

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



| |
|-------------|
| ROLL NUMBER |
|-------------|

DESCRIPTION

13999

2007 HOUSE TRANSPORTATION

HB 1399

Date: 2-1-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1399

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass & refer to Approps.

Motion Made By Owens Seconded By Thorpe

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|-----------------|-----|----|
| Chairman Weisz | ✓ | | Rep. Delmore | ✓ | |
| Vice Chairman Ruby | ✓ | | Rep. Gruchalla | ✓ | |
| Rep. Dosch | A | | Rep. Myxter | ✓ | |
| Rep. Kelsch | ✓ | | Rep. Schmidt | ✓ | |
| Rep. Owens | ✓ | | Rep. Thorpe | ✓ | |
| Rep. Price | ✓ | | | | |
| Rep. Sukut | ✓ | | | | |
| Rep. Vigesaa | ✓ | | | | |
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| | | | | | |
| | | | | | |

Total Yes 12 No 0

Absent 1

Floor Assignment Owens

If the vote is on an amendment, briefly indicate intent:

*No House
 Transport bill
 minutes found
 8-8-07*

REPORT OF STANDING COMMITTEE

HB 1399: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1399 was rereferred to the Appropriations Committee.

2007 HOUSE APPROPRIATIONS

HB 1399

4/10/7

HB 1399 Cars

No

typed

minutes

found

Weiss

Presented bill

Made up of 9 western states to provide uniformity w/ vehicle size and weight stds.

Attch would benefit by belonging. Does me \$5,000/yr.

\$10,000 appropriation

~~W~~

W - Did you pay higher fee to attend?

Weiss There was no charge for me to attend

Klein Belonged before?

Weiss No

Nelson No Pass >

Klein 2nd

Shaydel - hear tape - more to amend bill substitute motion.

Weiss

It would state if ND that joins not DOT

Monson - Should be in DM3 then, not LC.

Date: 2/6/07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Nelson Seconded By Klein

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------|-----|----|-------------------------|-----|----|
| Chairman Svedjan | | | | | |
| Vice Chairman Kempenich | | | | | |
| Representative Wald | | | Representative Aarsvold | | |
| Representative Monson | | | Representative Guleson | | |
| Representative Hawken | | | | | |
| Representative Klein | | | | | |
| Representative Martinson | | | | | |
| Representative Carlson | | | Representative Glasheim | | |
| Representative Carlisle | | | Representative Kroeber | | |
| Representative Skarphol | | | Representative Williams | | |
| Representative Thoreson | | | | | |
| Representative Pollert | | | Representative Ekstrom | | |
| Representative Bellow | | | Representative Kerzman | | |
| Representative Kreidt | | | Representative Metcalf | | |
| Representative Nelson | | | | | |
| Representative Wieland | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Substitute
Motion*

Date: 2/6/07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number app. to LC NOT DOT
funding for fee would be

Action Taken _____

Motion Made By Skarphol Seconded By Kroeber

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------|-----|----|--------------------------|-----|----|
| Chairman Svedjan | | | | | |
| Vice Chairman Kempenich | | | | | |
| Representative Wald | | | Representative Aarsvold | | |
| Representative Monson | | | Representative Gulleason | | |
| Representative Hawken | | | | | |
| Representative Klein | | | | | |
| Representative Martinson | | | | | |
| Representative Carlson | | | Representative Glassheim | | |
| Representative Carlisle | | | Representative Kroeber | | |
| Representative Skarphol | | | Representative Williams | | |
| Representative Thoreson | | | | | |
| Representative Pollert | | | Representative Ekstrom | | |
| Representative Bellew | | | Representative Kerzman | | |
| Representative Kreidt | | | Representative Metcalf | | |
| Representative Nelson | | | | | |
| Representative Wieland | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Vote - carries

Date: 2/6/07
 Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By Skarphol Seconded By Thoren

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------|-----|----|--------------------------|-----|----|
| Chairman Svedjan | ✓ | | | | |
| Vice Chairman Kempenich | ✓ | | | | |
| Representative Wald | ✓ | | Representative Aarsvold | ✓ | |
| Representative Monson | ✓ | | Representative Guleson | ✓ | |
| Representative Hawken | ✓ | | | | |
| Representative Klein | | ✓ | | | |
| Representative Martinson | ✓ | | | | |
| Representative Carlson | ✓ | | Representative Glassheim | ✓ | |
| Representative Carlisle | ✓ | | Representative Kroeber | ✓ | |
| Representative Skarphol | ✓ | | Representative Williams | ✓ | |
| Representative Thoreson | ✓ | | | | |
| Representative Pollert | ✓ | | Representative Ekstrom | ✓ | |
| Representative Bellew | ✓ | | Representative Kerzman | ✓ | |
| Representative Kreidt | ✓ | | Representative Metcalf | ✓ | |
| Representative Nelson | ✓ | | | | |
| Representative Wieland | ✓ | | | | |

Total (Yes) 21 No 1

Absent 2

Floor Assignment Wising

If the vote is on an amendment, briefly indicate intent:

2007 SENATE APPROPRIATIONS

HB 1399

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

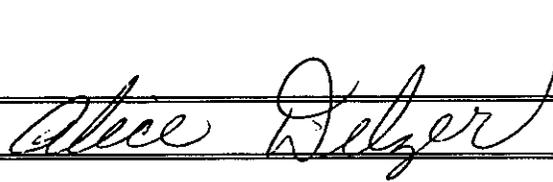
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 03-08-07

Recorder Job Number: 4742

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1399 at 2:35 pm on March 8, 2007 regarding DOT to join the multistate highway transportation agreement.

Representative Robin Weisz, District 14, gave oral testimony in support of HB 1399. He gave a brief overview of the bill stating that this bill would help move products safely and economically over the highway system. He stated he thought it is important that we join. There are 9 states that are a part of this group, It is well worth the \$10,000 investment. If you look at the interstate infrastructure you can see the freight industry is going up. DOT has been attending meetings and keeping informed concerning joining the Multi-State Highway Transportation Agreement (MHTA) and what they can do for the state of North Dakota.

Chairman Holmberg stated that this will be taken up after we hear the DOT bill.

Senator Christmann had questions regarding the other states involved and will we be accommodating them. He was informed that it includes Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Wyoming. It is an industry that works with DOT people from these 9 states (10 if we join) addressing issues (such as permits) in the freight industry, asking if there is some way we can work together. We need some flexibility to make some changes, so it's a matter of having a voice is some issues.

