segments of a highway system (the FAP) which no longer exists. The necessary corrections to the definitions of "Federal-aid Primary System" and "National Network," both found in 23 CFR 658.5, have been made by this final rule.

Operation of Certain Specialized Hauling Vehicles on Interstate Route 68

Section 1023(d) of the ISTEA added 23 U.S.C. 127(e) to read as follows:

> (e) Operation of Certain Specialized Hauling Vehicles on Interstate Route 68.—The single-axle, tandem-axle, and bridge formula limits set forth in subsection (a) (23 U.S.C. 127(a)) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.

This exempts the described vehicles with selected cargo from the axle and Bridge Formula weight limits that Maryland must enforce on Interstate Route 68 in Allegany and Garrett Counties. However, the normal gross weight limit (80,000 pounds) remains in effect. This change is adopted by this final rule in § 658.17(j).

Reassignment of Size and Weight Responsibilities Within the FHWA

On October 1, 1991, responsibility for the vehicle Size and Weight and NN Programs in the FHWA's regional and divisional offices was transferred to the Office of Motor Carriers. Revisions to 23 CFR 657.11 and 657.17 were proposed in the SNPRM to reflect this change.

No comments were received on this issue. This final rule includes the changes as proposed.

Size and weight responsibilities in the Washington, DC., Headquarters office remain assigned to the Office of Motor Carriers.

Rulemaking Analyses and Notices

This final rule implements sections 1023 and 4006 of the ISTEA, which restrict the operation of LCV's on the Interstate Highway System and CMV combinations with two or more cargo-carrying units on the NN to the type of vehicles in use on or before June 1, 1991, subject to whatever State rules, regulations, or restrictions were in effect on that date.

As noted in the following paragraphs, the FHWA has determined that this rulemaking is: (1) Not a significant regulatory action within the meaning of Executive Order 12866; (2) not a significant action within the meaning of Department of Transportation Regulatory Policies and Procedures; (3) will not have a significant economic impact on a substantial number of small entities; (4) does not require the preparation of a federalism assessment; and (5) does not require the preparation of an environmental impact statement. All of these findings were made and included in the NPRM and again in the SNPRM, in each case after the FHWA had carefully reviewed the applicable Federal statutes and Executive Orders.

The WTA submitted comments to the docket in response to both the NPRM and the SNPRM challenging what it saw as the FHWA's casual dismissal of determinations required by various statutes and Executive Orders. In comments on the NPRM, the WTA argued that a long-term effect of any freeze would be to prohibit the natural evolution of technology in the trucking industry. Such a situation, in turn, would be likely to cause major and significant impacts on competing transportation modes, related businesses, and the general public. Accordingly, the WTA insisted that the FHWA conduct (1) a full regulatory evaluation, (2) a full economic assessment, (3) a federalism assessment, and (4) an environmental impact study.

Effects on Small Entities and Other Economic Issues

After undertaking the analysis required by the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA reiterated in the SNPRM its conclusion that this rulemaking would not have a significant economic impact on a substantial number of small entities. This conclusion remains unchanged in this final rule. The WTA, responding to an earlier document, stated that "there is no question that the form and substance of this NPRM are clearly harmful to small entities. Most businesses affected in Wyoming are small entities. The few large entities doing business in Wyoming are similarly adversely affected."

This rule in no way restricts the ability of small entities to enter the LCV segment of the motor carrier industry. The LCV segment of the industry can expand as rapidly as it finds customers. Neither the rule nor any State affected by the rule limits the number of LCV's that may be placed in service, or the number of motor carriers that may operate them. The rule does not reduce the highway network on which carriers may run LCV's; it simply lists the routes where the States have decided very large vehicles can operate without seriously damaging pavements and bridges. In Wyoming, that amounts to every NN route in the State.

The WTA seems to be demanding, not better regulatory analyses, but something like a full-scale econometric model of the transportation segment of the economy. The WTA apparently believes that such a model, when run, would demonstrate that the ISTEA freeze is likely to change the competitive balance between railroad and highway transportation, retard the technological development of trucks, reduce employment in the motor carrier industry, and raise freight costs.

Because the LCV freeze includes all State routes currently in use, and because we are not aware that any State wishes to expand its LCV network, we expect that the freeze will have none of the effects predicted by the WTA, at least in the short term. The FHWA believes that the "frozen" LCV Network offers ample opportunity for reasonable growth. Insufficient data exist to evaluate the possible longer-term effects of this rulemaking, and any conclusions presented here would be speculative in nature.

Environmental Issues

In considering this rulemaking action from the perspective of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA), the FHWA has twice found that it would have no effect on the quality of the environment. The WTA disagreed: "A rule which dictates increased use of fuels, a scarce natural resource, affects the quality of the environment in a negative fashion." The rule does not dictate increased use of fuels. If LCV's move freight at a lower fuel or emission cost per ton/mile than other motor vehicles, as the WTA appears to believe, the rule would not prevent LCV's from displacing less efficient vehicles. The FHWA sees no reason to change its conclusion.

Changes to Part 658—National Network

As discussed earlier, this final rule makes two technical amendments to appendix A, 23 CFR part 658, which lists federally-designated routes on the NN. These changes would amend the listings for California, to reflect the inclusion of the I–580 Richmond-San Rafael Bridge in the NN, and also for Virginia, to reflect that State's new milepost-based exit numbering system. For the reasons set forth earlier in this document, the FHWA has determined that prior notice and opportunity for comment are not required for either amendment under the U.S. Department of Transportation's Regulatory Policies and Procedures, as it is not anticipated that such action will result in the receipt of useful information.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation Regulatory Policies and Procedures. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action merely lists applicable limitations by specific vehicle configuration, by State, in effect on June 1, 1991, and will not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991, which is subject to those limitations.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Although its effect will be to prevent the expansion of the ISTEA vehicle network beyond that which States allowed on June 1, 1991, that is a direct result of the underlying statute. Moreover, there is no indication at this time that the States planned any significant expansion of that network which would be impeded by this requirement. This action merely implements requirements of the ISTEA.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction

This action does not contain an additional or expanded collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Data collection necessary for the States to be able to certify enforcement of State size and weight laws currently operates under OMB approval number 2125–0034.

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the NEPA and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Parts 657 and 658

Grant programs—transportation, Highways and roads, and Motor carrier size and weight.

Issued on: May 27, 1994.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA is amending 23 CFR, subchapter G, parts 657 and 658 as set forth below.

PART 657—CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT

1. The authority citation for 23 CFR part 657 is revised to read as follows:

Authority: Sec. 123, Pub. L. 95–599, 92 Stat. 2689; 23 U.S.C. 127, 141, and 315; 49 U.S.C. app. 2311, 2312, and 2316; sec. 1023, Pub. L. 102–240, 105 Stat. 1914; and 49 CFR 1.48(b)(19), (b)(23), (c)(1), and (c)(19).

2. Section 657.11 is revised to read as follows:

§ 657.11 Evaluation of operations.

(a) The State shall submit its enforcement plan or annual update to the Office of Motor Carriers in the FHWA division office by July 1 of each year. However, if a State's legislative or budgetary cycle is not consonant with that date, the FHWA and the State may jointly select an alternate date. In any event, a State must have an approved plan in effect by October 1 of each year. Failure of a State to submit or update a plan will result in the State being unable to certify in accordance with § 657.13 for the period to be covered by the plan.

(b) The Office of Motor Carriers in the FHWA division office shall review the State's operation under the accepted plan on a continuing basis and shall prepare an evaluation report annually. The State will be advised of the results of the evaluation and of any needed changes either in the plan itself or in its implementation. Copies of the evaluation report and subsequent modifications resulting from the evaluation shall be forwarded through the Regional Director of Motor Carriers to the Washington, D.C., Headquarters office.

3. Section 657.13 is revised to read as follows:

§ 657.13 Certification requirement.

Each State shall certify to the Federal Highway Administrator, before January 1 of each year, that it is enforcing all State laws respecting maximum vehicle size and weight permitted on what, prior to October 1, 1991, were the Federal-aid Primary, Secondary, and Urban Systems, including the Interstate System, in accordance with 23 U.S.C. 127. The States must also certify that they are enforcing and complying with the ISTEA freeze on the use of LCV's and other multi-unit vehicles. The certification shall be supported by information on activities and results achieved during the preceding 12-month period ending on September 30 of each year.

4. Section 657.15 is revised to read as follows:

§ 657.15 Certification content.

The certification shall consist of the following elements and each element shall be addressed even though the response is negative:

(a) A statement by the Governor of the State, or an official designated by the Governor, that the State's vehicle weight laws and regulations governing use of the Interstate System conform to 23 U.S.C. 127.

(b) A statement by the Governor of the State, or an official designated by the Governor, that all State size and weight limits are being enforced on the Interstate System and those routes which prior to October 1, 1991, were designated as part of the Federal-aid Primary, Urban, and Secondary Systems, and that the State is enforcing and complying with the provisions of 23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j). Urbanized areas not subject to State jurisdiction shall be identified. The statement shall include an analysis of enforcement efforts in such areas.

(c) Except for Alaska and Puerto Rico, the certifying statements required by paragraphs (a) and (b) of this section shall be worded as follows (the statements for Alaska and Puerto Rico do not have to reference 23 U.S.C. 127(d) in (c)(2), or include paragraph (c)(3) of this section):

I, *(name of certifying official), (position title)*, of the State of _____ do hereby certify:

(1) That all State laws and regulations governing vehicle size and weight are being enforced on those highways which, prior to October 1, 1991, were designated as part of the Federal-aid Primary, Federal-aid Secondary, or Federal-aid Urban Systems;

(2) That the State is enforcing the freeze provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j)); and

(3) That all State laws governing vehicle weight on the Interstate System are consistent with 23 U.S.C. 127 (a) and (b).

(d) If this statement is made by an official other than the Governor, a copy of the document designating the official, signed by the Governor, shall also be included in the certification made under this part.

(e) A copy of any State law or regulation pertaining to vehicle sizes and weights adopted since the State's last certification and an analysis of the changes made. Those laws and regulations pertaining to special permits and penalties shall be specifically identified and analyzed in accordance with section 123 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599).

(f) A report of State size and weight enforcement efforts during the period covered by the certification which addresses the following:

(1) Actual operations as compared with those forecast by the plan submitted earlier, with particular attention to changes in or deviations from the operations proposed.

(2) Impacts of the process as actually applied, in terms of changes in the number of oversize and/or overweight vehicles.

(3) *Measures of activity*—(i) *Vehicles weighed.* Separate totals shall be reported for the annual number of vehicles weighed on fixed scales, on semiportable scales, on portable scales, and on WIM when used for enforcement.

(ii) *Penalties.* Penalties reported shall include citations issued, civil assessments, and incidences of load shifting or off-loading of excess weight categorized as follows: violations of axle and/or gross vehicle weights, or violations resulting from application of the bridge formula.

(iii) *Permits.* The number of permits issued for *overweight* loads shall be reported. The reported numbers shall specify permits for divisible and nondivisible loads and whether issued on a trip or annual basis. Permits issued for excess height, length, or width need not be reported except where issued for the overwidth movement of a divisible load.

5. Section 657.17 is revised to read as follows:

§ 657.17 Certification submittal.

(a) The Governor, or an official designated by the Governor, shall submit the certification to the Office of Motor Carriers in the FHWA division office prior to January 1 of each year.

(b) The Office of Motor Carriers in the FHWA division office shall forward the original certification to the Associate Administrator for Motor Carriers and one copy to the Office of Chief Counsel. Copies of appropriate evaluations and/or comments shall accompany any transmittal.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS

6. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. app. 2311, 2312, and 2316; 49 CFR 1.48(b)(19) and (c)(19).

7. Section 658.1 is revised to read as follows:

§ 658.1 Purpose.

The purpose of this part is to identify a National Network of highways available to vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982 (STAA) as amended, and to prescribe national policies that govern truck and bus size and weight.

8. Section 658.5 is amended by removing the arabic letter paragraph designations from all definitions, placing the definitions in alphabetical order, revising two existing definitions, and adding six new definitions in appropriate order. The added and revised definitions read as follows:

§ 658.5 Definitions.

* * * * *

Beverage semitrailer. A van-type, drop-frame semitrailer designed and used specifically for the transport and delivery of bottled or canned beverages (i.e., liquids for drinking, including water) which has side-only access for loading and unloading this commodity. Semitrailer has the same meaning as in 49 CFR 390.5.

* * * * *

Cargo-carrying unit. As used in this part, cargo-carrying unit means any portion of a commercial motor vehicle (CMV) combination (other than a truck tractor) used for the carrying of cargo, including a trailer, semitrailer, or the cargo-carrying section of a single-unit truck.

* * * * *

Federal-aid Primary System. The Federal-aid Highway System of rural arterials and their extensions into or through urban areas in existence on June 1, 1991, as described in 23 U.S.C. 103(b) in effect at that time.

* * * * *

Longer combination vehicle (LCV). As used in this part, longer combination vehicle means any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

* * * * *

Maxi-cube vehicle. A maxi-cube vehicle is a combination vehicle consisting of a power unit and a trailing unit, both of which are designed to carry cargo. The power unit is a nonarticulated truck with one or more drive axles that carries either a detachable or a permanently attached cargo box. The trailing unit is a trailer or semitrailer with a cargo box so designed that the power unit may be loaded and unloaded through the trailing unit. Neither cargo box shall exceed 34 feet in length, excluding drawbar or hitching device; the distance from the front of the first to the rear of the second cargo box shall not exceed 60 feet, including the space between the cargo boxes; and the overall length of the combination vehicle shall not exceed 65 feet, including the space between the cargo boxes.

* * * * *

Motor carrier of passengers. As used in this part, a motor carrier of passengers is a common, contract, or private carrier using a bus to provide commercial transportation of passengers. Bus has the same meaning as in 49 CFR 390.5.

* * * * *

National Network (NN). The composite of the individual network of highways from each State on which vehicles authorized by the provisions of the STAA are allowed to operate. The network in each State includes the Interstate System, exclusive of those portions excepted under § 658.11(f) or deleted under § 658.11(d), and those portions of the Federal-aid Primary System in existence on June 1, 1991, set out by the FHWA in appendix A to this part.

* * * * *

Nondivisible load or vehicle.

(1) As used in this part, *nondivisible* means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

(i) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;

(ii) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or

(iii) Require more than 8 workhours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the number of workhours required to dismantle the load.

(2) A State may treat emergency response vehicles and casks designed and used for the transport of spent nuclear materials as nondivisible vehicles or loads.

* * * * *

§§ 658.13 and 658.15 [Amended]

9. In the list below, for each section indicated in the left column, remove the citation indicated in the middle column from wherever it appears in the section, and add the citation indicated in the right column:

Section	Remove	Add
658.13(d)(1)(i)	658.5(k)	658.5
658.13(d)(2)(i)	658.5(k)	658.5
658.13(e)	658.5(e)	658.5
658.15(b)	658.5(i)	658.5
658.15(c)	658.5(g)	658.5

10. In § 658.13, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g), respectively, a new paragraph (d) is added, and new paragraphs (e)(4) and (e)(5) are added under redesignated paragraph (e) to read as follows:

§ 658.13 Length.

* * * * *

(d) No State shall impose a limit of less than 45 feet on the length of any bus on the NN.

(e) * * *

(4) *Maxi-cube vehicle.* No State shall impose a length limit on a maxi-cube vehicle, as defined in § 658.5 of this part, of less than 34 feet on either cargo box, excluding drawbar or hitching device; 60 feet on the distance from the front of the first to the rear of the second cargo box, including the space between the cargo boxes; or 65 feet on the overall length of the combination, including the space between the cargo boxes. The measurement for compliance with the 60- and 65-foot distance shall include the actual distance between cargo boxes, measured along the centerline of the drawbar or hitching device. For maxi-cubes with an adjustable length drawbar or hitching device, the 60- and 65-foot distances shall be measured with a drawbar spacing of not more than 27 inches. The drawbar may be temporarily extended beyond that distance to maneuver or load the vehicle.

(5) *Beverage semitrailer.* (i) A beverage semitrailer is specialized equipment if it has an upper coupler plate that extends beyond the front of the semitrailer, but not beyond its swing radius, as measured from the center line of the kingpin to a front corner of the semitrailer, which cannot be used for carrying cargo other than the structure of the semitrailer, and with the center line of the kingpin not more than 28 feet from the rear of the semitrailer (exclusive of rear-mounted devices not measured in determining semitrailer length). No State shall impose an overall length limit on such vehicles when operating in a truck tractor-beverage

semitrailer or truck tractor-beverage semitrailer-beverage trailer combination on the NN.

(ii) The beverage trailer referred to in paragraph (e)(5)(i) of this section means a beverage semitrailer and converter dolly. Converter dolly has the same meaning as in 49 CFR 393.5.

(iii) Truck tractor-beverage semitrailer combinations shall have the same access to points of loading and unloading as 28-foot semitrailers (28.5-foot where allowed by § 658.13) in 23 CFR 658.19.

* * * * *

11. In § 658.17, paragraphs (f), (g), and (h) are redesignated as paragraphs (g), (h), and (i), respectively; new paragraphs (f), (j), and (k) are added; and redesignated paragraph (h) is revised. Paragraphs (f) through (k) now read as follows:

§ 658.17 Weight.

* * * * *

(f) Except as provided herein, States may not enforce on the Interstate System vehicle weight limits of less than 20,000 pounds on a single axle, 34,000 pounds on a tandem axle, or the weights derived from the Bridge Formula, up to a maximum of 80,000 pounds, including all enforcement tolerances. States may not limit tire loads to less than 500 pounds per inch of tire or tread width, except that such limits may not be applied to tires on the steering axle. States may not limit steering axle weights to less than 20,000 pounds or the axle rating established by the manufacturer, whichever is lower.