Chairman Holmberg asked about the overlap of **DOT** with the National Conference of State Legislatures (NCSL) and this bill. He was told he didn't see any. The NCSL represents all 50 states. There is no similarity between the eastern states and us. He stated we belong to WASHTO and this group seems more concerned with the roads, weights, and more of moving the goods in traffic.

Senator Christmann asked how much those organizations are costing us. He was informed that we also belong to the Midwest Rail Compact too, and he is not sure what any of these fees are to belong to these organizations.

Chairman Holmberg asked the Legislative Council to prepare that information as to what we belong to.

Senator Grindberg asked if there was any truth to the talk about a Super Highway from Mexico to Canada. He was told that there is no consortium that going from Mexico through the Red River Valley to Canada. That whole idea came from the state of Texas, and they are looking at this corridor. But, this group does look at how do we get the free flow of goods from our Canadian friends down to Mexico.

Senator Krauter stated that he and Senator Wardner were involved with the Midwest Legislative Conference and it has two missions:

1. We work on issues that really affect us as a region.
2. It brings the executive branch along with the legislative branch to discuss these issues.

He wanted to know if there is any similarity between the two groups. He was told there could be overlap but he pointed out that this is a narrowly focused group, dedicated to transportation issues and moving the goods. We are a bulk commodity state, oil, grain, moving hay across the state, federal regulations. He stated it doesn't make any sense that Montana weight limitations are different than North Dakota's , even though it is the same interstate. It is a hindrance to

move the goods efficiently, safely and economically. Those are the types of issues this group addresses. We have a commonality with other western states and we can work together with these western states to address these issues.

Senator Bowman stated we've been involved in an organization that supports the plains. It originated from Texas up to Denver, Co. From Denver they wanted to move north and we got involved for about 4 years and we got a designation as a Teddy Roosevelt Trade Corridor so that it would connect that highway system with western North Dakota and the reason for that is we move a lot of pipeline Should you have a different restriction when you go across a state line? There is an advantage to have all of them the same so we've been working with this group and it is beneficial. He was told that MHTA is working on a trade corridor and it would go up through US HY 85 and there has been some pilot work from the federal government on that. He stated it would be a 4 lane, start at Mexican border, run up through western ND, and west into Montana to the Canadian border.

Mark Larson, Multi-State Highway transportation Agreement (MHTA) presented written testimony (1 and 2) and oral testimony in support of HB 1399.

Senator Fischer asked if there was any thing binding if we join this organization. He was told there is not.

Grant Levi, Deputy Director for Engineering for NDDOT presented written testimony (3) and oral testimony in support of HB 1399. He stated DOT supports the bill.

Chairman Holmberg asked if the money would be taken out of his budget.

Senator Krauter asked about research being done before we join.

Chairman Holmberg made comments regarding the Legislature needs to have a vote. It is in the bylaws by statute. The hearing was closed on HB 1399. Written testimony (4) was distributed after the hearing from Tom Balzer, NDMCA in support of HB 1399.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

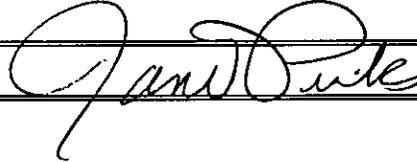
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 03-23-07

Recorder Job Number: 5538

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1399.

Senator Krauter moved to have without committee recommendation, seconded by Senator Lindaas. No discussion followed. A roll call vote was taken resulting in 10 yes, 2 no, 2 absent.

The motion carried and Senator Holmberg will carry the bill.

Chairman Holmberg closed the hearing on HB 1399.

Date:
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

1379

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken WO Comm Rec

Motion Made By Math Seconded By Lindaas

| Senators | Yes | No | Senators | Yes | No |
|--------------------------------|-----|----|---------------------------|-----|----|
| Senator Ray Holmberg, Chrm | ✓ | | Senator Aaron Krauter | ✓ | |
| Senator Bill Bowman, V Chrm | ✓ | | Senator Elroy N. Lindaas | ✓ | |
| Senator Tony Grindberg, V Chrm | ✓ | | Senator Tim Mathern | ✓ | |
| Senator Randel Christmann | | | Senator Larry J. Robinson | ✓ | |
| Senator Tom Fischer | ✓ | | Senator Tom Seymour | ✓ | ✓ |
| Senator Ralph L. Kilzer | ✓ | ✓ | Senator Harvey Tallackson | | |
| Senator Karen K. Krebsbach | ✓ | | | | |
| Senator Rich Wardner | ✓ | | | | |
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| | | | | | |

Total (Yes) 10 No 2

Absent 2

Floor Assignment Holmberg Trans

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 23, 2007 5:25 p.m.

Module No: SR-55-6137
Carrier: Holmberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1399, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION**
(10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1399 was placed
on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1399

HOUSE TRANSPORTATION COMMITTEE
February 1, 2007

North Dakota Department of Transportation
Grant Levi, P.E., Deputy Director for Engineering

HB 1399

Good afternoon, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. Thank you for allowing me the opportunity to present information to you today. I'm here to testify in support of HB 1399.

The Department of Transportation has, as part of its strategic plan, an initiative to enhance the harmony and compatibility of truck movements and truck size/weight laws and regulations with respect to interstate and intrastate movements. The work undertaken by the Multi-state Highway Transportation Agreement (MHTA) is precisely in line with our initiative.

Western states share unique transportation challenges. MHTA recognizes the challenges faced by rural western states and seeks to improve communication between state legislators, state administrators, and private industries. The diverse make-up of state legislators, state government officials, and private industry, collaborating and seeking consensus on the many varied and complex issues facing all western states, is exactly what is needed to overcome the obstacles and barriers to a more efficient state, regional, and national transportation system.

MHTA seeks to foster cooperation among western states on a variety of highway-related issues, including: truck size, weight, and permitting; highway safety; cooperative state highway administration; and improved commercial vehicle safety inspections.

It is only through cooperative efforts, such as those promoted by MHTA, that we can achieve changes in law or policy by the United States Congress which meet this region's economic needs. Therefore, I recommend a Do Pass for HB 1399.

Thank you again for the opportunity to address you today. I would be happy to answer any questions you may have at this time.

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

Created by statute and dedicated to the safe, efficient movement of people and goods

Arizona Colorado Idaho Montana Nevada New Mexico Oregon Utah Wyoming

February 1, 2007

Representative Robin Weisz, Chairman
House Transportation Committee
North Dakota State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

*Some
given to
Senate
Transportation*

Dear Chairman Weisz,

Thank you for allowing me to present to the House Transportation Committee information relative to your bill authorizing North Dakota to join the Multistate Highway Transportation Agreement (MHTA). Attached is a paper explaining what MHTA is and a compilation of 2006 and earlier resolutions and model legislation that members have carried back to their respective states for passage. A copy of the *Headway* magazine is also enclosed for committee member review.

Rep. Weisz, I sincerely appreciate your carrying this important legislation that will allow North Dakota to join nine other western states in the MHTA. The Agreement has received many accolades regionally and nationally for its unique approach at bringing together state legislators, state agencies and private industry in addressing the increasing number of highway transportation issues facing the states. As your committee well understands, there are significant state and federal issues that must be address in short order if our states are to remain vibrant economically. Western states in particular have an incredible amount at stake as Congress begins focusing on the budget deficit and future funding for highways. Uniformity issues, capacity constraint recognition, and the simple fact that western states are much different than our eastern colleagues are prime examples of the need for MHTA. I honestly believe the MHTA will play a crucial role as these issues and the 2009 reauthorization are addressed.

As immediate past chairman of MHTA, former Ranking Member of the Colorado House Transportation Committee and life long western United States private industry transportation business owner, I strongly urge that North Dakota join the MHTA and help us forge an even stronger voice for western states on highway transportation issues. I have every confidence that North Dakota will benefit greatly from joining the Agreement. Thank you for carrying this authorizing legislation and thank you to the committee for their serious consideration. I sincerely hope the committee sees its way clear to forward this important measure.

Sincerely,



Mark Larson, Past Chairman
Multistate Highway Transportation Agreement

President
Rep. Mark Larson
Colorado

Vice President
Sen. Dennis Nolan
Nevada

Secretary
Sen. Vicki Cocchiarella
Montana

Treasurer
Rep. JoAn Wood
Idaho

At Large
Rep. Gary Pierce
Arizona

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Phoenix, AZ 85022
(888) 265-7627, (602) 588-0028
FAX (602) 993-2900
mhta2@cox.net

What is MHTA?

Currently nine western states have joined an alliance designed to foster cooperation on a variety of highway-related issues, including truck size and weight, highway safety, cooperative state highway administration and improved commercial vehicle safety inspections. The alliance, known as the Multi-State Highway Transportation Agreement (MHTA), recognized the unique transportation challenges faced by rural western states and was intended to improve communication between state legislators, state administrators and private industry.

In 2001, this statutory Alliance formalized itself by incorporating, redefining its goals and purposes and setting forth operating procedures to:

- * Cooperatively work to collect, correlate, analyze and evaluate information on transportation of its members impacting the jurisdictions and the motor carrier industry;
- * Recommend and encourage the undertaking of research and testing of commercial vehicle combinations when, in their opinion, sufficient research or testing has not been undertaken;
- * Recommend changes in law or policy which would promote effective governmental action or coordination in the field of size and weight related matters and the action of the United States Congress enacting developing transportation networks that are safe, efficient, environmentally sound and which meet the region's economic needs.

MHTA meets these goals and objectives by performing the following activities:

- * Coordinates two annual information sessions to inform its members and interested organizations and companies of present circumstances of interest.
- * Develops, debates and distributes Resolutions of support for state and national policy with respect to the safe and efficient movement of goods between states.
- * Develops and distributes model legislation designed to assist member states in adopting legislation to further the goals and objectives of MHTA.
- * Publishes an Annual Report designed to inform members and non-members of the activities of MHTA.

MHTA supports a small contracted staff of three consultants by collecting dues from the member states, which have passed enabling legislation making that state a member.

Dues are also collected from Industry members (state trucking associations and carriers) who take a particular interest in the matters affecting interstate commerce and who provide information to the members for their consideration. Any state passing enabling legislation can become a member. Affiliate members are non-voting companies or organizations interested in the goals and objectives of the MHTA.

MHTA is governed by a Cooperating Committee who are state legislators who chair their respective House and Senate Transportation Committees. MHTA is incorporated for the purpose of providing administrative support and continuity for its activities, known as MHTA, Inc. The board of directors are the officers of the Cooperating Committee.

Resolutions Adopted by MHTA in 2006

Resolution 2006-601 in support of reasonable and voluntary model legislation intended to promote consistent idling laws.

Resolution 2006-602 in support of legislation to set load limits for wide-base single tires.

Resolution 2006-603 urges reasonable and fair interpretation of states commercial drivers license programs by FMCSA relating to an administrative license suspension programs.

Resolution 2006-604 in support of a coalition to harmonize the regions truck size and weight laws in gaining passage of federal approval to so harmonize longer combination vehicles size and weight standards in western states.

Model Legislation Approved by MHTA in 2006

MHTA Model Legislation – Non-divisible oversize and/or overweight vehicle regional permitting on highways designated by jurisdictions participating in the “western regional permitting agreement.

MHTA Model Legislation - Concerns the authorization for appearance by a commercial vehicle owner, on behalf of a driver, in a court hearing concerning a permit or documentation violation.

MHTA Model Legislation - Concerns the unlawful use of commercial driver's licenses.

MHTA endorsed EPA model idle reduction legislation that would foster greater compliance through common understanding of requirements and ease of implementation, and to raise awareness among the trucking industry, states, and environmental groups about each other's needs.

MHTA Model Legislation- Concerns event data recorded as a motor vehicle feature. requiring motor vehicle manufacturers to disclose that a motor vehicle has an event data recorder prohibiting retrieval of event data from a motor vehicle and lists exceptions including: owner consents; court of administrative agency orders it; peace officer, firefighter, or emergency medical service provider retrieves the data to improve motor vehicle safety, security, or traffic management or for medical research; and others.

MHTA Model Legislation - Concerns allowable loads on super single tire equipment setting forth the maximum allowable weight on a tire having a nominal width of fifteen inches or more and a lower allowable load for tires having a width less than fifteen inches.

SENATE APPROPRIATIONS COMMITTEE

March 8, 2007

**North Dakota Department of Transportation
Grant Levi, P.E., Deputy Director for Engineering**

Engrossed HB 1399

Good afternoon, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. Thank you for allowing me the opportunity to present information to you today. I'm here to testify in support of Engrossed HB 1399.

The Department of Transportation has, as part of its strategic plan, an initiative to enhance the harmony and compatibility of truck movements and truck size/weight laws and regulations with respect to interstate and intrastate movements. The work undertaken by the Multi-state Highway Transportation Agreement (MHTA) is precisely in line with our initiative.