(g) The weights in paragraphs (b), (c), (d), and (e) of this section shall be inclusive of all tolerances, enforcement or otherwise, with the exception of a scale allowance factor when using portable scales (wheel-load weighers). The current accuracy of such scales is generally within 2 or 3 percent of actual weight, but in no case shall an allowance in excess of 5 percent be applied. Penalty or fine schedules which impose no fine up to a specified threshold, i.e., 1,000 pounds, will be considered as tolerance provisions not authorized by 23 U.S.C. 127.

(h) States may issue special permits without regard to the axle, gross, or Federal Bridge Formula requirements for nondivisible vehicles or loads.

(i) The provisions of paragraphs (b), (c), and (d) of this section shall not apply to single-, or tandem-axle weights, or gross weights legally authorized under State law on July 1, 1956. The group of axles requirements established in this section shall not apply to vehicles legally grandfathered under State groups of axles tables or formulas on January 4, 1975.

(j) The provisions of paragraphs (c) through (e) of this section shall not apply to the operation on Interstate Route 68 in Allegany and Garrett Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on U.S. Routes 40 or 48 for such purposes on August 1, 1991.

(k) Beginning October 6, 1992, and ending October 5, 1994, the provisions of paragraphs (c) through (e) of this section shall not apply to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend this temporary exemption for an additional year.

12. In § 658.19, paragraph (a) is revised to read as follows:

§ 658.19 Reasonable access.

(a) No State may enact or enforce any law denying reasonable access to vehicles with dimensions authorized by the STAA between the NN and terminals and facilities for food, fuel, repairs, and rest. In addition, no State may enact or enforce any law denying reasonable access between the NN and points of loading and unloading to household goods carriers, motor carriers of passengers, and any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 feet (28.5 feet where allowed pursuant to § 658.13(b)(5) of this part) and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a) of this part.

* * * * *

13. Part 658 is amended by adding § 658.23 as follows:

§ 658.23 LCV freeze; cargo-carrying unit freeze.

(a) (1) Except as otherwise provided in this section and except for tow trucks with vehicles in tow, a State may allow the operation of LCV's on the Interstate System only as listed in appendix C to this part.

(2) Except as otherwise provided in this section, a State may not allow the operation on the NN of any CMV combination with two or more cargo-carrying units (not including the truck tractor) whose cargo-carrying units exceed:

(i) The maximum combination trailer, semitrailer, or other type of length limitation authorized by State law or regulation of that State on or before June 1, 1991; or

(ii) The length of the cargo-carrying units of those CMV combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991, as listed in appendix C to this part.

(b) Notwithstanding paragraph (a)(2) of this section, the following CMV combinations with two or more cargo-carrying units may operate on the NN.

(1) Truck tractor-semitrailer-trailer and truck tractor-semitrailer-semitrailer combinations with a maximum length of the individual cargo units of 28.5 feet or less.

(2) Vehicles described in § 658.13(e) and (g).

(3) Truck tractor-trailer and truck tractor-semitrailer combinations with an overall length of 65 feet or less.

(4) Maxi-cubes.

(5) Tow trucks with vehicles in tow.

(c) For specific safety purposes and road construction, a State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions applicable to combinations subject to sections 1023 and 4006 of Pub. L. 102–240 and in effect on June 1, 1991 (July 6, 1991, for Alaska). Adjustments which last 30 days or less may be made without notifying the FHWA. Minor adjustments which exceed 30 days require approval of the FHWA. When such adjustments are needed, a State must submit to the Division Office of Motor Carriers, by the end of the 30th day, a written description of the emergency, the date on which it began, and the date on which it is expected to conclude. If the adjustment involves route designations, the State shall describe the new route on which vehicles otherwise subject to the freeze imposed by sections 1023 and 4006 of Pub. L. 102–240 are allowed to operate. To the extent possible, the geometric and pavement design characteristics of the alternate route should be equivalent to those of the highway section which is temporarily unavailable. Approval or disapproval by Office of Motor Carriers officials of adjustments involving route designations shall be coordinated with the Division Administrator. If the adjustment involves vehicle operating restrictions, the State shall list the restrictions that have been removed or modified. Approval or disapproval of the adjustment by the Division Office of Motor Carriers shall take place only after consultation with the Regional Office of Motor Carriers. If the adjustment is approved, a copy of the approved submission shall be forwarded through the Regional Office of Motor Carriers, to the Associate Administrator for Motor Carriers at Headquarters, who

will publish the notice of adjustment, with an expiration date, in the **Federal Register**. Requests for extensions of time beyond the originally established conclusion date shall be subject to the same approval and publication process as the original request. If upon consultation with the Regional Office of Motor Carriers, a decision is reached that minor adjustments made by a State are not legitimately attributable to road or bridge construction or safety, the Division Office of Motor Carriers will so inform the State, and the original conditions of the freeze must be reimposed immediately. Failure to do so may subject the State to a penalty pursuant to 23 U.S.C. 141.

(d) A State may issue a permit authorizing a CMV to transport an overlength nondivisible load on two or more cargo-carrying units on the NN without regard to the restrictions in § 658.23(a)(2).

(e) States further restricting or prohibiting the operation of vehicles subject to sections 1023 and 4006 of Public Law 102–240 after June 1, 1991, shall notify the FHWA Division Office of Motor Carriers within 30 days after the restriction is effective. The Division Office of Motor Carriers shall forward the information through the Regional Office of Motor Carriers to the Associate Administrator for Motor Carriers at Headquarters. The FHWA will publish the restriction in the **Federal Register** as an amendment to appendix C to this part. Failure to provide such notification may subject the State to a penalty pursuant to 23 U.S.C. 141.

(f) The Federal Highway Administrator, on his or her own motion or upon a request by any person (including a State), shall review the information set forth in appendix C to this part. If the Administrator determines there is cause to believe that a mistake was made in the accuracy of the information contained in appendix C to this part, the Administrator shall commence a proceeding to determine whether the information published should be corrected. If the Administrator determines that there is a mistake in the accuracy of the information contained in appendix C to this part, the Administrator shall publish in the **Federal Register** the appropriate corrections to reflect that determination.

14. Appendix A to part 658 is amended in the entry for the State of California by removing Note 1 and redesignating Note 2, and by revising the entry for the State of Virginia to read as follows:

APPENDIX A TO PART 658—NATIONAL NETWORK—FEDERALLY DESIGNATED ROUTES

Route	From	To
US 11	I–81 Exit 195	0.16 Mi. N. of VA 645 Rockbridge Co.
US 11	VA 220 Alt. N. Int.	2.15 Mi. S. of VA 220 Alt. N. Int. Cloverdale.
US 11	VA 100 Dublin	VA 643 S. of Dublin.
US 11	1.52 Mi. N. of VA 75.	US 19 N. Int. Abington.
US 13	MD State Line	I–64 Exit 282 Norfolk.
US 17	US 29 Opal	VA 2/US 17 BR New Post.
US 17	VA 134 York County.	I–64 Exit 258 Newport News.
US 17	BR/SCL Fredericksburg.	US 17 New Post VA 2.
US 19	I–81 Exit 14 (via VA 140) Abington.	US 460 N. Int./ VA 720 Bluefield.
US 23	TN State Line	US 58 Alt. Big Stone Gap.
US 23	0.33 Mi. N. of US 23 BR Norton.	KY State Line.
US 25E	TN State Line	KY State Line.
US 29	NC State Line	I–66 Exit 43 Gainesville.
US 33	N. Carlton Street Harrisonburg.	US 340 Elkton.
US 33	I–295 Exit 49	0.96 Mi. W. of I–295 Hanover County.
US 50	VA 259 Gore	VA 37 Frederick County.
US 50	Apple Blossom Loop Road Winchester.	I–81 Exit 313 Winchester.
US 58	VA 721 W. of Martinsville.	US 220 BR N. Int. Martinsville.
US 58	S. Fairy Street Martinsville.	WCL Emporia.
US 58	0.6 Mi. E. of ECL Emporia.	VA 35 S. Int. Courtland.
US 58	US 58 BR E. of Courtland.	US 13/I–264 Bowers Hill.
US 58 Alt	US 23 Norton	US 19 Hansonville.
US 58 Alt	0.4 Mi. W. of US 11.	I–81 Exit 17 Abington.
US 58 BR	VA 35 Courtland.	US 58 E. of Courtland.
US 58	W. Int. VA 337 Claremont St. Norfolk.	US 460/St. Paul's Blvd. Norfolk.
US 60	0.03 Mi. West of VA 887 Chesterfield County.	US 522 Powhatan.

APPENDIX A TO PART 658—NATIONAL NETWORK—FEDERALLY DESIGNATED ROUTES—Continued

Route	From	To
US 220	NC State Line	I–581 Roanoke.
US 220	I–81 Exit 150	SCL Fincastle.
US 220 BR	US 220 S. Int.	0.16 Mi. N. of VA 825 S. of Martinsville.
US 220 BR	US 58 N. Int. Martinsville.	US 220 N. Int. Bassett Forks.
US 250	US 340 E. Int. Waynesboro.	VA 254 Waynesboro.
US 250	I–81 Exit 222	VA 261 Statler Blvd. Staunton.
US 258	NC State Line	US 58 Franklin.
US 258	VA 10 Benns Church.	VA 143 Jefferson Ave. Newport News.
US 301	VA 1250 S. of I–295.	I–295 Exit 41 Hanover County.
US 301	US 301 BR N. Int. Bowling Green.	MD State Line.
US 340/ 522.	I–66 Exit 6 Front Royal.	2.85 Mi. N. of I–66.
US 340	VA 7 Berryville	WV State Line.
US 360	US 58 South Boston.	VA 150 Chesterfield County.
US 360	I–64 Exit 192	VA 627 Village Richmond.
US 460	VA 67 W. Int. Raven.	US 19 Claypool Hill.
US 460	VA 720 Bluefield.	WV State Line at Bluefield.
US 460	WV State Line at Glen Lyn.	I–81 Exit 118 Christiansburg.
US 460	I–581 Roanoke	0.08 Mi. E. of VA 1512 Lynchburg.
US 460	US 29 Lynchburg.	1 Mi. W. of VA 24 Appomattox County.
US 460	0.64 Mi. E. of VA 707 Appomattox County.	I–85 Exit 61 Petersburg.
US 460	I–95 Exit 50 Petersburg.	US 58 Suffolk.
US 501	VA 360 S. Int. Halifax.	US 58 South Boston.
US 522	0.6 Mi. S. of US 50.	US 50 Frederick County.
US 522	VA 37 Frederick County.	1.07 Mi. N. of VA 705 Cross Junction.
VA 3	US 1 Fredericksburg.	VA 20 Wilderness.
VA 7	I–81 Exit 315 Winchester.	0.68 Mi. W. of WCL Round Hill.

APPENDIX A TO PART 658—NATIONAL NETWORK—FEDERALLY DESIGNATED ROUTES—Continued

Route	From	To
VA 10	US 58 Suffolk	VA 666 Smithfield.
VA 10	ECI Hopewell	0.37 Mi. W. of W. Int. VA 156 Hopewell.
VA 10	US 1 Chesterfield County.	VA 827 W. of Hopewell.
VA 20	I-64 Exit 121	Carlton Rd. Charlottesville.
VA 30	I-95 Exit 98 Doswell.	US 1.
VA 33	I-64 Exit 220	VA 30 E. Int. West Point.
VA 36	I-95 Exit 52 Petersburg.	VA 156 Hopewell.
VA 37	I-81 Exit 310 S. of Winchester.	I-81 Exit 317 (via US 11) N. of Winchester.
VA 42	VA 257 S. Int. Bridgewater	VA 290 Dayton.
VA 57	VA 753 Bassett.	US 220 Bassett Forks.
VA 86	US 29 Danville	NC State Line.
VA 100	I-81 Exit 98	US 11 Dublin.
VA 105	US 60 Newport News.	I-64 Exit 250.
VA 114	US 460 Christiansburg.	0.09 Mi. E. of VA 750 Montgomery County.
VA 156	VA 10 W. Int. Hopewell.	VA 36 Hopewell.
VA 199	US 60 Williamsburg.	I-64 Exit 242.
VA 207	I-95 Exit 104	0.2 Mi. S. of VA 619 Milford.
VA 220 Alt	US 11 N. Int. N. of Cloverdale.	I-81 Exit 150/ US 220.
VA 277	I-81 Exit 307 Stephens City.	1.6 Mi. E. of I-81 Exit 307.
VA 419	I-81 Exit 141 Salem.	Midland Ave. Salem.
VA 624	I-64 Exit 96	Old SCL Waynesboro.
Commonwealth Blvd. in Martinsville.	Market Street	N. Fairy Street.

APPENDIX A TO PART 658—NATIONAL NETWORK—FEDERALLY DESIGNATED ROUTES—Continued

Route	From	To
*	*	*
CALIFORNIA		
*	*	*
Note: I-580 Oakland—All vehicles over 4½ tons (except passenger buses and stages) are prohibited on MacArthur Freeway between Grand Avenue and the north city limits of San Leandro. (Excepted under 23 CFR 658.11(f)).		
*	*	*
Virginia		
Note 1: I-66 Washington, DC, area—There is a 24-hour total truck ban on I-66 from I-495 Capital Beltway to the District of Columbia. (Excepted under 23 CFR 658.11(f)).		
Note 2: I-264 Norfolk—Truck widths are limited to 96 inches for the westbound tube of the Elizabeth River Downtown Tunnel from Norfolk to Portsmouth because of clearance deficiencies.		

15. Part 658 is amended by adding appendix C to read as follows:

Appendix C to Part 658—Trucks over 80,000 Pounds on the Interstate System and Trucks over STAA Lengths on the National Network

This appendix contains the weight and size provisions that were in effect on or before June 1, 1991 (July 6, 1991 for Alaska), for vehicles covered by 23 U.S.C. 127(d) (LCV's) and 49 U.S.C. app. 2311(j) (commercial motor vehicles (CMV's) with 2 or more cargo-carrying units). Weights and dimensions are "frozen" at the values shown here, which were in effect on June 1, 1991 (Alaska, July 6, 1991). All vehicles are listed by configuration type.

Trucks Over 80,000 Pounds on the Interstate System

In the State-by-State descriptions, CMV combinations which can also be LCV's are identified with the letters "LCV" following the type of combination vehicle. The maximum allowable gross vehicle weight is given in this appendix (in thousands of pounds indicated by a "K"), as well as information summarizing the operational conditions, routes, and legal citations. The term "Interstate System" as used herein refers to the Dwight D. Eisenhower System of Interstate and Defense Highways.

Trucks Over STAA Lengths on the National Network

Listed for each State by combination type is either:

1. The maximum cargo-carrying length (shown in feet); or

2. A notation that such vehicle is not allowed (indicated by a "NO").

CMV's are categorized as follows:

1. A CMV combination consisting of a truck tractor and two trailing units.

2. A CMV combination consisting of a truck tractor and three trailing units.

3. CMV combinations with two or more cargo-carrying units not included in descriptions 1 or 2.

In the following table the top number is the maximum cargo-carrying length measured in feet from the front of the first cargo unit to the rear of the last cargo unit. This distance is not to include length exclusive devices which have been approved by the Secretary or by any State. Devices excluded from length determination shall only include items whose function is related to the safe and efficient operation of the semitrailer or trailer. No device excluded from length determination shall be designed or used for carrying cargo. The number below the length measurement is the maximum gross weight in thousands of pounds that the type of vehicle can carry when operating as an LCV on the Interstate System. For every State where there is a length or weight number in the table that follows, additional information is provided.

VEHICLE COMBINATIONS SUBJECT TO PUB. L. 102-240

State	1 Truck tractor and 2 trailing units	2 Truck tractor and 3 trailing units	3 Other
Alabama	NO	NO	NO
Alaska	95'	110'	83'
Arizona	95' 111K	95' 123.5K	(1)
Arkansas	NO	NO	NO
California	NO	NO	NO

VEHICLE COMBINATIONS SUBJECT TO PUB. L. 102–240—Continued

State	1 Truck tractor and 2 trailing units	2 Truck tractor and 3 trailing units	3 Other
Colorado	111′ 110K	115.5′ 110K	78′
Connecticut	NO	NO	NO
Delaware	NO	NO	NO
Dist. of Columbia	NO	NO	NO
Florida	106′ (2)	NO	NO
Georgia	NO	NO	NO
Hawaii	65′ (2)	NO	NO
Idaho	95′ 105.5K	95′ 105.5K	(1)
Illinois	NO	NO	NO
Indiana	106′ 127.4K	104.5′ 127.4K	58′
Iowa	NO	NO	NO
Kansas	109′ 120K	109′ 120K	NO
Kentucky	NO	NO	NO
Louisiana	NO	NO	NO
Maine	NO	NO	NO
Maryland	NO	NO	NO
Massachusetts	104′ 127.4K	NO	NO
Michigan	58′ 154K	NO	NO
Minnesota	NO	NO	NO
Mississippi	65′ (2)	NO	NO
Missouri	109′ 120K	109′ 120K	NO
Montana	93′ 137.8K	100′ 131.06K	(1)
Nebraska	95′ 95K	95′ (2)	68′
Nevada	95′ 129K	95′ 129K	98′
New Hampshire	NO	NO	NO
New Jersey	NO	NO	NO
New Mexico	86.4K(3)	NO	NO
New York	102′ 143K	NO	NO
North Carolina	NO	NO	NO
North Dakota	103′ 105.5K	100′ 105.5K	103′
Ohio	102′ 127.4K	95′ 115K	NO
Oklahoma	110′ 90K	95′ 90K	NO
Oregon	68′ 105.5K	96′ 105.5K	NO
Pennsylvania	NO	NO	NO
Puerto Rico	NO	NO	NO
Rhode Island	NO	NO	NO
South Carolina	NO	NO	NO
South Dakota	100′ 129K	100′ 129K	(1)
Tennessee	NO	NO	NO
Texas	NO	NO	NO
Utah	95′ 129K	95′ 129K	(1)
Vermont	NO	NO	NO
Virginia	NO	NO	NO
Washington	68′ 105.5K	NO	68′
West Virginia	NO	NO	NO
Wisconsin	NO	NO	NO
Wyoming	81′ 117K	NO	(1)

(1)—State submission includes multiple vehicles in this category—see individual State listings.