Western states share unique transportation challenges. MHTA recognizes the challenges faced by rural western states and seeks to improve communication between state legislators, state administrators, and private industries. The diverse make-up of state legislators, state government officials, and private industry, collaborating and seeking consensus on the many varied and complex issues facing all western states, is exactly what is needed to overcome the obstacles and barriers to a more efficient state, regional, and national transportation system.

MHTA seeks to foster cooperation among western states on a variety of highway-related issues, including: truck size, weight, and permitting; highway safety; cooperative state highway administration; and improved commercial vehicle safety inspections.

It is only through cooperative efforts, such as those promoted by MHTA, that we can achieve changes in law or policy by the United States Congress which meet this region's economic needs. Therefore, I recommend a Do Pass for Engrossed HB 1399.

Thank you again for the opportunity to address you today. I would be happy to answer any questions you may have at this time.

H

**TESTAMONY
HOUSE BILL 1399
APPROPRIATIONS COMMITTEE
MARCH 8, 2007**

Mr. Chairman and members of the Senate Appropriations Committee my name is Tom Balzer, managing director of the North Dakota Motor Carriers Association. Unfortunately due to other association business I am unable to testify in person to our support of House Bill 1399.

The Multistate Highway Transportation Agreement is a compact between a growing number of western states to work with each other and the federal government to provide for more consistent weight and length regulations to streamline the movement of freight. Currently each state has a different set of laws that are "frozen" by the federal government barring the states from changing the laws.

The group of states that are members of the Multistate Highway Transportation Agreement are working together in coordination with the Western Association of State Transportation Officers and the Western States Coalition to affect federal legislation to allow for harmonization of truck size and weight laws.

According to a United States Department of Transportation's Comprehensive Truck Size and Weight Study harmonization of state laws would:

- Reduce fuel usage by 12%
- Reduce highway noise by 10%
- Reduce truck emissions by 12%
- Save shippers \$2 billion a year
- Save 25% truck miles traveled
- Reduce truck costs by 4%

Joining this agreement will, in our opinion, prove to be good for the environment, reduce traffic congestion, reduce consumer goods costs and improve the effective movement of freight. More importantly for the state of North Dakota it will improve the growth of the transportation industry in our state which provides more, better paying jobs.

Mr. Chairman and committee members we ask for a DO PASS recommendation on House Bill 1399.

Headway

2006 ANNUAL REPORT OF THE MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

New Members Learn About MHTA

Term limits caused dramatic turnover in state representation on the Multi-State Highway Agreement (MHTA) Cooperating Committee in 2005. Only three of 18 former members returned to the Cooperating Committee.

MHTA sponsored two transportation conferences in 2005, continuing with the Agreement's purpose of providing information on current highway transportation issues for legislators, state officials and private industry representatives.

The Denver conference in July, with the theme, "Back to Basics," reviewed key issues covered in prior conferences for the benefit of new members who replaced former members who were eliminated by term limits, were promoted to other legislative leadership positions or were defeated in the November 2004 elections. New members learned what MHTA is all about and about basic issues.

The Scottsdale conference in November featured experts on key highway transportation issues offered for a policy position to MHTA's governance group, the Cooperating Committee. Issues included in the discussion were:

- Effect on Industry of Tolls on Existing Highways;
- Update on Prepass, What it is and what it does;
- Abusive Indemnification Agreements;
- New Federal Cargo Securement Regulations for Hay;
- Ports to Plains Trade Corridor, What it is;
- The Safe, Accountable, Flexible, and Efficient Transportation Equity Act passed by Congress: What the SAFETEA-LU means to the Industry;
- Uniformity of Over-dimensional Permit Requirements;
- State Practices — An Update on State Issues of Concern to Trucking.

Members of the Cooperating Committee are legislators from MHTA States who chair their respective House and Senate Legislative Transportation Committees. Those serving are listed in the inside cover of Headway, the MHTA annual report.



Rep. Gary Pierce, Arizona — 2005 MHTA Chairman

MHTA is established to solve problems in the highway transportation industry, to provide communication and information sharing among participating members and to recommend changes in law or policy with emphasis on compatibility and uniformity of administrative rules or regulations. MHTA's goal is to promote effective governmental action and coordination for the safe and efficient movement of people and goods.

MHTA adopted a series of resolutions for the years 1999 through 2005, establishing uniform policy positions on several highway transportation issues that are presented in a seven-

Continued on Page 7

CHANGING THE GUARD — Colorado Rep. Mark Larson, 2006 MHTA chairman, displays the plaque given to Arizona Rep. Gary Pierce, 2005 chairman, in recognition of his service to the organization.



New Members Learn

Continued From Page 1

year report together with model legislation designed to enact these approved policies into law in MHTA states. Copies of the seven-year report are available upon request or at our website, the MHTA website, www.mhta2.org.

Summaries of resolutions adopted by MHTA in 2005 are as follows:

(1) MHTA herewith approves a policy, in the public's best interest, that supports having each party to a motor carrier transportation contract take responsibility for the consequences of their own actions which provides for the most incentive and assurance that each party will take the necessary steps to prevent accidents from happening; and supports the introduction and passage of model legislation in MHTA states that would make void, motor carrier transportation contract provisions, having motor carriers accept responsibility for all liabilities in indemnification and hold harmless agreements between the shipper/receiver/facility operator and motor carrier

(2) MHTA respectfully urges the U. S. Department of Transportation to issue an interpretation of this regulation which, when applied to the transportation of bales of hay, allows the traditional and safer use of longitudinal tie downs and v-boards at the front and back of a load, rather than requiring the use of v-boards on the sides with tie downs every 10 feet.

It was further resolved that the U. S. DOT consider a regu-

lation for the specific containment and securement of baled hay to deal with the unique requirements for constraining loads of baled hay

(3) It is important to achieve a consensus among MHTA Co-operating Committee, trucking members, and state officials in seeking uniform funding sources for MHTA. States could consider using the fee assessed annually by state departments of transportation for International Fuel Tax Agreement (IFTA) decals.

(4) Multi-State Highway Transportation Agreement supports the continued cooperative efforts of industry and the WASHTO Subcommittee on Highway Transport to resolve highway transportation issues. MHTA encourages individual member states to cooperate with industry and representative associations to pursue necessary legislative and regulatory actions with state legislatures, local jurisdictions and other policy-making entities to incorporate, to the extent possible, uniform permitting processes that improve safety and efficiency in the movement of extra-legal loads.

The MHTA resolutions adopting policy positions were approved at the November 15, 2005 Annual Meeting and Conference in Scottsdale, AZ. For more detailed information on MHTA resolutions and future conferences, call 1 888 265-7627 or visit the MHTA website, www.mhta2.org.

MHTA

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

WHAT IS MHTA?

AND

*RESOLUTIONS AND MODEL
LEGISLATION ON HIGHWAY
TRANSPORTATION ISSUES*

APPROVED FOR YEARS

1999 - 2000 - 2001 - 2002 -

2003 - 2004 - 2005

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FORWARD

What is the Multi-State Highway Transportation Agreement (MHTA) all about?

More than 20 years ago several western states formed an alliance known as the Multi-State Highway Transportation Agreement (MHTA). The alliance recognized the unique transportation challenges faced by rural western states and was intended to improve communication between state legislators, state administrators and private industry.

Every member state entered into the MHTA after passing enabling legislation that formally authorized participation in the MHTA and fully detailed the terms of the agreement. Currently, ten states – Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming - participate in the agreement. Most states are represented at MHTA meetings by state legislators.

The MHTA also facilitates western regional compatibility in areas such as regional trade, inter-modal transportation network development, air quality compliance, highway safety, and uniform truck operation standards. The MHTA establishes consensus regional standards in these areas while recognizing the continued independence of each member state.

MHTA Mission Defined

The Multi-State Highway Transportation Agreement (MHTA) is an administrative agreement and a unique forum of State Legislatures, State Departments of Transportation and members of the private sector. MHTA is established for the purpose of solving problems in the highway transportation industry, to provide communication and information sharing among participating members, and to recommend changes in law or policy with emphasis on compatibility and uniformity of administrative rules or regulations. MHTA's goal is to promote effective governmental action and coordination for the safe and efficient movement of people and goods.

Legislative Findings and Purposes – MHTA Laws

In adopting the enabling legislation, the MHTA states gave recognition to the importance of highway transportation in their findings that the expanding regional economy depends on expanding transportation capacity, that highway transportation is the major mode for movement of people and goods in the western states, and that uniform application in the West of more adequate vehicle size and weight standards would result in a reduction of pollution, congestion, fuel consumption, and related costs.

MHTA Laws – Agreement Governance Through Cooperating Committee

To insure that these purposes would be carried out, the laws established a Cooperating Committee composed of the participating states' legislators who are the chairs of their respective House and Senate Transportation Committees. Together with the state departments of transportation and trucking industry representatives, the Committee made the MHTA a serious alliance resolving highway transportation issues. MHTA conducts two information conferences annually designed to inform participants about the issues.

They were given charge to recommend changes in laws or policy with emphasis on compatibility of laws and uniformity of administrative rules that would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

The MHTA states are interested in knowing what transpires with the work of the Committee and asked that an annual report be submitted to the legislature of each participating jurisdiction.

MHTA Objective – Uniform Vehicle Size and Weights

The MHTA statutes provide for achieving formal objectives aimed at obtaining more efficient and economical motor vehicle transportation by encouraging minimum standards that serve the cause of uniformity. The law encourages the adoption of minimum standards in MHTA states that will allow the operation on all appropriate state highways.

All MHTA states have adopted the standards for axle weights of 20,000 pounds for a single axle and 34,000 for a tandem axle. The MHTA states have also adopted the Federal Bridge Formula, Formula B, for determining allowable gross weights.

The current Federal Freeze, enacted by Congress in 1991 in the ISTEA, precludes all states, including the MHTA states from increasing gross weights beyond what was in effect June 1, 1991. In effect the states who capped their gross weights are precluded from adopting the full Federal size and weight standards as a result of the freeze. MHTA can provide the prospective solution which would allow the states flexibility in setting truck sizes and weights.

Legislative Objectives – Resolve Regional Transportation Issues An important objective of MHTA is to recommend solutions of problems in the highway transportation industry, to provide communication and information sharing among participating members, and to recommend changes in laws or policies with emphasis on compatibility and uniformity of administrative rules or regulations.

Another important objective of MHTA is to provide a regional forum that allows participants to meet and discuss individual state laws regarding a myriad of highway transportation issues including truck size and weight. The goal is to promote effective governmental action in the respective jurisdictions and coordination for the safe and efficient movement of people and goods.

MHTA Action Directed at Resolving Transportation Issues

MHTA helped promulgate model legislation that brought the trucking industry highly productive options like Longer Combination Vehicles. Similarly, the MHTA has endorsed the western regional truck size and weight guidelines developed by the Western Association of State Highway and Transportation Officials (WASHTO) for compatibility among the states which choose to adopt those standards. MHTA also adopted a supportive position for the Western Governors Association Western Roundtable.

MHTA Resolutions Establishing Policy on Transportation Issues

MHTA adopted resolutions establishing uniform policy positions on several highway transportation issues that are presented in this six year report together with model legislation designed to enact these approved policies into law in MHTA states.

MODEL LAW WITH FINAL AMENDMENTS ESTABLISHING THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Multistate Highway Transportation Agreement Enactment and Text.

The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

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

Article I. Findings and Purposes

Section 1. Findings. The participating jurisdictions find that:

- (a) the expanding regional economy depends on expanding transportation capacity;
- (b) highway transportation is the major mode for movement of people and goods in the western states;
- (c) uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;
- (d) the participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

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

- (a) adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;
- (b) establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;
- (c) promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement;
- (d) secure uniformity, insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards;
- (e) provide means for the encouragement and utilization of research that will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in Section 1 of this Article; and
- (f) facilitate communication between legislators, state transportation administrators and commercial industry representatives in addressing the emerging highway transportation issues in participating jurisdictions.

Article II. Definitions

Section 1. As used in this agreement:

- (a) "Cooperating Committee" means a body composed of the designated representatives from the participating jurisdictions.
- (b) "Designated Representatives" means legislators or other person authorized to represent the jurisdiction;
- (c) "Jurisdiction" means a state of the United States or the District of Columbia;
- (d) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards that operates in two or more participating jurisdictions.

Article III. General Provisions

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

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

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

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

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

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

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

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

Article IV. Cooperating Committee

Section 1. Each participating jurisdiction shall have two designated representatives. Pursuant to section 2, Article III, two (2) designated representatives of each of the participating jurisdictions constitute the Cooperating Committee that shall have the power to:

- (a) collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters;
- (b) recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;
- (c) recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules that would promote effective governmental action or coordination in the field of vehicle size and weight related matters.
- (d) recommend improvements in the highway operations, in vehicular safety, and in state administration of highway transportation laws;
- (e) perform functions necessary to facilitate the purposes of this agreement.