(2)—No maximum weight is established as this vehicle combination is not considered an "LCV" per the ISTEA definition. Florida's combination is not allowed to operate on the Interstate System, and the combinations for Hawaii, Mississippi, and Nebraska are not allowed to exceed 80,000 pounds.

(3)—No maximum cargo-carrying length is established for this combination. Because State law limits each trailing unit to not more than 28.5 feet in length, this combination is allowed to operate on all NN routes under the authority of the STAA of 1982, regardless of actual cargo-carrying length. The maximum weight listed is New Mexico's maximum allowable gross weight on the Interstate System under the grandfather authority of 23 U.S.C. 127.

The following abbreviation convention is used throughout the narrative State-by-State descriptions for the captions OPERATIONAL CONDITIONS, ROUTES, and LEGAL CITATIONS: two letter State abbreviation, dash, "TT" for truck tractor, and 2 or 3 for two or three trailing units. For example, the phrase "Arizona truck tractor and 2 trailing units", would be noted as "AZ-TT2"; the phrase "Indiana truck tractor and 3 trailing units" would be noted as "IN–TT3", etc.

STATE: ALASKA

COMBINATION: Truck tractor and 2 trailing units

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

OPERATIONAL CONDITIONS:

WEIGHT: The combination must be in compliance with State laws and regulations. There are no highways in

the State subject to Interstate System weight limits. Therefore, the ISTEA freeze as it applies to maximum weight is not applicable.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: Combinations with an overall length greater than 75 feet, measured bumper to bumper, must display an "OVERSIZE warning sign on the front and rear. In combinations where one cargo-carrying unit is more than 5,000 pounds heavier than the other, the heavier unit shall be placed immediately behind the power unit. Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Alaska Department of Public Safety, Division of State Troopers. Time of day travel is not restricted.

PERMIT: None required.

ACCESS: Alaska allows reasonable access not to exceed 5 miles to reach or return from terminals and facilities for food, fuel, or rest. The most direct route must be used. The Commissioner of the Alaska DOT&PF may allow access to specific routes if it can be shown that travel frequency, necessity, and route accommodation are required.

ROUTES

	From	To
AK–1	Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK–2	Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK–3	Jct. AK–1	Fairbanks (Gaffney Road Junction).

LEGAL CITATIONS:

17 AAC 25, and 35; the Administrative Permit Manual

STATE: ALASKA

COMBINATION: Truck tractor and 3 trailing units

LENGTH OF THE CARGO-CARRYING UNITS: 110 feet

OPERATIONAL CONDITIONS:

WEIGHT and ACCESS: Same as the AK–TT2 combination.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. Drivers of this combination must have 10 years of experience in Alaska and certified training in operation of these combinations.

VEHICLE: Individual trailer length in a three trailing unit combination shall not exceed 45 feet. Engine power rating shall not be less than 400 horsepower.

These combinations are allowed to operate only between April 15 and September 30 of each year. Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT&PF and the Department of Public Safety, Division of State Troopers. No movement is permitted if visibility is less than 1,000 feet.

PERMIT: Permits are required with specified durations of not less than 3 months or more than 18 months. There is a fee.

ROUTES

	From	To
AK–1	Anchorage (Potter Weigh Station).	Jct. AK–3.
AK–3	Jct. AK–1	Fairbanks (Gaffney Road Junction)

LEGAL CITATIONS: Same as the AK–TT2 combination.

STATE: ALASKA

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 83 feet

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the AK–tt2 combination.

VEHICLE: Same as the AK–TT2 combination, except that overall combination length may not exceed 90 feet.

ROUTES: Same as the AK–TT2 combination.

LEGAL CITATIONS: Same as the AK–TT2 combination.

STATE: ARIZONA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM GROSS VEHICLE WEIGHT: 111,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Single-axle maximum weight limit is 20,000 pounds, tandem-axle maximum weight limit is 34,000 pounds, and the gross vehicle weight limit is 111,000 pounds, subject to the Federal Bridge Formula.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. Drivers must comply with the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation and Title 28, Arizona Revised Statutes.

VEHICLE: This vehicle must be able to operate at speeds compatible with other traffic on level roads and maintain 20 miles per hour speed on grades where operated. A heavy-duty fifth wheel is required. The kingpin must be a solid type, not a screw-out or folding type. All hitch connectors must be of a no-slack type, preferably an air-actuated ram. Axles must be those designed for the width of the body. All braking systems must comply with State and Federal requirements. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Mud flaps or splash guards are required. When traveling on a smooth, paved surface, trailers must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

PERMITS: Permits are required. Fees are charged. This vehicle is allowed continuous travel, however, the State may restrict or prohibit operations during periods when traffic, weather, or other safety considerations make such operations unsafe or inadvisable. All multiple-trailer combinations shall be driven in the right-hand traffic lane.

Access: Access is allowed for 20 miles from I–15 Exits 8 and 27 or 20 miles from other authorized routes.

ROUTES

	From	To
I–15	Nevada	Utah
US 89	20 miles south of Utah.	Utah
US 160	US 163	New Mexico
US 163	US 160	Utah

LEGAL CITATIONS

ARS 28–107	ARS 28–1009.	ARS 28–1011.O
ARS 28–108.5.	ARS 28–1009.01	ARS 28–1012
ARS 28–108.13.	ARS 28–1011.A.	ARS 28–1013
ARS 28–108.14.	ARS 28–1011.C.	ARS 28–1014
ARS 28–403	ARS 28–1011.F.	ARS 28–1091
ARS 28–405	ARS 28–1011.K	ARS 28–1051
ARS 28–1001	ARS 28–1011.L.	ARS 28–1052

ROUTES—Continued

	From	To
ARS 28–1004.G. ARS 28–1008.	ARS 28–1011.M.	R17–40–426

STATE: ARIZONA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 123,500 pounds

OPERATIONAL CONDITIONS:

VEHICLE, and ACCESS: Same as the AZ-TT2 combination.

WEIGHT: Single-axle maximum weight limit is 20,000 pounds, tandem-axle maximum weight limit is 34,000 pounds, and the gross vehicle weight limit is 123,500 pounds, subject to the Federal Bridge Formula.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. Drivers must comply with the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation and Title 28, Arizona Revised Statutes. Drivers must be trained by an experienced driver of a three trailing unit combination. Training should be through special instructions or by traveling with the new driver until such time as the new driver is deemed adequately qualified by the trainer on the use and operation of these combinations.

PERMIT: Permits are required. Fees are charged. This vehicle is allowed continuous travel, however, the State may restrict or prohibit operations during periods when traffic, weather, or other safety considerations make such operations unsafe or inadvisable. These combinations shall not be dispatched during adverse weather conditions. All multiple-trailer combinations shall be driven in the right-hand traffic lane.

ROUTES: Same as the AZ-TT2 combination.

LEGAL CITATIONS: Same as the AZ-TT2 combination.

STATE: ARIZONA

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 69 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, PERMIT, and ACCESS: Same as the AZ-TT2 combination.

ROUTES: Same as the AZ-TT2 combination.

LEGAL CITATIONS: Same as the AZ-TT2 combination.

STATE: ARIZONA

COMBINATION: Truck-semitrailer-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 98 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, PERMIT, and ACCESS: Same as the AZ-TT2 combination.

ROUTES: Same as the AZ-TT2 combination.

LEGAL CITATIONS: Same as the AZ-TT2 combination.

STATE: COLORADO

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 111 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 110,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The maximum gross weight is 110,000 pounds, subject to the formula W=800(L+40) where "W" equals the gross weight in pounds and "L" equals the length in feet between the centers of the first and last axles, or the gross weight determined by the Federal Bridge Formula, whichever is least. A single axle shall not exceed 20,000 pounds and a tandem axle shall not exceed 36,000 pounds.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. The driver cannot have had any suspension of driving privileges in any State during the past 3 years where such suspension arose out of the operation of a motor vehicle used as a contract or common carrier of persons or property.

The driver must be certified by the motor carrier permit holder's safety office. The certification shall demonstrate that the driver has complied with all written requirements, and that the driver has successfully completed a company-approved road test for each type of combination vehicle operated.

VEHICLE: Vehicles shall not have fewer than six axles or more than nine axles. They shall be configured such that the shorter trailer shall be operated as the rear trailer, and the trailer with the heavier gross weight shall be operated as the front trailer. In the event that the shorter trailer is also the heavier, the load must be adjusted so that the front trailer is the longer and heavier of the two.

Vehicles shall have adequate power to maintain a minimum speed of 20 miles per hour on any grade over which the combination operates and can resume a speed of 20 miles per hour after stopping on any such grade.

Tires must conform to the standards in the Department of Public Safety's (DPS) Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Motor Vehicles, at 8 CCR 1507–1 and C.R.S. 42–4–225 and 42–2–406.

Vehicles are required to have a heavy-duty fifth wheel and equal strength pick-up plates that meet the standards in the DPS Commercial Vehicle Rules. This equipment must be properly lubricated and located in a position that provides stability during normal operation, including braking. The trailers shall follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

Kingpins must be of a solid type and permanently fastened. Screw-out or folding type kingpins are prohibited.

Hitch connections must be of a no-slack type, preferably air-actuated ram.

Drawbar lengths shall be adequate to provide for the clearances required between the towing vehicle and the trailer(s) for turning and backing maneuvers.

Axles must be those designed for the width of the body of the trailer(s).

Braking systems must comply with the DPS Commercial Vehicle Rules and C.R.S. 42–4–220. Fast air-transmission and release valves must be provided on all trailer(s) and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle.

PERMIT: An annual permit is required for which a fee is charged. Also, the vehicle must have an overweight permit pursuant to C.R.S. 42–4–409(11)(a)(II) (A), (B), or (C), and comply with Rule 4–15 in the rules pertaining to Extra-Legal Vehicles or Loads.

A truck tractor and two trailing units wherein at least one of the trailing units exceeds 28.5 feet in length shall not operate on the following designated highway segments during the hours of 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m.,

Monday through Friday, for Colorado Springs, Denver, and Pueblo. (A truck tractor with two trailing units wherein at least one of the trailing units exceeds 28.5 feet in length not operating at greater than the legal maximum weight of 80,000 pounds is subject to different hours-of-operation restrictions. Refer to rules pertaining to Extra-Legal Vehicles or Loads).

Colorado Springs: I–25 between Exit 135 (CO 83 Academy Blvd. So.) and Exit 150 (CO 83, Academy Blvd. No.).

Denver: I–25 between Exit 200 (Jct. I–225) and Exit 223 (CO 128, 120th Avenue),

I–70 between Exit 259 (CO 26/US 40) and Exit 282 (Jct. I–225),

I–76 between Exit 5 (Jct. I–25) and Exit 12 (US 85),

I–225 entire length,

I–270 entire length.

Pueblo: I–25 between Exit 94 (CO 45 Lake Ave.) and Exit 101 (US 50/CO 47).

The holder of a longer vehicle combination (LVC) permit must have an established safety program as provided in Chapter 9 of the "Colorado Department of Highways Rules and Regulations for Operation of Longer Vehicle Combinations on Designated State Highway Segments." Elements of the program include compliance with minimum safety standards at 8 CCR 1507–1, hazardous materials regulations at 8 CCR 1507–7, –8, and –9, Colorado Uniform Motor Vehicle Law, Articles 1 through 4 of Title 42, C.R.S. as amended, and Public Utility Commission regulations at 4 CCR 723–6, –8, –15, –22, and –23.

ACCESS: A vehicle shall not be operated off the designated portions of the Interstate System except to access food, fuel, repairs, and rest or to access a facility. Access to a facility shall be subject to the following conditions:

(1) The facility must:

(a) Be either a manufacturing or a distribution center, a warehouse, or truck terminal located in an area where industrial uses are permitted;

(b) Be a construction site; and

(c) Meet the following criteria:

1 vehicles are formed for transport or broken down for delivery on the premises;

2 adequate off-roadway space exists on the premises to safely maneuver the vehicles; and

3 adequate equipment is available on the premises to handle, load, and unload the vehicle, its trailers, and cargo.

(2) The facility must be located within a maximum distance of 10 miles from the point where the vehicle enters or exits the designated portions of the Interstate System. Such 10-mile distance shall be measured by the actual route(s) to be traveled to the facility, rather than by a straight line radius from the designated Interstate System to the facility;

(3) The access route(s) between the designated Interstate System and the facility must be approved in advance by the public entity (Colorado DOT, municipality, or county) having jurisdiction for the roadway(s) that make up the route(s). Where the State of Colorado has jurisdiction over the access route(s), it will consider the following safety, engineering, and other criteria in determining whether to approve the route(s):

(a) Safety of the motoring public;

(b) Geometrics of the street and roadway;

(c) Traffic volumes and patterns;

(d) Protection of State highways, roadways, and structures;

(e) Zoning and general characteristics of the route(s) to be encountered; and

(f) Other relevant criteria warranted by special circumstances of the proposed route(s).

Local entities, counties, and municipalities having jurisdiction over route(s), should consider similar criteria in determining whether to approve the proposed ingress and egress route(s); and

(4) A permit holder shall access only the facility or location authorized by the permit. If the permit authorizes more than one facility or location, then on any single trip by an LVC from the designated Interstate System the permit holder may access only one facility or location before returning to the designated Interstate System.

ROUTES

	From	To
I–25	New Mexico	Wyoming
I–70	Utah	I–70 Exit 90 Rifle
I–70	I–70 Exit 259 Golden.	Kansas
I–76	Jct. I–70	Nebraska
I–225	Jct. I–25	Jct. I–70
I–270	Jct. I–76	Jct. I–70

LEGAL CITATIONS: Vehicles must comply with all applicable statutes, such as C.R.S. 42–4–402(1), 42–4–404(1), 42–4–407(1)(c)(III)(A), 42–4–409(11)(a)(II) (A), (B) or (C). All LVC's must comply with the Extra-Legal Vehicles and Loads Rules and the Longer Vehicle Combination Rules. However, when the rules address the same subject, the LVC, since it is operating at greater than 80,000 pounds, must comply with the Extra-Legal Vehicles and Loads Rules. Such rules are: 4–1–2 and 4–1–3 concerning holiday travel restrictions, 4–1–5 concerning hours of operation restrictions, 4–8 concerning minimum distance between vehicles and 4–15 concerning maximum allowable gross weight.

STATE: COLORADO

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 115.5 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 110,000 pounds

OPERATIONAL CONDITIONS: Same as the CO–TT2 combination.

ROUTES: Same as the CO–TT2 combination.

LEGAL CITATIONS: Same as the CO–TT2 combination.

STATE: COLORADO

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 78 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, PERMIT, and ACCESS: Same as the CO–TT2 combination.

ROUTES: Same as the CO–TT2 combination.

LEGAL CITATIONS: Same as the CO–TT2 combination.

STATE: FLORIDA

COMBINATION: Truck tractor and 2 trailing units

LENGTH OF THE CARGO-CARRYING UNITS: 106 feet

OPERATIONAL CONDITIONS: All overdimensional and weight regulations of the Florida Turnpike Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit or these regulations.

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. Proposed drivers of tandem-trailer units shall be registered by the Florida Turnpike Authority prior to driving such

equipment on the turnpike system. For further information, see Rule 14–62.016 FAC.

VEHICLE: A complete tandem-trailer combination shall consist of a truck tractor, first semitrailer, fifth-wheel converter dolly, and a second semitrailer. The converter dolly may be either a separate unit or an integral component of the first semitrailer. The width shall not exceed 102 inches and the height shall not exceed 13 feet 6 inches. A tractor used in the tandem-trailer operations shall be capable of hauling the maximum gross load to be transported by a permittee at a speed of not less than 40 miles per hour on all portions of the turnpike system excepting that portion of the roadway, as posted in 1988, between mileposts 234 and 238 where a minimum speed of 30 miles per hour will be permitted.

Every tandem-trailer combination shall be equipped with full air brakes or air-activated hydraulic brakes on the tractor and either air or electric brakes on the dolly and trailers.

A tractor, which will be used to haul a complete tandem-trailer combination with a total gross weight of 110,000 pounds or more, shall be equipped with tandem rear axles and driving power shall be applied to all wheels on both axles. When the above tandem-axle tractor is required, a tandem-axle dolly converter must be used.

Every tandem-trailer combination shall be equipped with emergency equipment that equals or exceeds both the equipment requirements and the performance standards cited in Chapter 316, Florida Statutes and subpart H "Emergency Equipment" of 49 CFR 393.95.

A converter (fifth-wheel) dolly used in the tandem-trailer operations may have either single or tandem axles, according to its total gross weight. In addition to the primary towbar(s), the dolly vehicle must be equipped with safety chains or cables for connecting the dolly to the lead semitrailer and must be adequate to prevent breakaway.