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

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

Section 4. The committee shall submit annually to the legislature of each participating jurisdiction a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it considers appropriate or desirable.

Article V. Objectives of the Participating Jurisdictions

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

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

$$W = 500(LN/(N-1)) + 12N + 36 \quad \text{where}$$

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

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

N = number of axles in group under consideration;

(b) It is the further objective of the participating jurisdictions that the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section be authorized under special permit authority by each participating jurisdiction for vehicle combinations in excess of statutory weight of 80,000 pounds and/or statutory lengths;

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

(d) The Cooperating Committee may recommend that the participating jurisdictions secure congressional approval of this agreement and specifically of the vehicle size and weight standards set forth in subsection (a) of this section;

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

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

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

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

Article VI. Entry Into Force and Withdrawal

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

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

Article VII. Construction and Severability

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

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

Article VIII. Filing of Documents

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

MHTA

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

*RESOLUTIONS ESTABLISHING POLICY
POSITIONS ON HIGHWAY
TRANSPORTATION ISSUES*

APPROVED FOR YEARS

1999 - 2000 - 2001 - 2002 -

2003 - 2004 - 2005

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999-101 IN SUPPORT OF THE CONTINUING EFFORT TO DETERMINE
NECESSARY AND APPROPRIATE CONGRESSIONAL APPROVAL OF MHTA AS AN
INTERSTATE COMPACT**

WHEREAS, the Multi-State Highway Transportation Agreement (MHTA) is composed of 10 Western states, Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; and

WHEREAS, the laws in MHTA states state as a principal objective, "...in recognition of the limited prospects of federal revision of section 127, Title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement.."; and

WHEREAS, MHTA appointed a special committee at the 1998 annual meeting to research the matter of the Congressional approval for MHTA; and

WHEREAS, MHTA asked the National Conference of State Legislatures and other members to evaluate MHTA laws and the appropriateness of seeking congressional approval of MHTA as an interstate compact and to report its findings; and

WHEREAS, the NCSL responded to those requests, for which MHTA is grateful, by examining the history of commercial vehicle regulation at the state and federal levels and detailing MHTA provisions within that framework; analyzing the appropriateness of seeking congressional approval of the agreement as an interstate compact, giving several legal and practical considerations; while not determining the appropriateness of seeking congressional approval, offering states guidance for evaluating criteria in reaching a decision.

NOW, THEREFORE, BE IT RESOLVED that the MHTA, again, hereby seek to determine the appropriateness of seeking Congressional approval of MHTA as an interstate compact; and

BE IT FURTHER RESOLVED that if it be determined to be in the best interest of MHTA to proceed with a Congressional Resolution to obtain the approval, that appropriate resolution language be drafted, resources be obtained and locate the proper individual to advance the resolution through the process ; and

BE IT FURTHER RESOLVED that if it be determined not to be in the best interest of MHTA to so proceed, that the appropriate alternatives for establishing MHTA as an "interstate agreement" or an alternative organization be pursued and established.

Adopted the 23rd day of July, 1999

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999-102 REAFFIRMING MHTA POLICIES, GOALS & OBJECTIVES**

WHEREAS, the Multi-State Highway Transportation Agreement (MHTA) is an organization of the public and private sector authorized by state statute in ten Western States; and

WHEREAS, the members of MHTA cooperatively work to collect, correlate, analyze and evaluate information on transportation of its members impacting the jurisdictions and the motor carrier industry; and

WHEREAS, the members of MHTA will recommend the undertaking of research and testing of commercial vehicle combinations when sufficient research or testing has not been undertaken; and

WHEREAS, the members of MHTA will recommend changes in law or policy with emphasis on compatibility and uniformity of administrative rules and regulations which would promote effective governmental action or coordination in the field of size and weight related matters; and

WHEREAS, the action of the United States Congress enacting the Longer Combination Vehicle Freeze in 1991 has effectively stopped MHTA from developing transportation networks that are safe, efficient, environmentally sound and which meet the region's economic needs.

NOW THEREFORE BE IT SOLVED by the members of the Multi-State Highway Transportation Agreement that they do support actions of the Western Governors Association in convening a Western Regional Transportation Roundtable to consider the problems associated with commercial vehicle movement in the West; and

BE IT FURTHER RESOLVED, that the members of the Multi-State Highway Transportation Agreement, once again, communicate with members of the United States Congress, the importance of returning truck size and weight decisions to the Western States for consideration and action by the Western Governors, the Western State Departments of Transportation, the Western States' Legislatures and the private sector; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Western Governors' Association, individual state governors, members of the Congressional delegations and state legislatures' transportation committees of the MHTA states.

Adopted the 23rd day of July, 1999.

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999 - 103 IN SUPPORT OF THE WESTERN GOVERNOR ASSOCIATION'S
REGIONAL HIGHWAY TRANSPORTATION POLICY**

WHEREAS, the Western States' economy is uniquely dependent upon trucking to provide access to markets for the region's agriculture, mineral, forest, and industrial products to serve the region's widely dispersed rural needs and urban centers; and

WHEREAS, the West's strategic position on the Pacific Rim and the implementation of the North American Free Trade Agreement demands that a seamless and efficient regional transportation network link trade corridors, international gateways, economic hubs, and rural and urban activity centers; and

WHEREAS, current Federal law, in "Title 23, United States Code-Highways" has taken the surface transportation decision-making authority regarding vehicle weights and dimensions away from state officials; and

WHEREAS, the relationship between truck size and weight, highway safety, infrastructure integrity, economic competitiveness and the environment are important and often controversial issues; and

WHEREAS, more than forty years of positive experience with the types of vehicles that operate in seventeen of the Western States provides evidence that their operation can be carried out within acceptable safety parameters and without negative impacts to the highway infrastructure; and

WHEREAS, the Multi-State Highway Transportation Agreement supports regional cooperative efforts, compacts and agreements to facilitate safe, economical, and productive commercial vehicle operations for the improvement of Western regional and international trade, and recognizes the cooperative effort undertaken by Western transportation providers, shippers, Governors, State Legislatures and Departments of Transportation; and

WHEREAS, the Multi-State Highway Transportation Agreement believes that transportation decisions are best made at the state level and will achieve national goals of reduce traffic accidents, reduced energy consumption, congestion, vehicle miles traveled and increased economic productivity; and

WHEREAS, the Multi-State Highway Transportation Agreement supports public/private partnerships to develop regional transportation goals, including increasing the capacity, efficiency and safety of the Western Transportation System in order to increase the competitiveness of the Western economy.