Lamps and Reflectors. Each tractor, trailer, and converter dolly in a tandem-trailer combination shall be equipped with electric lamps and reflectors mounted on the vehicle in accordance with Chapter 316, Florida Statutes, and subpart B "Lighting Devices, Reflectors and Electrical Equipment," of 49 CFR 393.9 through 49 CFR 393.33.

Coupling Devices. Coupling devices shall be so designed, constructed, and installed and the vehicles in a tandem-trailer combination shall equal or exceed both the equipment requirements and the performance standards established on 49 CFR 393.70, except that such devices shall be so designed and constructed as to ensure that any such combination traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 2 inches to each side of the path of the vehicle when it is moving in a straight line. (For further information see Rule 14–62.002; 14–62.005; 14–62.006; 14–62.007; 14–62.008; 14–62.009; 14–62.010; 14–62.011; 14–62.012; 14–62.013; and 14–62.015, FAC)

PERMIT: Tandem-trailer units may operate on the turnpike system under a Tandem Trailer Permit issued by the Florida Turnpike Authority upon application, except as provided in subparagraph (2) below.

(1) The Florida Turnpike Authority shall provide a copy of each such permit to the Motor Carrier Compliance Office.

(2) Tandem-trailer trucks of the dimensions mandated by the STAA of 1982 and operating in compliance with Rule Chapter 14–54, FAC, and under the provisions of section 316.515, Florida Statutes shall be exempt from the provisions of this rule chapter to the extent provided in Rule 14–54.0011, FAC.

(For further information see Rules 14–62.001; 14–62.022; 14–62.023; 14–62.024; 14–62.026; 14–62.027, FAC)

ACCESS: Staging. Tandem-trailer combinations shall be made up and broken up only in special assembly (staging) areas as designated for this purpose. For further information, see Rule 14–62.017, FAC. Make-up and break-up of tandem-trailer combinations shall not be allowed on a public right-of-way unless the area is designated for such use or unless an emergency exists.

ROUTES

	From	To
Florida's Turnpike.	South end Homestead Extension at US 1.	Exit 304 Wildwood.

LEGAL CITATIONS: Chapter 14–62, "Regulations Governing Tandem Combinations of Florida's Turnpike," Florida Administrative Code.

STATE: HAWAII

COMBINATION: Truck tractor and 2 trailing units

LENGTH OF CARGO CARRYING UNITS: 65 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: No load may exceed the carrying capacity of the axles specified by the manufacturer and no combination vehicle shall have a total weight in excess of its designed gross combination weight limit.

PERMITS: No permits are required.

ACCESS: Designated routes off the NN.

ROUTES: All NN routes except HI–95 from H–1 to Barbers Point Harbor.

LEGAL CITATIONS: Chapter 291, Section 34, Hawaii Revised Statutes and Chapter 104 of Title 19, Administrative Rules.

STATE: IDAHO

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Single axle: 20,000 pounds, tandem axle: 34,000 pounds, and gross vehicle weight up to 105,500 pounds.

Axle spacing: must comply with Idaho Code 49–1001.

Trailer weights: The respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. Substantially greater shall be defined as more than 4,000 pounds heavier.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: The rules provide that all CMV's with two or more cargo-carrying units (except for truck-trailer combinations which are limited to an 85-foot combination length) are subject to calculated maximum off-tracking (CMOT) limits. The CMOT formula is:

$CMOT=R-[R^2-(A^2+B^2+C^2+D^2+E^2)]^{1/2}$

$R=161$

A, B, C, D, E, etc.=measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

The power unit of LCV's and extra-length combinations shall have adequate power and traction to maintain a speed of 15 miles per hour under normal operating conditions on any up-grade over which the combination is operated.

Fifth-wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, section 393.70.

Every combination operated under special permit authority shall be covered by insurance meeting State and Federal requirements. Evidence of this insurance must be carried in the permitted vehicle.

PERMIT: Permits are required. Permit duration is for 1 year from the date of issuance.

ACCESS: Combinations with a CMOT limit of less than 6.5 feet may use any Interstate or designated highway system interchange for access. Combinations with a CMOT of 6.5 to 8.75 feet may use only the following Interstate System interchanges:

I–15 Exits 58 and 119.

I–84 Exits 3, 49, 50, 52, 54, 57, 95, 168, 173, 182, 208, and 211.

I–86 Exits 36, 40, 56, and 58.

ROUTES: All NN routes.

LEGAL CITATIONS: Other regulations and restrictions that must be complied with are:

Idaho Code 49–1001, –1002, –1004, –1010, and –1011.

Idaho Transportation Department Rules 39.C.01, .06, .08, .09, .10, .11, .15, and .19–.23.

STATE: IDAHO

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS: Same as the ID–TT2 combination.

ROUTES: Same as the ID–TT2 combination.

LEGAL CITATIONS: Same as the ID–TT2 combination.

STATE: IDAHO

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 78 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the ID–TT2 combination.

VEHICLE: Overall combination length limited to 85 feet.

ROUTES: Same as the ID–TT2 combination.

LEGAL CITATIONS: Same as the ID–TT2 combination.

STATE: IDAHO

COMBINATION: Truck-trailer-trailer, and Truck-semitrailer-trailer.

LENGTH OF THE CARGO-CARRYING UNITS: 98 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the ID–TT2 combination.

VEHICLE: Overall combination length limited to 105 feet.

ROUTES: Same as the ID–TT2 combination.

LEGAL CITATIONS: Same as the ID–TT2 combination.

STATE: INDIANA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 106 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 127,400 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Single axle=22,400 pounds. Axles spaced less than 40 inches between centers are considered to be single axles.

Tandem axle=36,000 pounds. Axles spaced more than 40 inches but less than 9 feet between centers are considered to be tandem axles.

Gross vehicle weight=90,000 pounds plus 1,070 pounds per foot for each foot of total vehicle length in excess of 60 feet with a maximum gross weight not to exceed 127,400 pounds.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement, and a Toll Road identification card. Drivers must be at least 26 years old, in good health, and with 5 years of experience driving tractor-semitrailers or tandem-trailer combinations. Experience must include driving in all four seasons.

VEHICLE: Lightest trailer to the rear. Distance between coupled trailers shall not exceed 9 feet. The combination vehicle, including coupling devices, shall be designed and constructed so as to ensure that while traveling on a level, smooth paved surface each trailing unit will follow in the path of the towing vehicle without shifting or swerving from side to side more than 3 inches. The combination vehicle must have at least five axles but not more than nine axles and except on ramps be able to achieve and maintain a speed of 45 miles per hour. Following distance is 500 feet, and passing maneuvers must be completed within 1 mile. The truck tractor must be equipped at a minimum with emergency equipment including fire extinguisher, spare fuses, tire chains, tire tread minimums, and disabled vehicle warning devices. Every dolly must be coupled with safety chain directly to the frame of the semitrailer by which it is towed. Each unit in a multi-trailer combination must be equipped at a minimum with electric lights and reflectors mounted on the vehicle.

PERMIT: A free annual tandem-trailer permit must be obtained from the Indiana DOT for loads which exceed 90,000 pounds. A multiple-trip access permit, for which a fee is charged, must also be obtained for access to points of delivery or to breakdown locations. Permission to operate can be temporarily suspended by the Indiana DOT due to weather, road conditions, holiday traffic, or other emergency conditions. Any oversize vehicle whose length exceeds 80 feet shall not be operated at a speed in excess of 45 miles per hour. Oversize loads are not to be operated at any time when wind velocity exceeds 25 miles per hour.

ACCESS: 15 miles from toll gates.

ROUTES

	From	To
I–80/90 (IN Toll Road).	Toll Road Gate 21.	Ohio.
I–90 (IN Toll Road).	Illinois	Toll Road Gate 21.

LEGAL CITATIONS:

Indiana Code 9–8–1–16
Indiana Code 8–15–2
135 Indiana Administrative Code 2

STATE: INDIANA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 104.5 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 127,400 pounds

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the IN–TT2 combination.

VEHICLE: Semitrailers and trailers shall not be longer than 28.5 feet, and the minimum number of axles for the combination is seven. Three trailing unit combinations must be equipped with adequate spray-suppressant mud flaps which are properly maintained.

ROUTES: Same as the IN–TT2 combination.

LEGAL CITATIONS: Same as the IN–TT2 combination.

STATE: INDIANA

COMBINATION: Combination of three or more vehicles coupled together

LENGTH OF THE CARGO CARRYING UNITS: 58 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: The maximum width is 102 inches, and the maximum height is 13 feet 6 inches.

PERMIT: None required.

ACCESS: Unlimited.

ROUTES: All roads within the State.

LEGAL CITATIONS: Indiana Code 9–8–1–2.

STATE: KANSAS

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 109 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 120,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Combinations consisting of a truck tractor and two trailing units must comply with the Federal Bridge Formula, with maximum weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle, and with a maximum gross weight of 120,000 pounds.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: Truck tractor and two trailing unit combinations must meet legal width and height with no time-of-day travel restrictions or other special requirements.

PERMIT: Permits are not required for operation on the Kansas Turnpike. A permit is required for access between the Turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the Turnpike where a 20-mile radius is allowed. Access permits are valid for 6 months.

ACCESS: Turnpike access routes include all routes between the Turnpike and a motor freight terminal located within a 10-mile radius of each toll booth, except at the northeastern end of the Turnpike where a 20-mile radius is allowed.

ROUTES

	From	To
I–35 Kansas Tpk. Authority (KTA).	Oklahoma	KTA Exit 127.
I–70 KTA	KTA Exit 182	KTA Exit 223.
I–335 KTA	KTA Exit 127	KTA Exit 177.
I–470 KTA	KTA Exit 177	KTA Exit 182.
LEGAL CITATIONS:		
Kansas Statutes Annotated (KSA)		
KSA 8–1911 .	KSA 68–2004	KSA 68–2019.
KSA 8–1914 .	KSA 68–2005	KSA 68–2048a.
KSA 68–2003.		

STATE: KANSAS

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 109 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 120,000 pounds

OPERATIONAL CONDITIONS: The operations of triple trailing unit combinations are governed by two sets of criteria: (1) The Turnpike and Turnpike access rules, and (2) the SVC rules which apply off of the Turnpike except in the case of vehicles operating under Turnpike access authority. The Turnpike and Turnpike access rules allow a maximum combination vehicle length of 119 feet overall. The SVC rules require "Triples" to have trailers of no more than 28.5 feet maximum length or a cargo-carrying length of approximately 95 feet.

The Turnpike and Turnpike access rules have no time-of-day travel restrictions or other special requirements.

The SVC rules have several operational conditions. SVC's cannot operate on holidays or during holiday weekends. SVC's cannot be dispatched or operated during adverse weather conditions. SVC's must travel in the right lane, except for passing, and the following distance is 100 feet for every 10 miles per hour. SVC permits can include any restrictions deemed necessary, including specific routes and hours, days, and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment, and operational standards.

WEIGHT: All triple trailing unit combinations must comply with the Federal Bridge Formula with maximum axle weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle. The maximum gross weight is 120,000 pounds on the Turnpike and Turnpike access routes, but the SVC's have a maximum weight of 110,000 pounds.

DRIVER: A commercial driver's license with the appropriate endorsement is required under both Turnpike and SVC rules. In addition, for SVC operation drivers must have completed SVC driver training and a company road test. Drivers must also have 2 years of experience driving tractor-semitrailers and 1 year driving doubles.

VEHICLE: Vehicle requirements apply to the SVC program only. All axles, except steering axles, must have dual wheels, and all vehicles must be able to achieve and maintain a speed of 40 miles per hour on all grades. Antispray mud flaps shall be attached to the rear of each axle except the steering axle. Mud flaps shall have a surface designed to absorb and deflect excess moisture to the road surface. Drop and lift axles are prohibited. Vehicles may have a minimum of six and a maximum of nine axles. The heaviest trailers are to be placed forward. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Equipment must comply with the requirements of 49 CFR 390–399.

Any SVC shall be stable at all times during normal braking and normal operation. When traveling on a level, smooth paved surface, an SVC shall follow the towing vehicle without shifting or swerving beyond the restraints of the lane of travel.

PERMIT: Same as the KS–TT2 combination on the Turnpike and Turnpike access routes. A fee per company plus a permit fee for each power unit is required for the SVC program, and the SVC permits are valid for 1 year. SVC's operated pursuant to regulation 36–1–33 under an annual permit shall be covered by insurance.

ACCESS: Turnpike access routes include all routes between the Turnpike and a motor freight terminal located within a 10-mile radius of each toll booth, except at the northeastern end of the Turnpike where a 20-mile radius is allowed. SVC access routes include all routes between the Interstate and a motor freight terminal located within 5 miles of the Interstate at Goodland.

ROUTES:

A. For vehicles subject to the Turnpike and Turnpike access rules:

	From	To
I–35 KTA	Oklahoma	KTA Exit 127.
I–70 KTA	KTA Exit 182	KTA Exit 223.
I–335 KTA	KTA Exit 127	KTA Exit 177.
I–470 KTA	KTA Exit 177	KTA Exit 182.

B. For vehicles subject to the SVC rules:

	From	To
I–70	Colorado	I–70 Exit 19 Goodland.

LEGAL CITATIONS: Same as the KS–TT2 combination, plus KSA 8–1915.

STATE: MASSACHUSETTS

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF CARGO-CARRYING UNITS: 104 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 127,400 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Any combination of vehicles may not exceed a maximum gross weight of 127,400 pounds. The maximum gross weight of the tractor and first semitrailer shall not exceed 71,000 pounds. The maximum gross weight of each unit of dolly and semitrailer shall not exceed 56,400 pounds. The maximum gross weight for the tractor and first semitrailer is governed by the formula 35,000 pounds plus 1,000 pounds per foot between the center of the foremost axle and the center of the rearmost axle of the semitrailer. The maximum gross weight on any one axle is 22,400 pounds, and on any tandem axle it is 36,000 pounds. Axles less than 46 inches between centers are considered to be one axle.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement and must be registered with the Massachusetts Turnpike Authority (MTA). Registration shall include all specified driving records, safety records, physical examinations, and minimum of 5 years of driving experience with tractor trailers.

VEHICLE:

(1) Brake Regulation. The brakes on any vehicle, dolly converter, or combination of vehicles used in tandem-trailer operations as a minimum shall comply with Federal Motor Carrier Safety Regulations in 49 CFR part 393. In addition, any vehicle, dolly converter or combination of vehicles used in tandem-trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law. Tandem-trailer combinations certified on or after June 1, 1968, shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicle.

(2) Axles. A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

(3) Tandem Assembly. When the gross weight of the trailers vary by more than 20 percent, they shall be coupled with the heaviest trailer attached to the tractor. Coupling devices and towing devices shall comply with the Federal regulations as stated in 49 CFR part 393. When the distance between the rear of the one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other Turnpike users that the trailers are connected and are in effect one unit. The MTA shall approve the devices or connections to be used on the semitrailers that would indicate it is one unit. Coupling devices shall be so designed, constructed, and installed, and the vehicles in a tandem trailer combination shall be so designed and constructed to ensure that when traveling on a level, smooth paved surface they will follow in the path of the towing vehicle without shifting or swerving over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line. A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Each truck tractor shall be equipped with at least one spare fuse or other overload protective device, if the devices are not of a reset type, for each kind and size used. The vehicle is to carry at least one set of tire chains for at least one driving wheel on each side between October 15 and May 1 of each year. Each truck tractor shall carry a fire extinguisher which shall have an aggregate rating of 20 BC.

PERMIT: A permittee must demonstrate to the MTA that it has insurance coverage of the type and amounts required by Turnpike regulation. Both the tractor manufacturer and the permittee shall certify to the MTA, prior to the approval of a tractor, that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system. The MTA may revoke or temporarily suspend any permit at will and the instructions of the MTA or Massachusetts State Police shall be complied with immediately.

ACCESS: Makeup and breakup areas. Tandem trailer units shall not leave the Turnpike right-of-way and shall be assembled and disassembled only in designated areas.

ROUTES

	From	To
I–90 Mass Turnpike.	New York State.	Turnpike Exit 18 Boston.

LEGAL CITATIONS:

The MTA, Massachusetts Rules and Regulations 730, and CMR 4.00.

STATE: MICHIGAN

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF CARGO-CARRYING UNITS: 58 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 154,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The single-axle weight limit for LCV's is 18,000 pounds for axles spaced 9 feet or more apart. For axles spaced more than 3.5 feet but less than 9 feet apart, the single-axle weight limit is 13,000 pounds. The tandem-axle weight limit is 16,000 pounds per axle for the first tandem and 13,000 pounds per axle for all other tandems. Axles spaced less than 3.5 feet apart are limited to 9,000 pounds per axle. Maximum load per inch width of tire is 700 pounds. Maximum gross weight is determined based on axle and axle group weight limits. The maximum practical gross weight is 154,000 pounds.

When restricted seasonal loadings are in effect, load per inch width of tire and maximum axle weights are reduced as follows: Rigid pavements—525 pounds per inch of tire width, 25 percent axle weight reduction; Flexible pavements—450 pounds per inch of tire width, 35 percent axle weight reduction.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: Truck height may not exceed 13.5 feet. There is no overall length for LCV's operating on the Interstate System when semitrailer and trailer lengths do not exceed 28.5 feet. If either the trailer or semitrailer is longer than 28.5 feet, the distance from the front of the first box to the rear of the second box may not exceed 58 feet.

A combination of vehicles shall not have more than 11 axles, and the ratio of gross weight to net horsepower delivered to the clutch shall not exceed 400 to 1.

PERMIT: Permits for divisible loads of more than 80,000 pounds must conform to either Federal or grandfathered axle and bridge spacing requirements.

ACCESS: All designated State highways.

ROUTES: All Interstate routes and designated State highways.

LEGAL CITATIONS:

Michigan Public Act 300, section 257.722
Michigan Public Act 300, section 257.719

STATE: MISSISSIPPI

COMBINATION: Truck tractor and 2 trailing units

LENGTH OF THE CARGO-CARRYING UNITS: 65 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: Each trailing unit may be a maximum of 30 feet long.

PERMIT: None required.

ACCESS: No restrictions, may operate Statewide.

ROUTES: All NN routes.

LEGAL CITATIONS: Section 63–5–19, Mississippi Code, Annotated, 1972.

STATE: MISSOURI

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 109 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 120,000 pounds when entering Missouri from Kansas; 95,000 pounds when entering from Nebraska; 90,000 pounds when entering from Oklahoma.

OPERATIONAL CONDITIONS: Missouri allows vehicles from neighboring States access to terminals in Missouri which are within 20 miles of the Missouri State Line. These vehicles must be legal in the State from which they are entering Missouri.

WEIGHT, DRIVER, VEHICLE: Same conditions which apply to a truck tractor and two trailing units legally operating in Kansas, Nebraska, or Oklahoma.

PERMIT: Annual blanket overdimension permits are issued to allow a truck tractor and two trailing units legally operating in Kansas, Nebraska, or Oklahoma to move to and from terminals in Missouri which are located within a 20-mile band of the State Line for these three States. There is a permit fee per power unit. The permits carry routine permit restrictions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permitted movement.

ACCESS: Routes as necessary to reach terminals.

ROUTES: All NN routes within a 20-mile band from the Kansas, Nebraska, and Oklahoma borders.

LEGAL CITATIONS: § 304.170 and § 304.200 Revised Statutes of Missouri 1990.

STATE: MISSOURI

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 109 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 120,000 pounds when entering Missouri from Kansas; 90,000 pounds when entering from Oklahoma.

OPERATIONAL CONDITIONS: Missouri allows vehicles from neighboring States access to terminals in Missouri which are within 20 miles of the Missouri State Line. These vehicles must be legal in the State from which they are entering Missouri.

WEIGHT, DRIVER, VEHICLE: Same conditions which apply to a truck tractor and three trailing units legally operating in Kansas or Oklahoma.

PERMIT: Annual blanket overdimension permits are issued to allow a truck tractor and three trailing units legally operating in Kansas or Oklahoma, to move to and from terminals in Missouri which are located within a 20-mile band of the State Line for these two States. There is a permit fee per power unit. The permits carry routine permit restrictions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permitted movement.

ACCESS: Routes as necessary to reach terminals.

ROUTES: All NN routes within a 20-mile band from the Kansas and Oklahoma borders.

LEGAL CITATIONS: § 304.170 & § 304.200 Revised Statutes of Missouri 1990.

STATE: MONTANA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF CARGO-CARRYING UNITS: 93 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 137,800 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Except for vehicles operating under the Montana/Alberta Memorandum of Understanding (MOU), any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal Bridge Formula found in 23 U.S.C. 127.

Maximum single-axle limit: 20,000 pounds
Maximum tandem-axle limit: 34,000 pounds
Maximum gross weight is based upon application of the Bridge Formula.
Maximum weight allowed per inch of tire width is 600 pounds.

WEIGHT, MONTANA/ALBERTA MOU:

Maximum single-axle limit: 20,000 pounds
Maximum tandem-axle limit: 37,500 pounds
Maximum tridem-axle limit:
Axles spaced from 94" to less than 118": 46,300 pounds
Axles spaced from 118" to less than 141": 50,700 pounds
Axles spaced from 141" to 146": 52,900 pounds
Maximum gross weight:
A-Train: 118,000 pounds
B-Train (eight axle): 137,800 pounds
B-Train (seven axle): 124,600 pounds

The designation of "A-Train" or "B-Train" refers to the manner in which the two trailing units are connected.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: No special requirements beyond compliance with Federal Motor Carrier Safety Regulations.

PERMIT: Special permit required for double trailer combinations if either trailer exceeds 28.5 feet. Permits are available on an annual or a trip basis and provide for continuous travel. Statutory reference: 61–10–124, MCA. For vehicles being operated under the Montana/Alberta MOU, operators must have paid gross vehicle weight fees for the total weight being carried. In addition, a term Restricted Route and Oversize Permit for which an annual fee is charged must be obtained. Finally, vehicle operators must secure a single-trip, overweight permit prior to each trip.

ACCESS: Access must be authorized by the Montana DOT. For vehicles

operated under the Montana/Alberta MOU, access routes from I–15 into Shelby are authorized when permits are issued. For vehicles with a cargo-carrying length greater than 88 feet, but not more than 93 feet, a 2-mile access from the Interstate System is automatically granted to terminals and service areas. Access outside the 2-mile provision may be granted on a case-by-case basis by the Administrator of the Motor Carrier Services Division.

ROUTES: Combinations with a cargo-carrying length greater than 88 feet, but not more than 93 feet, are limited to the Interstate System. Combinations with a cargo-carrying length of 88 feet or less can use all NN routes except U.S. 87 from milepost 79.3 to 82.5. For vehicles being operated under the Montana/Alberta MOU, the only route available is I–15 from the border with Canada to Shelby.

LEGAL CITATION:

61–10–124 MCA.	61–10–104 MCA.	ARM 18.8.509(6)
61–10–107 (3) MCA.	61–10–121 MCA.	ARM 18.8.517, 518

Montana/Alberta Memorandum of Understanding
Administrative Rules of Montana

STATE: MONTANA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 100 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 131,060 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal Bridge Formula found in 23 U.S.C. 127.

Maximum single-axle limit: 20,000 pounds
Maximum tandem-axle limit: 34,000 pounds
Maximum gross weight is based upon application of the Bridge Formula.
Maximum weight allowed per inch of tire width is 600 pounds.

DRIVER: Drivers of three trailing unit combinations must be certified by the operating company. This certification includes an actual driving test and knowledge of Federal Motor Carrier Safety Regulations and State law pertaining to triple vehicle operations. Drivers are also required to have a commercial driver's license with the appropriate endorsement.

VEHICLE: The 100-foot cargo-carrying length is only with a conventional tractor within a 110-foot overall length limit. If a cabover tractor is used, the cargo length is 95 feet within a 105-foot overall length limit. Vehicles involved in three trailing unit operations must comply with the following regulations:

1. Shall maintain a minimum speed of 20 miles per hour on any grade;
2. Kingpins must be solid and permanently affixed;
3. Hitch connections must be no-slack type;
4. Drawbars shall be of minimum practical length;
5. Permanently affixed axles must be designed for the width of the trailer;
6. Anti-sail mudflaps or splash and spray suppression devices are required;
7. The heavier trailers shall be in front of lighter trailers;
8. A minimum distance of 100 feet per 10 miles per hour is required between other vehicles except when passing;
9. Operating at speeds greater than 55 miles per hour is prohibited; and
10. Vehicle and driver are subject to Federal Motor Carrier Safety Regulations.

Reference: 18.8.517 Administrative Rules of Montana.

PERMIT: Special triple vehicle permits are required for the operation of these combinations. Permits are available on an annual or trip basis. Permits are good for travel on the Interstate System only and are subject to the following conditions:

1. Travel is prohibited during adverse weather conditions;
2. Transportation of Class A explosives is prohibited; and
3. Companies operating triple combinations must have an established safety program including driver certifications.

ACCESS: Access is for 2 miles beyond the Interstate System, or further if granted by the Administrator of the Motor Carrier Services Division.

ROUTES: Interstate System routes in the State.

LEGAL CITATION: 18.8.517 Administrative Rules of Montana.

STATE: MONTANA

COMBINATION: Truck-Trailer

LENGTH OF CARGO-CARRYING UNITS: 88 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, and ACCESS: Same as the MT–TT2 combination.

VEHICLE: Same as the MT–TT2 combination, except overall length limited to 95 feet.

PERMIT: Special permit required if overall length exceeds 75 feet. Special permits allow continuous travel and are available on an annual or trip basis.

ROUTES: Same as the MT–TT2 combination.

LEGAL CITATIONS: 61–10–121 and 61–10–124, MCA.

STATE: MONTANA

COMBINATION: Truck-trailer-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 103 feet

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the MT–TT2 combination.

VEHICLE: The cargo-carrying unit length is 103 feet with a conventional truck within a 110-foot overall length limit, and 98 feet with a cab-over-engine truck within a 105-foot overall length limit. On two-lane highways the cargo-carrying unit length is 88 feet within a 95-foot overall length limit.

ROUTES: All NN routes except U.S. 87 between mileposts 79.3 and 82.5.

LEGAL CITATIONS:

61–10–124 MCA
61–10–121 MCA
ARM 18–8–509

STATE: NEBRASKA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 95,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The following conditions are for a truck tractor and 2 trailing units with a length of cargo-carrying units of 65 feet or less.

Maximum Weight:
Single axle = 20,000 pounds
Tandem axle = 34,000 pounds
Gross = Determined by Federal Bridge Formula B, but not to exceed 95,000 pounds.

Truck tractor and 2 trailing unit combinations with a length of cargo-carrying units of over 65 feet are required to travel empty.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. There are no additional special qualifications where the cargo-carrying unit lengths are 65 feet or less. For cargo-carrying unit lengths over 65 feet, the driver must comply with all State and Federal

requirements and must not have had any accidents while operating such vehicles.

VEHICLE: For combinations with a cargo-carrying length over 65 feet, but not over 85 feet, the semitrailer cannot exceed 48 feet in length and the full trailer cannot be less than 26 feet or more than 28 feet long. The shorter trailer must be placed to the rear. The wheel path of the trailer(s) cannot vary more than 3 inches from that of the towing vehicle.

For combinations with a cargo-carrying length greater than 85 feet, up to and including 95 feet, the trailers must be of approximately equal length.

PERMIT: A weight permit in accordance with Chapter 12 of the Nebraska Department of Roads Rules and Regulations is required for operating on the Interstate System with weight in excess of 80,000 pounds. Combinations with a length of cargo-carrying units over 65 feet are not eligible for the overweight permit. A length permit, in accordance with Chapter 11 of the Nebraska Department of Roads Rules and Regulations, is required for two trailing unit combinations with a length of cargo-carrying units over 65 feet in length. Conditions of the length permit prohibit movements on Saturdays, Sundays, and holidays; when ground wind speed exceeds 25 miles per hour; and when visibility is less than 800 feet. Movement is also prohibited during steady rain, snow, sleet, ice, or other conditions causing slippery pavement. Between November 15 and April 15 permission to move must be obtained from the Nebraska Department of Roads Permit Office within 3 hours of the movement. Between April 16 and November 14 permission to move must be obtained within 3 days of the movement. Fees are charged for the 10-day weight permit and the annual length permit. These permits can be revoked if the terms are violated.

ACCESS: Two trailing unit combinations with a length of cargo-carrying units of not more than 65 feet may operate on all State highways. For two trailing unit combinations with a length of cargo-carrying units over 65 feet, access to and from the Interstate is limited to designated staging areas within 6 miles of I–80 between the Wyoming State Line and Exit 440 (Nebraska Route 50). Except for weather, emergency, and repair, two trailing unit combinations with a length of cargo-carrying units over 65 feet cannot reenter the Interstate after having left it.

ROUTES: Vehicles requiring length permits are restricted to I–80 from Wyoming to Exit 440 (Nebraska Highway 50). There are no route restrictions for vehicles not requiring length permits.

LEGAL CITATIONS:

Nebraska Revised Statutes Reissued 1988

§ 39–6,179 (Double trailers under 65 feet)

§ 39–6,179.01 (Double trailers over 65 feet)

§ 39–6,180.01 (Authorized weight limits)

§ 39–6,181 (Vehicles; size; weight; load; overweight; special permits; etc.)

Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1 (Double trailers over 65 feet)

STATE: NEBRASKA

COMBINATION: Truck tractor and 3 trailing units

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

OPERATIONAL CONDITIONS:

WEIGHT: A truck tractor and three trailing unit combination is required to travel empty.

DRIVER, PERMIT, and ACCESS: Same as the NE–TT2 combination.

VEHICLE: A three trailing unit combination must have trailers of approximately equal length and the overall vehicle length cannot exceed 105 feet.

ROUTES: I–80 from Wyoming to Exit 440 (Nebraska Highway 50).

LEGAL CITATIONS:

Neb. Rev. Stat. § 39–6,179.01 (Reissue 1988)

Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1

STATE: NEBRASKA

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 68 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: The overall vehicle length, including load, cannot exceed 75 feet.

PERMIT: No permit is required.

ACCESS: Statewide during daylight hours only.

ROUTES: All NN routes.

LEGAL CITATIONS: Neb. Rev. Stat. § 39–6,179.

STATE: NEVADA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The single-axle weight limit is 20,000 pounds, the tandem-axle weight limit is 34,000 pounds, and the gross weight is subject to the Federal Bridge Formula limits, provided that two consecutive tandems with a distance of 36 feet or more between the first and last axle may carry 34,000 pounds on each tandem.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement, be at least 25 years old, and have had a medical exam within previous 24 months. Every operator must be covered by a liability insurance policy with personal injury and property damage limits meeting State requirements.

VEHICLE: No trailer may be longer than 48 feet. If one trailer is 48 feet long, the other trailer cannot exceed 42 feet. Towed vehicles must not shift or sway more than 3 inches to right or left and must track in a straight line on a level, smooth paved highway. Vehicles must be able to accelerate and operate on a level highway at speeds which are compatible with other traffic and with the speed limits and must be able to maintain a minimum of 20 miles per hour on any grade on which they may operate. All vehicles must have safety chains on converter dollies. Vehicles must carry snow chains for each drive wheel.

Vehicle operations may be suspended in adverse weather and high winds, as determined by police or the Nevada DOT.

The shortest trailer must be in the rear of a combination unless it is heavier than the longer trailer.

Brakes must comply with all State and Federal requirements for commercial vehicles including automatic braking for separation of vehicles, parking brakes, and working lights.

Vehicles must not exceed posted speed limits and cannot operate on any highway on which they cannot at all times stay on the right side of the center line. All LCV's must keep a distance of at least 500 feet from each other.

Every full-sized truck or truck tractor used in a combination of vehicles must be equipped with at least the following emergency and safety equipment:

1. One fire extinguisher which meets "Classification B" of the National Fire Protection Association.

2. One spare light bulb for every electrical lighting device used on the rear of the last vehicle in a combination of vehicles.

3. One spare fuse for each different kind and size of fuse used in every vehicle in the combination of vehicles. If the electrical system of any vehicle in the combination contains any devices for protection of electrical circuits from overloading, other than fuses and circuit breakers which can be reset, one spare of each such device must be kept as emergency and safety equipment.

4. Any flares, reflectors or red electrical lanterns which meet State or Federal law or regulation.

Before operating a combination of vehicles on a highway of this State, the owner or operator of the combination shall certify to the Nevada DOT, on a form provided by it, that all vehicles and equipment in the combination meet the requirements of and will be operated in compliance with NAC 484.300 to 484.440, inclusive.

All axles except for steering axles and axles that weigh less than 10,000 pounds must have at least four tires unless the tire width of each tire on the axles is 14 inches or greater.

PERMIT: Permits are required and a fee is charged. They may be revoked for violation of any of the provisions of the legal regulations. The State may suspend operation on roads deemed unsafe or impracticable. Permits must be carried in the vehicle along with identification devices issued by the Nevada Department of Motor Vehicles.

ACCESS: As authorized by the Nevada DOT.

ROUTES: All NN routes, except US 93 from Nevada State route 500 to Arizona.

LEGAL CITATIONS: NRS 484.400, .405(4), .425, .430, .739, 408.100–4, .100–6(a), and 706.531. Also, "Regulations for the Operation of 70 to 105 foot Combinations" (1990).

STATE: NEVADA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129.000 pounds

OPERATIONAL CONDITIONS: Same as the NV–TT2 combination.

ROUTES: Same as the NV–TT2 combination.

LEGAL CITATIONS: Same as the NV–TT2 combination.

STATE: NEVADA

COMBINATION: Truck-trailer, and Truck-trailer-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 98 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, and ACCESS: Same as the NV–TT2 combination.

PERMITS: Same as the NV–TT2 combination, except permits for Truck-trailer, or Truck-trailer-trailer combinations are only required when the overall length is 70 feet or more.

ROUTES: Same as the NV–TT2 combination.

LEGAL CITATIONS: Same as the NV–TT2 combination.

STATE: NEW MEXICO

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: Not applicable

MAXIMUM ALLOWABLE GROSS WEIGHT: 86,400 pounds

OPERATIONAL CONDITIONS: The cargo-carrying length restriction does not apply to this combination. The length of each trailing unit is limited to 28.5 feet. This describes a two trailing unit vehicle whose operation is guaranteed by the STAA of 1982 regardless of inter-unit spacing. As long as each trailing unit is 28.5 feet long or less, cargo-carrying length is not restricted. This combination is listed as a LCV because it can exceed the 80,000-pound threshold established in the Congressional definition. The 86,400-pound gross weight limit is grandfathered for New Mexico.