NOW THEREFORE BE IT RESOLVED, that the Multi-State Highway Transportation Agreement commends the actions of the Western Governors' Association in developing a Western Roundtable to address truck operating and highway issues, including the harmonization of truck sizes and weights; and

BE IT FURTHER RESOLVED that the Multi-State Highway Transportation Agreement recognizes that the responsibility for ensuring public safety, preserving the transportation infrastructure, promoting environmental quality and encouraging economic development belongs to the states; and

BE IT FURTHER RESOLVED, that the Multi-State Highway Transportation Agreement supports the Western Governor's Association as they develop regional policy on these issues.

Adopted the 23rd day of July, 1999.

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999-104 SUPPORTING QUALITY OF LIFE CHOICES**

WHEREAS, most Americans respect the quality of life choices of others; and

WHEREAS, most Americans do not trust the federal government to make decisions about local land use and transportation affecting where they live; and

WHEREAS, most Americans are beginning to view time as the most important commodity they possess and are anxious to discover new ways to reduce the time they spend traveling; and

WHEREAS, most Americans choose to travel using their own motor vehicle and driving has increased twenty-four times faster than the rate of our road capacity since 1970; and

WHEREAS, most Americans who live in the suburbs do so for the affordable housing, better schools, safer neighborhoods and less congestion and are opposed to moving into higher density housing areas; and

WHEREAS, the Congress passed and the President signed into law the largest public works bill in the nation's history in The Transportation Equity Act for the 21st Century (TEA21), which is intended to improve the country's roads and bridges; and

WHEREAS, with respect to lifestyle choices, personal mobility, open space preservation, reducing congestion and solving the nation's transportation needs, there is little enthusiasm for the ant-suburban development campaign.

NOW THEREFORE BE IT RESOLVED by members of the Multi-State Highway Transportation Agreement (MHTA) at their annual summer transportation conference, that they oppose any federal program which discourages quality of life choices by eliminating government investment in growth oriented infrastructure, such as schools, highways and sewer systems.

BE IT FURTHER RESOLVED, that a copy of the resolution be sent to the governors, congressional delegations, chairs of the state house and senate transportation committees and directors of the state transportation departments in the ten MHTA states (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming).

Adopted the 23rd day of July, 1999

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999-105 IN SUPPORT OF DEPLOYMENT OF A VOLUNTARY
INTELLIGENT TRANSPORTATION SYSTEM AMONG MHTA AND WESTERN STATES**

WHEREAS, the Multi-State Highway Transportation Agreement (MHTA) supports the deployment by MHTA and western states of electronic inspection facility bypass services for motor carriers which utilizes the voluntary user paying for the use of an electronic by-pass service with recognition that only those who benefit from the service bear the cost; and

WHEREAS, western Intelligent Transportation System (ITS) costs should be paid only by system users and its deployment does not contemplate any increases in GVW fees, fuel taxes or assessment of any special ITS fees on the trucking industry to support this service; and

WHEREAS, motor carrier enrollment should be predicated upon successfully meeting enrollment criteria which includes a safety factor, current registration, fuel tax payments, satisfactory payment of highway use tax obligations, and maintenance of acceptable liability insurance; and

WHEREAS, ITS data derived from the individual bypass is to be used to enable the actual bypass and not for future audits or enforcement action of weight-distance tax provisions, hours of service compliance, cost responsibilities of different truck types for the determination of more equitable road user taxes by western state jurisdictions; and

WHEREAS, western ITS systems must allow carriers to only need one transponder which would be interoperable with all regional and national bypass systems; and

WHEREAS, the MHTA's support of the western jurisdictions ITS is important to each MHTA and western state for ITS deployment providing for an industry/government partnership that will bring advanced technology to the west.

NOW, THEREFORE, BE IT RESOLVED that the Multi-State Highway Transportation Agreement (MHTA) supports the deployment by the MHTA states and other western states' jurisdictions of Intelligent Transportation Systems (ITS) to be consistent with the provisions of this resolution.

BE IT FURTHER RESOLVED, that the position by MHTA as outlined in this resolution be communicated with the respective MHTA states' jurisdictions and other western states.

Adopted this 23rd day of July, 1999

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 1999-106 IN SUPPORT OF THE WASHTO UNIFORM TRUCK SIZE AND
WEIGHT LAWS AND REGULATIONS AMONG THE MHTA STATES**

WHEREAS, the regional approach to truck size and weight uniformity is needed because of similarities among MHTA states all of whom are WASHTO states; and

WHEREAS, the purpose of the MHTA is to promote uniformity in vehicle size and weight standards among the participating jurisdictions; to foster uniformity of administrative procedures in the enforcement of recommended vehicle size and weight standards and to provide encouragement and utilization of research to aid in the achievement of uniformity; and

WHEREAS, the MHTA recognizes that the WASHTO Subcommittee on Highway Transport was created to identify and discuss major motor carrier industry related transportation issues within the WASHTO region; and

WHEREAS, the WASHTO Subcommittee on Highway Transport maintains continuing liaison with representatives of the trucking industry, state highway and transport industry officials to promote uniformity on various industry-related transportation issues; and

WHEREAS, the MHTA endorses the "Guide For Uniform Laws and Regulations Governing Truck Size & Weight Among the WASHTO States," developed by the Subcommittee in conjunction with the Western Trucking Association Executive Council and the Western Highway Institute recommendations as a guide for the operation of legal vehicles, vehicles transporting over dimensional loads, extra-legal weight vehicles, and longer combination vehicles; and

WHEREAS, the concept of uniformity embodied in the guide contemplates minimum objectives which should realistically be obtainable in all of the MHTA and WASHTO states, but also recognizes that higher goals may be more appropriate to the needs of individual states; and

NOW, THEREFORE, BE IT RESOLVED that the MHTA hereby adopts this Guide for Uniform Laws and Regulations Governing Truck Size and Weight among the MHTA & WASHTO states; and

BE IT FURTHER RESOLVED that the MHTA supports the continuation of the work of the WASHTO Subcommittee on Highway Transport to resolve highway transportation issues in the MHTA and WASHTO states and to propose amendments to the guide; and

BE IT FURTHER RESOLVED that the MHTA encourages the individual member states to pursue the necessary actions with various legislatures and policy making bodies to incorporate, to the extent possible, the recommendations of the Guide into the laws, regulations and policies of all of the WASHTO states in order to accomplish the desired uniformity of truck size and weight.