WEIGHT: Single axle = 21,600 pounds. Tandem axle = 34,200 pounds. Load per inch of tire width = 600 pounds. The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is less than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	34,320
5	35,100
6	35,880
7	36,660
8	37,440
9	38,220
10	39,000
11	39,780
12	40,560
13	41,340
14	42,120
15	42,900
16	43,680
17	44,460
18	45,240

The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is 19 feet or more shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
19	53,100
20	54,000
21	54,900
22	55,800
23	56,700
24	57,600
25	58,500
26	59,400
27	60,300
28	61,200
29	62,100
30	63,000
31	63,900
32	64,800
33	65,700
34	66,600
35	67,500
36	68,400
37	69,300
38	70,200
39	71,100
40	72,000
41	72,900
42	73,800
43	74,700
44	75,600
45	76,500
46	77,400
47	78,300
48	79,200
49	80,100
50	81,000
51	81,900
52	82,800
53	83,700
54	84,600
55	85,500
56 and over	86,400

The distance between the centers of the axles shall be measured to the nearest even foot. When a fraction is exactly one-half the next larger whole number shall be used.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: No special requirements beyond normal Federal Motor Carrier or State regulations. The maximum length of the trailing units is 28.5 feet.

PERMIT: None Required.

ACCESS: STAA vehicles must be allowed reasonable access in accordance with 23 CFR 658.19.

ROUTES: All Interstate highways.

LEGAL CITATIONS:

66–7–409 NMSA 1978
66–7–410 NMSA 1978

STATE: NEW YORK

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 102 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 143,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The following information pertains to tandem trailer combinations with either trailer more than 28.5 feet long but not more than 48 feet long. A nine-axle combination vehicle may not exceed a total maximum gross weight of 143,000 pounds. An eight-axle combination vehicle may not exceed a total maximum gross weight of 138,400 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon the axles as follows. For a nine-axle combination: Drive axles—36,000 pounds, axles four/five—36,000 pounds, axles six/seven—27,000 pounds, and axles eight/nine—36,000 pounds. A minimum 12-foot axle spacing between the fifth and sixth axles is also required on the nine-axle LCV. For an eight-axle combination: Drive axles—36,000 pounds, axles four/five—36,000 pounds, sixth axle—22,400 pounds, and axles seven/eight—36,000 pounds. The eight-axle LCV has no minimum axle-spacing requirements. For gross weights in excess of 138,400 pounds the combination must include a tandem-axle dolly to meet the nine-axle requirements. Maximum permissible gross weight for B-train combination is 127,000 pounds.

When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heaviest of the two must be placed in the lead position.

For tandem trailer combinations in which neither trailing unit exceeds 28.5 feet in length the following maximum allowable weights apply: for a single axle—28,000 pounds (except that steering axles may not exceed 22,400 pounds), for a tandem axle—42,500 pounds, for a tri-axle—52,500 pounds. The gross weight may not exceed 100,000 pounds or the manufacturers gross weight rating, whichever is lower.

DRIVER: For operation on highways under the jurisdiction of the New York State Thruway Authority (NYSTA), except for the full length of I–84 and that portion of I–287 from Thruway exit 8 to I–95, the driver must have a commercial driver's license with the appropriate endorsement, and hold a Tandem Trailer Driver's Permit issued by the NYSTA. In order to obtain an NYSTA driver's permit, an applicant must (1) hold a valid commercial driver's license with multiple-trailer endorsement; (2) be over 26 years old, in good health, and have at least 5 years of provable experience driving tractor-trailer combinations; and (3) meet all other application requirements with regard to driving history established by the NYSTA. Qualified drivers receive a Tandem Trailer Driver's Permit for Tandem Vehicle Operation which is valid only for the operation of the certified equipment owned by the company to which the permit is issued.

For operation on highways under the jurisdiction of the New York State DOT, cities not wholly included in one county, the full length of I–84 and that portion of I–287 from Thruway exit 8 to I–95, the driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicles operating on highways under the jurisdiction of the NYSTA, except for the full length of I–84 and that portion of I–287 from Thruway exit 8 to I–95, must also meet the following additional requirements. The tractor manufacturer and the permittee shall certify to the NYSTA prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load at a speed of not less than 20 miles per hour on all portions of the thruway system.

The brakes on any vehicle, dolly converter, or combination of vehicles shall comply with 49 CFR part 393 and, in addition, any vehicle or dolly converter shall meet the provisions of the New York State Traffic Law.

Tandem trailer operations shall be equipped, at a minimum, with emergency equipment as required by 49 CFR part 393, subpart H, as amended, tire chains from October 15 to May 1 of each year, a fire extinguisher with an aggregate rating of 20BC, and each trailer with specific lamps and reflectors.

All tractors certified by the NYSTA for use with tandem trailers will be assigned an identification number by the NYSTA which must be placed on the vehicle. The number must be at least 3 inches in height and visible to a person standing at ground level opposite the driver's position in the cab.

Axle Type. Tractors to be used for hauling 110,000 pounds or more shall be equipped with tandem rear axles, both with driving power. Tractors to be used for hauling 110,000 pounds or less may have a single drive axle. Tandem combinations using single wheel tires commonly referred to as "Super Singles" are required to use triple-axle tractors, dual-axle trailers, and dual-axle dollies.

Dollies. Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem axles at the option of the permittee. Single-axle dollies may not utilize low profile tires. Combination vehicles with a gross weight in excess of 138,400 pounds must have a tandem-axle dolly to meet the nine-axle requirement. If the distance between two semitrailers is 10 feet or more, the dolly shall be equipped with a device or the trailers connected along the sides with suitable material to indicate they are in effect one unit. The devices or connection shall be approved by the NYSTA prior to use on a tandem trailer combination. The NYSTA tandem-trailer provisions require that converter dollies shall be coupled with one or more safety chains or cables to the frame or an extension of the frame of the motor vehicle by which it is towed. Each dolly converter must also be equipped with mud flaps. Tandem combinations using a sliding fifth wheel attached to the lead trailer, known as a "B-Train" combination, will require a separate Thruway Engineer Service approval prior to the initial tandem run. Special provisions regarding B-Trains will be reviewed at the time of the application or request for use on the Thruway.

PERMIT: For operation on highways under the jurisdiction of the New York State DOT, cities not wholly included in one county, or the following highway sections under NYSTA jurisdiction: the full length of I–84 and that portion of I–287 from Thruway exit 8 to I–95, a permit to exceed the weight limits set forth in section 385(15) of the New York State Vehicle and Traffic Law must be obtained from the State DOT, city involved, or the NYSTA. A fee is charged for the permit.

For operation on highways under the jurisdiction of the NYSTA, except for the full length of I–84 and that portion of I–287 from Thruway exit 8 to I–95, companies must file an application for a Tandem Trailer Permit with the NYSTA. Permits are issued to such companies upon meeting qualifications, including insurance, for tandem combinations over 65 feet in length. No permit fee is charged; however, Thruway tolls are charged for each use of the Thruway, and the equipment must be certified by the NYSTA annually. The annual re-certification of equipment is handled by: New York State Thruway Authority, Manager of Traffic Safety Services, P.O. Box 189, Albany, New York 12201–0189

Transportation of hazardous materials is subject to special restrictions plus 49 CFR part 397 of the Federal Motor Carrier Safety Regulations.

ACCESS: For tandem trailer combinations with either trailer more than 28.5 feet long but not more than 48 feet long, the following access is available to authorized operating routes.

I–87 (New York Thruway) Access provided at Thruway Exit 21B to or from a point 1,500 feet north of the Thruway on US 9W.

I–90 (NYSTA-Berkshire Section) access provided at:

(1) Thruway Exit B–1 to or from a point 0.8 mile north of the southern most access ramp on US 9.

(2) Thruway Exit B–3 within a 2,000-foot radius of the Thruway ramps to NY 22.

I–90 (New York Thruway) access provided at:

(1) Thruway Exit 28 within a radius of 1,500 feet of the toll booth at Fultonville, New York.

(2) Thruway Exit 32 to or from a point 0.6 mile north of the Thruway along NY 233.

(3) Thruway Exit 44 to or from a point 0.8 mile from the Thruway along NY 332 and Collett Road.

(4) Thruway Exit 52 to or from:

(a) A point 1.7 miles west and south of the Thruway via Walden Avenue and NY 240 (Harlem Road);

(b) A point 0.85 mile east and south of the Thruway via Walden Avenue and a roadway purchased by the Town of Cheektowaga from Sorrento Cheese, Inc.

(5) Thruway Exit 54 to or from a point approximately 2.5 miles east and north of the Thruway via routes NY 400 and NY 277.

(6) Thruway Exit 56 to or from a point approximately 2 miles west and south of the Thruway via NY 179 and Old Mile Strip Road.

I–190 (NYSTA—Niagara Section) access provided at:

(1) Thruway Exit N1 to or from:

(a) A point 0.8 mile west of the Thruway exit along Dingens Street.

(b) A point 0.45 mile from the Thruway exit via Dingens Street and James E. Casey Drive.

(2) Thruway Exit N5 to or from a point approximately 1.0 miles south of the Thruway via Louisiana Street and South Street.

(3) Thruway Exit N15 to or from a point 0.5 mile southeast of the Thruway via NY 325 (Sheridan Drive) and Kenmore Avenue.

(4) Thruway Exit N17 to or from:

(a) A point 1.5 miles north of the Thruway on NY 266 (River Road).

(b) A point approximately 0.4 mile south of the Thruway on NY 266 (River Road).

Tandem trailer combinations in which neither trailing unit exceeds 28.5 feet in length are restricted to the Designated Qualifying and Access Highway System.

ROUTES: For tandem trailer combinations with either trailer more than 28.5 feet long, but not more than 48 feet long, the following routes are available:

	From	To
I–87 (New York Thruway).	Bronx/Westchester County Line.	Thruway Exit 24.
I–90 (New York Thruway).	Pennsylvania.	Thruway Exit 24.
I–90 (New York Thruway Berkshire Section).	Thruway Exit B–1.	Massachusetts.
I–190 (New York Thruway Niagara Section).	Thruway Exit 53.	Int'l Border with Canada.
NY 912M (Berkshire Connection of the New York Thruway).	Thruway Exit 21A.	Thruway Exit B–1.

Tandem trailer combinations in which neither trailing unit exceeds 28.5 feet in length may operate on all NN Highways.

LEGAL CITATIONS:

Public Authorities Law—Title 9, sec. 350, et. seq. (section 361 is most relevant)

New York State Thruway Authority Rules & Regulations, sections 100.6, 100.8, and 103.13

New York State Vehicle & Traffic Law, sections 385 and 1630

STATE: NORTH DAKOTA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 103 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT: The Gross Vehicle Weight (GVW) of any vehicle or combination of vehicles is determined by the Federal Bridge Formula, including the exception for two sets of tandems spaced 36 feet apart.

No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet or more apart are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula. Spacing between axles shall be measured from axle center to axle center.

Axles spaced over 40 inches but less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

The weight per inch of tire width shall not exceed 550 pounds. The width of tire shall be the manufacturer's rating.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: The cargo length of a two trailing unit combination may not exceed 100 feet (when the power unit is a truck tractor) or 103 feet (when the power unit is a truck) when traveling on the NN or local highways designated by local authorities.

All hitches must be of a load-bearing capacity capable of bearing the weight of the towed vehicles. The towing vehicle must have a hitch commonly described as a fifth wheel or gooseneck design, or one that is attached to the frame.

The hitch on the rear of the vehicle connected to the towing vehicle must be attached to the frame of the towed vehicle. All hitches, other than a fifth wheel or gooseneck, must be of a ball

and socket type with a locking device or a pintle hook.

The drawn vehicles shall be equipped with brakes and safety chains adequate to control the movement of, and to stop and hold, such vehicles. When the drawn vehicle is of a fifth wheel or gooseneck design, safety chains are not required.

In any truck or truck tractor and two trailer combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

PERMIT: No permits are required for GVW of 80,000 pounds or less. Single-trip permits are required for GVW exceeding 80,000 pounds. Weather restrictions (37–06–04–06, NDAC), weight distribution on trailers (37–06–04, NDAC), and signing requirements (37–06–04–05, NDAC) are applicable.

Movements of LCV's are prohibited when:

1. Road surfaces, due to ice, snow, slush, or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. Wind or other conditions may cause the unit or any part thereof to swerve, whip, sway, or fail to follow substantially in the path of the towing vehicle; or

3. Visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust, or smoke.

The North Dakota Highway Patrol may restrict or prohibit operations during periods when in its judgment traffic, weather, or other safety conditions make travel unsafe.

The last trailer in any combination must have a "LONG LOAD" sign mounted on the rear. It must be a minimum of 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on a yellow background.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

ACCESS: Access for vehicles with cargo-carrying length of 68 feet or more is 10 miles off the NN. Vehicles with a cargo-carrying length less than 68 feet may travel on all highways in North Dakota.

ROUTES: All NN routes.

LEGAL CITATIONS: North Dakota Century Code, section 38–12–04; North Dakota Administrative Code, article 37–06.

STATE: NORTH DAKOTA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 100 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the ND–TT2 combination.

VEHICLE: Same as the ND–TT2 combination, and in addition, in any combination with three trailing units the lightest trailer must always be operated as the rear trailer. For the first two trailing units the lighter trailer must always be second except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

ROUTES: Same as the ND–TT2 combination.

LEGAL CITATIONS: Same as the ND–TT2 combination.

STATE: NORTH DAKOTA

COMBINATION: Truck-trailer, and Truck-trailer-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 103 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, PERMIT, and ACCESS: Same as the ND–TT2 combination.

ROUTES: Same as the ND–TT2 combination.

LEGAL CITATIONS: Same as the ND–TT2 combination.

STATE: OHIO

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 102 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 127,400 pounds

OPERATIONAL CONDITIONS: Long double combination vehicles are only allowed on that portion of Ohio's Interstate System which is under the jurisdiction of the Ohio Turnpike Commission (OTC). These same vehicles are not allowed on any portion of the Interstate System under the jurisdiction of the Ohio DOT.

WEIGHT: The OTC has established the following provisions for operation:

Maximum Weight: Single axle = 21,000 pounds; tandem axle spaced 4 feet or less apart = 24,000 pounds; tandem axle spaced more than 4 feet but less than 8 feet apart = 34,000 pounds; gross weight for doubles 90 feet or less in length = 90,000 pounds; gross weight for doubles over 90 feet but less than 112 feet in length = 127,400 pounds.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement, be over 26 years of age, in good health, and shall have not less than 5 years of experience driving tractor-trailer or tractor-short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons. Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, and the Economic and Safety regulations of the Ohio Public Utility Commission.

VEHICLE: Vehicles being operated under permit at night must be equipped with all lights and reflectors required by the Ohio Public Utilities Commission and the Federal Motor Carrier Safety Regulations, except that the trailer shall be equipped with two red tail lights and two red or amber stop lights mounted with one set on each side. Trailer and semitrailer length for doubles cannot exceed 48 feet, and mixed trailer length combinations are not allowed for combination vehicles over 90 feet in length. Combined cargo-carrying length, including the trailer hitch, cannot be less than 80 feet or more than 102 feet. The number of axles on a double shall be a minimum of five and a maximum of nine. A tractor used in the operation of a double shall be capable of hauling the maximum weight at a speed of not less than 40 miles per hour on all portions of the Turnpike.

PERMIT: A special permit is required if the vehicle is over 102 inches wide, 14 feet high, or 65 feet in length including overhang. Tractor-semitrailer-semitrailer combinations require a permit if over 75 feet in length, excluding an allowed 3-foot front overhang and a 4-foot rear overhang. For vehicles over 120 inches wide, 14 feet high, or 80 feet long or if any unit of the combination vehicle is over 60 feet in length, travel is restricted to daylight hours Monday through noon Saturday, except holidays and the day before and after holidays. Operators are restricted to daylight driving if the load overhang is more than 4 feet. A "Long Double Trailer Permit" issued by the OTC is required for operation of doubles in excess of 90 feet in length. Towing units and coupling devices shall have

sufficient structural strength to ensure safe operation. Vehicles and coupling devices shall be so designed, constructed, and installed in a double as to ensure that any towed vehicles when traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line. Vehicle coupling devices and brakes shall meet the requirements of the Ohio Public Utilities Commission and Federal Motor Carrier Safety Regulations. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet. Double and triple trailer combinations must be equipped with adequate, properly maintained spray-suppressant mud flaps on all axles except the steering axle. In the event that the gross weights of the trailers vary by more than 20 percent, they shall be coupled according to their gross weights with the heavier trailer forward. A minimum distance of 500 feet shall be maintained between double units and/or triple units except when overtaking and passing another vehicle. A double shall remain in the right-hand, outside lane except when passing or when emergency or work-zone conditions exist. When, in the opinion of the OTC, the weather conditions are such that operation of a double is inadvisable, the OTC will notify the permittee that travel is prohibited for a certain period of time.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in double trailer combinations. Other hazardous materials may be transported in one trailer of a double. The hazardous materials should be placed in the front trailer unless doing so will result in the second trailer weighing more than the first trailer.

ACCESS: Tandem trailer units shall not leave the Turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16.

ROUTES

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15.	Pennsylvania.
I–80 Ohio Turnpike.	Turnpike Exit 8A.	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	Indiana	Turnpike Exit 8A.

LEGAL CITATIONS: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the Turnpike.

STATE: OHIO

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 115,000 pounds

OPERATIONAL CONDITIONS: Same as the OH–TT2 combination, except as follows:

WEIGHT: Gross weight for triples with an overall length greater than 90 feet but not over 105 feet in length = 115,000 pounds.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement, be over 26 years of age, in good health, and shall have not less than 5 years of experience driving double trailer combination units. Such driving experience shall include experience throughout the four seasons. Each driver must have special training on triple combinations to be provided by the Permittee.

VEHICLE: Triple trailer combination vehicles are allowed to operate on the Turnpike provided the combination vehicle is at least 90 feet long but less than 105 feet long and each trailer is not more than 28.5 feet in length. The minimum number of axles on the triple shall be seven and the maximum is nine.

PERMIT: A triple trailer permit to operate on the Turnpike is required for triple trailer combinations in excess of 90 feet in length. There is an annual fee for the permit. Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in triple trailer combinations. Other hazardous materials may be transported in two trailers of a triple. The hazardous materials should be placed in the front two trailers unless doing so will result in the third trailer weighing more than either one of the lead trailers.

ACCESS: With two exceptions, triple trailer units shall not leave the Turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16. The first exception is that triple trailer combinations are allowed on State Route 21 from I–80 Exit 11 (Ohio Turnpike) to a terminal located approximately 500 feet to the north in the town of Richfield. The second exception is for a segment of State Route 7 from Ohio Turnpike Exit 16 to 1 mile south.

ROUTES

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15.	Pennsylvania.
I–80 Ohio Turnpike.	Turnpike Exit 8A.	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	Indiana	Turnpike Exit 8A.
OH–7	Turnpike Exit 16.	Extending 1 mile south.

LEGAL CITATIONS: Same as the OH–TT2 combination.

STATE: OKLAHOMA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 110 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 90,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Single axle = 20,000 pounds; tandem axle = 34,000 pounds; gross vehicle weight = 90,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1.

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT

Axle Spacing (ft)	Maximum load (lbs) by axle group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000	.....	.....	.....	.....
5	34,000	.....	.....	.....	.....
6	34,000	.....	.....	.....	.....
7	34,000	.....	.....	.....	.....
8	34,000	42,000	.....	.....	.....
9	39,000	42,500	.....	.....	.....
10	40,000	43,500	.....	.....	.....

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued

Axle Spacing (ft)	Maximum load (lbs) by axle group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
11	.....	44,000	.....	.....	.....
12	.....	45,000	50,000	.....	.....
13	.....	45,500	50,500	.....	.....
14	.....	46,500	51,500	.....	.....
15	.....	47,000	52,000	.....	.....
16	.....	48,000	52,500	58,000	.....
17	.....	48,500	53,500	58,500	.....
18	.....	49,500	54,000	59,000	.....
19	.....	50,000	54,500	60,000	.....
20	.....	51,000	55,500	60,500	66,000
21	.....	51,500	56,000	61,000	66,500
22	.....	52,500	56,500	61,500	67,000
23	.....	53,000	57,500	62,500	68,000
24	.....	54,000	58,000	63,000	68,500
25	.....	54,500	58,500	63,500	69,000
26	.....	56,000	59,500	64,000	69,500
27	.....	57,500	60,000	65,000	70,000
28	.....	59,000	60,500	65,500	71,000
29	.....	60,500	61,500	66,000	71,500
30	.....	62,000	62,000	66,500	72,000
31	.....	63,500	63,500	67,000	72,500
32	.....	64,000	64,000	68,000	73,500
33	.....	.....	64,500	68,500	74,000
34	.....	.....	65,000	69,000	74,500
35	.....	.....	66,000	70,000	75,000
36	.....	.....	68,000	70,500	75,500
37	.....	.....	68,000	71,000	76,000
38	.....	.....	69,000	72,000	77,000
39	.....	.....	70,000	72,500	77,500
40	.....	.....	71,000	73,000	78,000
41	.....	.....	72,000	73,500	78,500
42	.....	.....	73,000	74,000	79,000
43	.....	.....	73,280	75,000	80,000
44	.....	.....	73,280	75,500	80,500
45	.....	.....	73,280	76,000	81,000
46	.....	.....	73,280	76,500	81,500
47	.....	.....	73,500	77,500	82,000
48	.....	.....	74,000	78,000	82,000
49	.....	.....	74,500	78,500	83,500
50	.....	.....	75,500	79,000	84,000
51	.....	.....	76,000	80,000	84,500
52	.....	.....	76,500	80,500	85,000
53	.....	.....	77,500	81,000	86,000
54	.....	.....	78,000	81,500	86,500
55	.....	.....	78,500	82,500	87,000
56	.....	.....	79,500	83,000	87,500
57	.....	.....	80,000	83,500	88,000
58	.....	.....	.....	84,000	89,000
59	.....	.....	.....	85,000	89,500
60	.....	.....	.....	85,500	90,000

DRIVER: All drivers must have a commercial driver's license with the appropriate endorsement and must meet the requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 390–397). State requirements more stringent and not in conflict with Federal requirements take precedence.

VEHICLE: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum semitrailer length is 59.5 feet.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

PERMIT: An annual special authorization permit is required for tandem trailer vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. A fee is charged for the special authorization permit.

ACCESS: Access is allowed from legally available routes (listed below) to service facilities and terminals within a 5-mile radius.

	From	To
I–40 Bus	I–40 Exit 119	US 81 El Reno.
US 60	I–35 Exit 214	US 177 Ponca City.
US 62	US 69 Muskogee.	OK 80 Ft. Gibson.

	From	To
US 62	I–44 Exit 39A Lawton.	OK 115 Cache.
US 64	I–35 Exit 186 Perry.	US 77 Perry.
US 64	I–40 Exit 325 Roland.	Arkansas.
US 70	OK 76 Wilson	I–35 Exits 31A-B Ardmore.
US 77	I–35 Exit 141 Edmond.	3.5 mi. W of I–35.
US 81	OK 51 Hennessey.	11.5 mi. N of US 412.
US 169	OK 51 Tulsa	OK 20 Collinsville.
US 270	OK 9 Tecumseh.	I–40 Exit 181.
US 412	OK 58 Ringwood.	I–35 Exits 194A-B.
US 412	US 69 Chouteau.	OK 412 B.
OK 3	I–44 Exit 123	Oklahoma/Canadian County Line.
OK 7	I–44 Exits 36A-B.	OK 65 Pumpkin Center.
OK 7	I–35 Exit 55	US 177 Sulphur.
OK 7	South intersection US 81 Duncan.	7.5 mi. E of US 81.
OK 9	I–35 Exit 108A.	US 77 Norman.
OK 11	I–35 Exit 222	US 177 Blackwell.
OK 33	US 77 Guthrie.	I–35 Exit 157 Guthrie.
OK 51	I–35 Exit 174	US 177 Stillwater.
OK 165	US 64/Bus. US 64 Muskogee.	Muskogee Tpk.

ROUTES: Doubles with 29-foot trailers may use any route on the NN. Doubles which include a grandfathered 59.5-foot semitrailer or trailer are limited to Interstate and four-lane divided highways as shown below:

	From	To
I–35	Texas	Kansas.
I–40	Texas	Arkansas.
I–44	Texas	Missouri.
I–235	Entire length in Oklahoma City.	
I–240	Entire length in Oklahoma City.	
I–244	Entire length in Tulsa..	
I–444	Entire length in Tulsa..	
US 64	Cimarron Turnpike.	I–244/Tulsa.
US 69	Texas	I–44 (Will Rogers Tpk.) Exit 282.
US 75	I–40 Exits 240A-B Henryetta.	I–244 Exit 2 Tulsa.
US 75	I–44 Exits 6A-B Tulsa.	Dewey.
US 81	I–44 (Bailey Tpk.) Exit 80.	South Intersection OK 7 Duncan.
US 270	Indian Nation Tpk. Exit 4.	US 69 McAlester.
US 271	Texas	Indian Nation Tpk. Hugo.
US 412	I–44 Exit 241 Catoosa.	US 69.
OK 3A	OK 3 Oklahoma City.	I–44 Exit 125B Oklahoma City.
OK 11 Tulsa	US 75 Tulsa	I–244 Exit 12B.
OK 51	I–44 Exit 231 Tulsa.	Muskogee Tpk. Broken Arrow.
OK 165	Connecting two sections of the Muskogee Turnpike at Muskogee.	
Cimarron Tpk	I–35 Exit 194	US 64.
Cimarron Tpk. Conn.	US 177 Stillwater.	Cimarron Tpk.
Indian Nation Turnpike.	US 70/271 Hugo.	I–40 Exits 240A–B Henryetta.
Muskogee Tpk.	OK 51 Broken Arrow.	US 62/OK 165 Muskogee.
Muskogee Tpk.	OK 165 Muskogee.	I–40 Exit 286 Webber's Falls.

LEGAL CITATIONS:

Title 47 1981 O.S. 14–101
Title 47 1990 O.S. 14–103, –109, and –116
DPS Size and Weight Permit Manual 595:30.

STATE: OKLAHOMA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 90,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT and ACCESS: Same as the OK–TT2 combination.

DRIVER: Same as the OK–TT2 combination except that in addition, a driver of a three trailing unit combination must have had at least 2 years of experience driving tractor-trailer combinations.

VEHICLE: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and other four-lane divided highways. Maximum unit length of triple trailers is 29 feet. Truck tractors pulling triple trailers must have sufficient horsepower to maintain a minimum speed of 40 miles per hour on the level and 20 miles per hour on grades under normal operation conditions. Heavy-duty fifth wheels, pick-up plates equal in strength to the fifth wheel, solid kingpins, no-slack hitch connections, mud flaps and splash guards, and full-width axles are required on triple trailer combinations. All braking systems must comply with State and Federal requirements.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

PERMIT: An annual special authorization permit is required for triple trailer combination vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. A special vehicle combination permit is required for the operation of triple trailers on the Interstate System and on other four-lane divided primary highways. The permit holder must certify that the driver of a triple trailer combination is qualified. Operators of triples must maintain a 500-foot following distance and must drive in the right lane except when passing or in an emergency.

Speed shall be reduced and extreme caution exercised when operating triples under hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust, or smoke. When conditions become sufficiently dangerous as determined by the company or driver, operations shall be discontinued and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT cannot be transported in triple trailer combinations.

Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days a week except on specified holidays, beginning at noon the day preceding the

holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.

A fee is charged for both the special authorization and triple trailer combination permits.

ROUTES: Same as the OK–TT2 combination.

LEGAL CITATIONS:

Title 47 1981 O.S. 14–101

Title 47 1990 O.S. 14–109, –116, –121

DPS Size and Weight Permit Manual 595:30.

STATE: OREGON

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 68 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Maximum allowable weights are as follows: single wheel—10,000 pounds, single axle—20,000 pounds, tandem axle—34,000 pounds Gross vehicle weights over 80,000 pounds must follow the Oregon extended weight table, with a maximum of 105,500 pounds. Weight is also limited to 600 pounds per inch of tire width.

EXTENDED WEIGHT TABLE

Gross weights over 80,000 pounds are authorized only when operating under the authority of a Special Transportation Permit.

MAXIMUM ALLOWABLE WEIGHTS

1. The maximum allowable weights for single axles and tandem axles shall not exceed those specified under ORS 818.010.

2. The maximum allowable weight for groups of axles spaced at 46 feet or less apart shall not exceed those specified under ORS 818.010.

3. The maximum weights for groups of axles spaced at 47 feet or more and the gross combined weight for any combination of vehicles shall not exceed those set forth in the following table:

Axle spacing in feet	Maximum gross weight in pounds on			
	5 Axles	6 Axles	7 Axles	8 or More axles
47	77,500	81,000	81,000	81,000
48	78,000	82,000	82,000	82,000
49	78,500	83,000	83,000	83,000
50	79,000	84,000	84,000	84,000
51	80,000	84,500	85,000	85,000
52	80,500	85,000	86,000	86,000
53	81,000	86,000	87,000	87,000
54	81,500	86,500	88,000	91,000
55	82,500	87,000	89,000	92,000
56	83,000	87,500	90,000	93,000
57	83,500	88,000	91,000	94,000
58	84,000	89,000	92,000	95,000
59	85,000	89,500	93,000	96,000
60	85,500	90,000	94,000	97,000
61	86,000	90,500	95,000	98,000
62	87,000	91,000	96,000	99,000
63	87,500	92,000	97,000	100,000
64	88,000	92,500	97,500	101,000
65	88,500	93,000	98,000	102,000
66	89,000	93,500	98,500	103,000
67	90,000	94,000	99,000	104,000
68	90,000	95,000	99,500	105,000
69	90,000	95,500	100,000	105,500
70	90,000	96,000	101,000	105,500
71	90,000	96,500	101,500	105,000
72	90,000	96,500	102,000	105,500
73	90,000	96,500	102,500	105,500
74	90,000	96,500	103,000	105,500
75	90,000	96,500	104,000	105,500
76	90,000	96,500	104,500	105,500
77	90,000	96,500	105,000	105,500
78	90,000	96,500	105,500	105,500

Distance measured to nearest foot; when exactly one-half foot, take next larger number.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: For a combination which includes a truck tractor and two trailing units, the lead trailing unit (semitrailer) may be up to 40 feet long. The second trailing unit may be up to 35 feet long. However, the primary control is the total cargo-carrying distance which has a maximum length of 68 feet. Any towed vehicles in a combination must be equipped with safety chains or cables to prevent the towbar from dropping to the ground in the event the coupling fails. The chains or cables must have sufficient strength to control the towed vehicle in the event the coupling device fails and must be attached with no more slack than necessary to permit proper turning. However, this requirement does not apply to a fifth-wheel coupling if the upper and lower halves of the fifth wheel must be manually released before they can be separated.

PERMIT: A permit is required for operation if the gross combination

weight exceeds 80,000 pounds. A fee is charged. Permitted movements must have the lighter trailing unit placed to the rear, and use splash and spray devices when operating in rainy weather. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe.

ACCESS: As allowed by the Oregon DOT.

ROUTES: All NN routes.

LEGAL CITATIONS: ORS 810.010, ORS 810.030 through 810.060, and ORS 818.010 through 818.235.

STATE: OREGON

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 96 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the OR–TT2 combination.

VEHICLE: Trailing units must be of equal length. The overall length of the combination is limited to 105 feet. Any towed vehicles in a combination must be equipped with safety chains or cables to prevent the towbar from dropping to the ground in the event the coupling fails. The chains or cables must have sufficient strength to control the towed vehicle in the event the coupling device fails and must be attached with no more slack than necessary to permit proper turning. However, this requirement does not apply to a fifth-wheel coupling if the upper and lower halves of the fifth wheel must be manually released before they can be separated.

ROUTES: The following NN routes are also open to truck tractor and three trailing unit combinations.

	From	To
I–5	California	Washington.
I–105	Entire length in the Eugene-Springfield area.	
I–205	Jct. I–5	Washington.
I–405	Entire length in Portland.	
I–82	Washington	Jct. I–84.
I–84	Jct. I–5	Idaho.
US 20	Jct OR 22/OR 126.	US 26 Vale Santiam Junction.
US 20	East Jct OR 99E Albany.	I–5 Exit 233.
US 26	US 101 Cannon Beach Junction.	OR 126 Prineville.
US 20/26	Vale	Idaho.
US 30	US 101 Astoria.	I–405 Exit 3 Portland.
US 95	Nevada	Idaho.
SPUR US 95	OR 201	Idaho.
US 97	California	Washington.
US 101	US 30 Astoria.	US 26 Cannon Beach Jct.
US 101	OR 18 Otis	US 20 Newport.
US 101	Bandon	North city limit Coos Bay.
US 197	I–84 Exit 87 The Dalles.	Washington.
US 395	I–82 Exit 1 Umatilla.	I–84 Exit 188 Stanfield.
US 395	US 26 John Day.	OR 140 Lakeview.
US 730	I–84 Exit 168	Washington.
OR 6	US 101 Tillamook.	US 26 near Banks.
OR 8	OR 47 Forest Grove.	OR 217 Beaverton.
OR 11	Washington	Mission Cutoff near Pendleton.
OR 18	US 101 Otis	OR 99W Dayton.
OR 19	I–84 Exit 137	South 2.5 miles.
OR 22	OR 18 near Willamena.	OR 99E Salem.
OR 22	I–5 Exit 253	Jct US 20/OR 126 Santiam Jct.
OR 31	US 97 La Pine.	US 395 Valley Falls.
OR 34	Jct US 20/OR 99W Corvallis.	I–5 Exit 228.
OR 35	I–84 Exit 64	Mt. Hood Hood River.
OR 39	OR 140 East of Klamath Falls.	California.
OR 58	I–5 Exit 188 Goshen.	US 97 near Chemult.
OR 62	OR 99 Medford.	OR 140 White City.
OR 78	Jct US 20/US 395 Burns.	US 95 Burns Junction.
OR 99	I–5 Exit 58 Grants Pass.	I–5 Exit 48 Rogue River.
OR 99	I–5 Exit 192 Eugene.	Jct OR 99E/OR 99W Junction City.
OR 99E	I–5 Exit 307 Portland.	I–205 Exit 9 Oregon City.
OR 99E	I–5 Exit 233 Albany.	Tangent.
OR 99E	OR 228 Halsey.	Harrisburg.
OR 99W	Jct US 20/OR 34 Corvallis.	I–5 Exit 294 Portland.
OR 126	US 20 Sisters	US 26 Prineville.
OR 138	I–5 Exit 136 Sutherlin.	East 2 miles.
OR 140	OR 62 White City.	Jct US 97/OR 66 Klamath Falls.
OR 201	Jct US 20/US 26.	SPUR US 95 Cairo Junction.
OR 207	I–84 Exit 182	OR 74 Lexington.
OR 207/OR 74.	Jct OR 207/OR 74 Lexington.	Jct OR 207/OR 74/OR 206 Heppner.
OR 212	I–205 Exit 12	US 26 Boring.
OR 214	I–5 Exit 271 Woodburn.	OR 99E Woodburn.
OR 217	I–5 Exit 292 Tigard.	US 26 Beaverton.
OR 224	OR 99E Milwaukie.	I–205 Exit 13.

LEGAL CITATIONS: Same as the OR–TT2 combination.

STATE: SOUTH DAKOTA

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF CARGO-CARRYING UNITS: 100 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: For all combinations, the maximum gross weight on two or more consecutive axles is limited by the Federal Bridge Formula but cannot exceed 129,000 pounds. The weight on single axles or tandem axles spaced 40 inches or less apart may not exceed 20,000 pounds. Tandem axles spaced more than 40 inches but 96 inches or less may not exceed 34,000 pounds. Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of the tandems is 36 feet or more. The weight on the steering axle may not exceed 600 pounds per inch of tire width.

For combinations with a cargo-carrying length greater than 81.5 feet the following additional regulations also apply. The weight on all axles (other than the steering axle) may not exceed 500 pounds per inch of tire width. Lift axles and belly axles are not considered load-carrying axles and will not count

when determining allowable vehicle weight.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: For all combinations, a semitrailer or trailer may neither be longer than nor weigh 3,000 pounds more than the trailer located immediately in front of it. Towbars longer than 19 feet must be flagged during daylight hours and lighted at night.

For combinations with a cargo-carrying length of 81.5 feet or less, neither trailer may exceed 45 feet, including load overhang. Vehicles may be 12 feet wide when hauling baled feed during daylight hours.

For combinations with a cargo-carrying length over 81.5 feet long, neither trailer may exceed 48 feet, including load overhang. Loading the rear of the trailer heavier than the front is not allowed. All axles except the steering axle require dual tires. Axles spaced 8 feet or less apart must weigh within 500 pounds of each other. The trailer hitch offset may not exceed 6 feet. The maximum effective rear trailer overhang may not exceed 35 percent of the trailer's wheelbase. The power unit must have sufficient power to maintain 40 miles per hour. A "LONG LOAD" sign measuring 18 inches high by 7 feet long with black on yellow lettering 10 inches high is required on the rear. Offtracking is limited to 8.75 feet for a turning radius of 161 feet.

Offtracking Formula = $61-(161^2-L_1^2-L_2^2+L_3^2-L_4^2-L_5^2+L_6^2-L_7^2-L_8^2)^{1/2}$.

Note: L_1 through L_8 are measurements between points of articulation or vehicle pivot points. Squared dimensions to stinger steer points of articulation are negative. For two trailing unit combinations where at least one trailer is 45 feet long or longer, all the dimensions used to calculate offtracking must be written in the "Permit Restriction" area of the permit along with the offtracking value derived from the calculation.

PERMIT: For combinations with a cargo-carrying length of 81.5 feet or less, a single-trip permit is required for movement on the Interstate System if the gross vehicle weight exceeds 80,000 pounds. An annual or single-trip permit is required for hauling baled feed over 102 inches wide.

For combinations with a cargo-carrying length greater than 81.5 feet, a single-trip permit is required for all movements. Operations must be discontinued when roads are slippery due to moisture, visibility must be good, and wind conditions must not cause trailer whip or sway.

For all combinations, a fee is charged for any permit.

ACCESS: For combinations with a cargo-carrying length of 81.5 feet or less, access is Statewide off the NN unless restricted by the South Dakota DOT.

For combinations with a cargo-carrying length greater than 81.5 feet, access to operating routes must be approved by the South Dakota DOT.

ROUTES: Combinations with a cargo-carrying length of 81.5 feet or less may use all NN routes. Combinations with a cargo-carrying length over 81.5 feet, are restricted to the Interstate System and:

	From	To
US 14	W. Jct. US 14 Bypass and US 14 Brookings.	So. Jct. US 14 and US 281.
Bypass US 14	I–29 Exit 133 Brookings.	W. Jct. US 14 Bypass and US 14 Brookings.
US 85	I–90 Exit 10 Spearfish.	North Dakota.
US 281	I–90 Exit 310.	So. Jct. US 14 and US 281.
US 281	8th Ave. Aberdeen.	North Dakota.
SD 50	Burleigh Street Yankton.	I–29 Exit 26.

LEGAL CITATIONS: SDCL 32–22–8.1, –38, –39, –41, –42, and –52; and Administrative Rules 70:03:01:37, :47, :48, and :60 through :70.

STATE: SOUTH DAKOTA

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF CARGO-CARRYING UNITS: 100 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the SD–TT2 combination.

VEHICLE: Same as the SD–TT2 combination, except trailer lengths are limited to 28.5 feet, including load overhang, and the overall length cannot exceed 110 feet, including load overhang.

ROUTES: Same as the SD–TT2 combination with a cargo-carrying length over 81.5 feet.

LEGAL CITATIONS: SDCL 32–22–14.14, –38, –39, –42, and –52; and Administrative Rules 70:03:01:60 through :70.

STATE: SOUTH DAKOTA

COMBINATION: Truck-Trailer

LENGTH OF CARGO-CARRYING UNITS: 73 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, and PERMIT: Same as the SD–TT2 combination.

VEHICLE: Same as the SD–TT2 combination except that in addition, the overall length including load overhang is limited to 80 feet. Trailer length is not limited.

ACCESS: Same as the access provisions for the SD–TT2 combination with a cargo-carrying length of 81.5 feet or less.

ROUTES: Same as the route provisions for the SD–TT2 combination with a cargo-carrying length of 81.5 feet or less.

LEGAL CITATIONS: SDCL 32–22–8.1, –38, –39, –41, –42, and –52; and Administrative Rules 70:03:01:37, :47, and :48.

STATE: SOUTH DAKOTA

COMBINATION: Truck-Trailer

LENGTH OF CARGO-CARRYING UNITS: 78 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, and PERMIT: Same as the SD–TT2 combination.

VEHICLE: Same as the SD–TT2 combination with a cargo-carrying length over 81.5 feet, except that in addition, the overall length is limited to 85 feet.

ACCESS: Same as the access provisions for the SD–TT2 combination with a cargo-carrying length greater than 81.5 feet.

ROUTES: Same as the route provisions for the SD–TT2 combination with a cargo-carrying length greater than 81.5 feet.

LEGAL CITATIONS: SDCL 32–22–38, –39, –42, and –52; and Administrative Rules 70:03:01:60 through :70.

STATE: UTAH

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Weight limits are as follows:
Single axle: 20,000 pounds
Tandem axle: 34,000 pounds
Gross weight: 129,000 pounds
Vehicles must comply with the Federal Bridge Formula

Tire loading on vehicles requiring an overweight or oversize permit shall not exceed 500 pounds per inch of tire width for tires 11 inches wide and greater, and 450 pounds per inch of tire width for tires less than 11 inches wide as designated by the tire manufacturer on the side wall of the tire. Tire loading on vehicles not requiring an overweight or oversize permit shall not exceed 600 pounds per inch of tire width as designated by the tire manufacturer on the sidewall.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement. Carriers must certify that their drivers have a safe driving record and have passed a road test administered by a qualified safety supervisor.

VEHICLE: While in transit, no trailer shall be positioned ahead of another trailer which carries an appreciably heavier load. An empty trailer shall not precede a loaded trailer. Vehicles shall be powered to operate on level terrain at speeds compatible with other traffic. They must be able to maintain a minimum speed of 20 miles per hour under normal operating conditions on any grade of 5 percent or less over which the combination is operated and be able to resume a speed of 20 miles per hour after stopping on any such grade, except in extreme weather conditions.

Oversize signs are required on vehicles in excess of 75 feet in length on two-lane highways.

A heavy-duty fifth wheel is required. All fifth wheels must be clean and lubricated with a light-duty grease prior to each trip. The fifth wheel must be located in a position which provides adequate stability. Pick-up plates must be of equal strength to the fifth wheel. The kingpin must be of a solid type and permanently fastened. Screw-out or folding-type kingpins are prohibited.

All hitch connections must be of a no-slack type, preferably a power-actuated ram. Air-actuated hitches which are isolated from the primary air transmission system are recommended.

The drawbar length should be the practical minimum consistent with the clearances required between trailers for turning and backing maneuvers.

Axles must be those designed for the width of the body.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must be provided on all semitrailer and converter-dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Anti-sail type mud flaps are recommended.

The use of single tires on any combination vehicle requiring an overweight or oversize permit shall not be allowed on single axles. A single axle is defined as one having more than 8 feet between it and the nearest axle or group of axles on the vehicle.

When traveling on a level, smooth paved surface, the trailing units must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Each combination shall maintain a minimum distance of 500 feet from another commercial vehicle traveling in the same direction on the same highway. Loads shall be securely fastened to the transporter with material and devices of sufficient strength to prevent the load from becoming loose, detached, dangerously displaced, or in any manner a hazard to other highway users. The components of the load shall be reinforced or bound securely in advance of travel to prevent debris from being blown off the unit and endangering the safety of the traveling public. Any debris from the special permit vehicle deposited on the highway shall be removed by the permittee.

Bodily injury and property damage insurance is required before a special Transportation Permit will be issued.

In the event any claim arises against the State of Utah, Utah Department of Transportation, Utah Highway Patrol, or their employees from the operation granted under the permit, the permittee shall agree to indemnify and hold harmless each of them from such claim.

PERMIT: Permits must be purchased. The Utah DOT Motor Carrier Safety Division will, on submission of an LCV permit request, assign an investigator to perform an audit on the carrier, which must have an established safety program that is in compliance with the Federal Motor Carrier Safety Regulations (49 CFR parts 387–399), the Federal Hazardous Materials Regulations (49 CFR parts 171–178), and a "Satisfactory" safety rating. The request must show a travel plan for the operation of the vehicles. Permits are subject to Highway Patrol supervision and permitted vehicles may be subject to temporary delays or removed from the highways when necessary during hazardous road, weather, or traffic conditions. The permit will be cancelled without refund if violated. Expiration dates cannot be extended except for reasons beyond the control of the permittee, including adverse weather. Permits are void if defaced, modified, or obliterated. Lost or destroyed permits cannot be duplicated and are not transferable.

ACCESS: Routes approved by the Utah DOT plus local delivery destination travel on two-lane roads.

ROUTES: All NN routes, except that, in addition, truck tractor and two trailing unit combinations with a cargo-carrying length of more than 85 feet are restricted to:

	From	To
I–15	Arizona	Idaho.
I–70	Jct. I–15	Colorado.
I–80	Nevada	Wyoming.
I–84	Idaho	Jct. I–80.
I–215	Entire length in the Salt Lake City area.	
UT–201	I–80 Exit 102 Lake Point Jct.	300 West Street Salt Lake City.

LEGAL CITATIONS:

Utah Code 27–12–154 and –155; Utah Administrative Code, Section R–909–1.

STATE: UTAH

COMBINATION: Truck tractor and 3 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 95 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 129,000 pounds

OPERATIONAL CONDITIONS: Same as the UT–TT2 combination.

ROUTES: Same as the UT–TT2 combination with a cargo-carrying length greater than 85 feet.

LEGAL CITATIONS: Same as the UT–TT2 combination.

STATE: UTAH

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 88 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws

and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, VEHICLE, PERMIT, and ACCESS: Same as the UT–TT2 combination.

ROUTES: All truck-trailers with a cargo-carrying length of 70 feet or less, and truck-trailers used in hauling bulk gasoline or LP gas with a cargo-carrying length of 78 feet or less, may use all NN routes. Truck-trailers with a cargo-carrying length over 70 feet but not over 78 feet, and those used in hauling bulk gasoline or LP gas with a cargo-carrying length over 78 feet but not over 88 feet, are restricted to the same routes listed for the UT–TT2 combination with a cargo-carrying length greater than 85 feet.

LEGAL CITATIONS: Same as the UT–TT2 combination.

STATE: UTAH

COMBINATION: Truck-trailer-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 88 feet

OPERATIONAL CONDITIONS: Same as the Utah truck-trailer combination.

ROUTES: Same as the UT–TT2 combination with a cargo-carrying length greater than 85 feet.

LEGAL CITATIONS: Same as the UT–TT2 combination.

STATE: UTAH

COMBINATION: Automobile transporter

LENGTH OF THE CARGO-CARRYING UNITS: 105 feet

OPERATIONAL CONDITIONS:

WEIGHT, DRIVER, PERMIT, and ACCESS: Same as the Utah truck-trailer combination.

VEHICLE: The cargo-carrying length of automobile transporters that carry vehicles on the power unit is the same as the overall length.

ROUTES: Automobile transporters with a cargo-carrying length of 92 feet or less may use all NN routes. Automobile transporters with a cargo-carrying length over 92 but not more than 105 feet are restricted to the routes listed for the UT–TT2 combination with a cargo-carrying length greater than 85 feet.

LEGAL CITATIONS: Same as the UT–TT2 combination.

STATE: WASHINGTON

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 68 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 105,500 pounds

OPERATIONAL CONDITIONS:

WEIGHT: Single axle limit=20,000 pounds; tandem axle limit=34,000 pounds; gross weight must comply with the Federal Bridge Formula.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: Operating conditions are the same for permitted doubles as for STAA of 1982 doubles.

PERMIT: Combinations with a cargo-carrying length over 60 feet in length but not exceeding 68 feet must obtain an annual overlength permit to operate. A fee is charged.

ACCESS: All State routes except SR 410 and SR 123 in or adjacent to Mt. Rainier National Park. In addition, restrictions may be imposed by local governments having maintenance responsibilities for local highways.

ROUTES: All NN routes except SR 410 and SR 123 in the vicinity of Mt. Rainier National Park.

LEGAL CITATIONS:
RCW 46.37, 46.44.030, .037(3), .041, and .0941.

STATE: WASHINGTON

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 68 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the WA–TT2 combination.

VEHICLE: Overall length limited to 75 feet.

ROUTES: Same as the WA–TT2 combination.

LEGAL CITATIONS: Same as the WA–TT2 combination.

STATE: WYOMING

COMBINATION: Truck tractor and 2 trailing units—LCV

LENGTH OF THE CARGO-CARRYING UNITS: 81 feet

MAXIMUM ALLOWABLE GROSS WEIGHT: 117,000 pounds

OPERATIONAL CONDITIONS:

WEIGHT: No single axle shall carry a load in excess of 20,000 pounds. No tandem axle shall carry a load in excess of 36,000 pounds. No triple axle, consisting of three consecutive load-bearing axles that articulate from an attachment to the vehicle including a connecting mechanism to equalize the load between axles having a spacing between the first and third axle of at least 96 inches and not more than 108 inches, shall carry a load in excess of 42,500 pounds. No vehicles operated on the Interstate System shall exceed the maximum weight allowed by application of Federal Bridge Weight Formula B.

No wheel shall carry a load in excess of 10,000 pounds. No tire on a steering axle shall carry a load in excess of 750 pounds per inch of tire width and no other tire on a vehicle shall carry a load in excess of 600 pounds per inch of tire width. "Tire width" means the width stamped on the tire by the manufacturer.

Dummy axles may not be considered in the determination of allowable weights.

DRIVER: The driver must have a commercial driver's license with the appropriate endorsement.

VEHICLE: The lead semitrailer can be up to 48 feet long with the trailing unit up to 40 feet long. In a truck tractor-semitrailer-trailer combination, the heavier towed vehicle shall be directly behind the truck-tractor and the lighter towed vehicle shall be last if the weight difference between consecutive towed vehicles exceeds 5,000 pounds.

PERMITS: No permits required.

ACCESS: Unlimited access off the NN to terminals.

ROUTES: All NN routes.

LEGAL CITATIONS:
WS 31–5–1001, –1002, –1004, –1008, and WS 31–17–1–1 through 31–17–117.

STATE: WYOMING

COMBINATION: Truck-trailer

LENGTH OF THE CARGO-CARRYING UNITS: 78 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the WY–TT2 combination.

VEHICLE: No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

ROUTES: Same as the WY–TT2 combination.

LEGAL CITATIONS:
WS 31–5–1002

STATE: WYOMING

COMBINATION: Automobile/Boat Transporter

LENGTH OF CARGO CARRYING UNITS: 85 feet

OPERATIONAL CONDITIONS:

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the WY–TT2 combination.

VEHICLE: The cargo-carrying length of automobile transporters that carry vehicles on the power unit is the same as the overall length. No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

ROUTES: Same as the WY–TT2 combination.

LEGAL CITATIONS: Same as the WY–TT2 combination.

STATE: WYOMING

COMBINATION: Saddlemount Combination

LENGTH OF CARGO CARRYING UNITS: 85 feet

WEIGHT: This combination must operate in compliance with State laws and regulations. Because it is not an LCV, it is not subject to the ISTEA freeze as it applies to maximum weight.

DRIVER, PERMIT, and ACCESS: Same as the WY–TT2 combination.

VEHICLE: The cargo-carrying length of saddlemount combinations that carry vehicles on the power unit is the same as the overall length. No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

No more than three saddlemounts may be used in any combination, except additional vehicles may be transported when safely loaded upon the frame of a vehicle in a properly assembled saddlemount combination.

Towed vehicles in a triple saddlemount combination shall have brakes acting on all wheels which are in contact with the roadway.

All applicable State and Federal rules on coupling devices shall be observed and complied with.

ROUTES: Same as the WY–TT2 combination.

LEGAL CITATIONS: Same as the WY–TT2 combination.

[FR Doc. 94–13774 Filed 6–10–94; 8:45 am]

BILLING CODE 4910–22–P