Adopted the 23rd day of July, 1999

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2000-500 TO ADOPT AND IMPLEMENT THE GUIDING PRINCIPLES AND
RECOMMENDATIONS OF NCSL FOR THE GOVERNANCE OF MHTA**

WHEREAS, the Multi-State Highway Transportation Agreement (MHTA) is an organization authorized by state statute in ten Western States; and

WHEREAS, the National Conference of State Legislatures (NCSL) is a bipartisan, nonprofit organization that serves the nation's legislators and staff to improve the quality and effectiveness of state legislatures, to foster interstate communication and cooperation, and to ensure states a strong, cohesive voice in the federal system; and

WHEREAS, the MHTA Executive Committee, at the Las Vegas meeting, discussed the matter of establishing the proper and legal form of governance for MHTA and agreed that its resolve was vital before MHTA can move forward with its statutory objectives and after reviewing the proposal from NCSL approved its authorization by mail ballot; and

WHEREAS, NCSL has developed and published a report that has analyzed the MHTA enabling statutes in all ten-member jurisdictions, examined practical and legal issues associated with the agreement, and provided guiding principles to strengthen the agreement including operating procedures, voting, the incorporating of MHTA as a non profit corporation and bylaws; and

WHEREAS, the NCSL Report examined all these issues and has laid out the recommendations on a structure of a non profit corporation to facilitate the agreement, bylaws on voting, to be passed by majority of jurisdictions, that clearly define the authority given by the agreement, and clearly define the role of industry; and

WHEREAS, the NCSL Report includes, among other things, that MHTA statutes are clear:

- (1) about voting i.e. one vote per jurisdiction by the designated representative,
- (2) on requirements for amending the agreement,
- (3) that the Cooperating Committee has authority to meet and decide policy resolutions,
- (4) that the Cooperating Committee can encourage research and determine appropriate action,
- (5) that the Cooperating Committee cannot be replaced with a new structure and,
- (6) that the current administrative structure is not consistent with the statutes and should be replaced.

NOW, THEREFORE, BE IT RESOLVED that the MHTA Cooperating Committee on this 26 day of June, 2000 hereby adopts, in principle, the NCSL Report on Governance and Legal Issues which properly and legally structure MHTA ; and

BE IT FURTHER RESOLVED that the MHTA Cooperating Committee will seek suggestions and recommendations from MHTA designated representatives, appropriate state government agencies and industry members in good standing for the implementation of all or part of the NCSL Report; and

BE IT FURTHER RESOLVED that the MHTA Cooperating Committee encourages the individual state jurisdictions to pursue the necessary actions of legislatures and policy making bodies to incorporate, to the extent possible, the recommendations of the NCSL Report into laws, regulations and policies of all the MHTA states in order to accomplish the MHTA statutory objectives as provided for in Article V of the laws.
ADOPTED 26th of June, 2000

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2001-501 IN SUPPORT OF UNIFORM COMBINED TRAILER OR CARGO
CARRYING UNITS LENGTH LAWS FOR LONGER COMBINATION VEHICLES IN MHTA
STATES**

WHEREAS, one purpose of the MHTA is to promote uniformity in vehicle size and weight standards among the participating jurisdictions; and

WHEREAS, the Federal Highway Administration has defined and authorized Cargo Carrying unit length standards in Code of Federal Regulations 23, Highways, Part 658, Appendix C several of the MHTA States;

WHEREAS, the Code of Federal Regulations 3, Highways, Part 658.5 defines the cargo-carrying unit as any portion of a commercial motor vehicle (CMV) combination (other than a truck-tractor) used for the carrying of cargo, including a trailer, semi-trailer, or the cargo-carrying section of a single-unit truck; and

WHEREAS the Western Association of State Highway and Transportation Officials' (WASHTO) "Guide for Uniform Laws and Regulations Governing Truck Size and Weight Among the WASHTO States" sets out recommended standards for cargo-carrying units for longer combination vehicles; and

WHEREAS, the adoption of these standards by MHTA states who are eligible to do so will provide the motor carrier industry with the opportunity to operate safer and more comfortable conventional truck tractors;

NOW, THEREFORE, BE IT RESOLVED, that the MHTA encourages the individual member states to pursue the necessary actions with various legislatures and policy making bodies to incorporate the cargo-carrying length standard in place of an over-all length standard, consistent with the recommendations of the WASHTO Guide and FHWA Rule.

Adopted the 5th day of November, 2001.

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2001-502 IN SUPPORT OF ADOPTION OF DYED DIESEL FUEL
ENFORCEMENT PROGRAM**

WHEREAS, the MHTA states, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming are concerned with the illegal use of dyed diesel fuel on highways and roads; and

WHEREAS, diesel fuel used on all state and federal highways is subject to a federal tax of 24.4 cents per gallon and an average like amount is assessed by MHTA and other states for the use in construction of roads; and

WHEREAS, diesel fuel purchased for strictly off-road purposes, such as farming, mining and construction, is exempt from these taxes and to make the tax-exempt fuel easier to identify the states and federal governments have, since 1995, dyed the diesel fuel; and

WHEREAS, the MHTA states of Nevada, Colorado and Montana have passed special enforcement legislation against the use of dyed diesel on highways utilizing traffic stops and truck inspections entailing the drawing of diesel samples from the vehicle's tank and analyzing it; and

WHEREAS, the enforcement programs of these states require, among others, the posting of warning signs on pumps dispensing dyed diesel at retail outlets, allowing inspection by officers, with probable cause, of non-commercial vehicles under 14,000 pounds, and providing for civil and criminal offenses.

NOW, THEREFORE, BE IT RESOLVED, that MHTA member states endorse and support the federal dyed diesel enforcement program.

BE IT FURTHER RESOLVED, that the MHTA states desiring to do so, make a priority the introduction and enactment of legislation establishing a uniform administration and enforcement program to eliminate the use of dyed diesel fuel on state and federal highways and roads in their respective states.

Adopted the 5th day of November, 2001

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2001-503 IN SUPPORT OF ADOPTION OF COMPRESSION BRAKE OR "JAKE BRAKE" ENFORCEMENT PROGRAM

WHEREAS, the MHTA states are concerned with safe guarding the general environment including noise abatement; and

WHEREAS, certain commercial vehicles operating in MHTA states utilize engine compression brake devices or "jake- brakes" which can cause loud disturbing noises when applied; and

WHEREAS, some MHTA states including Colorado, have adopted legislation concerning the requirement for commercial vehicles that are equipped with engine compression brake devices to have mufflers for such devices; and

WHEREAS, the enforcement program subjects any person who, upon conviction, be punished by a fine of five hundred dollars and if the violation occurs in a corporate limit, 50% of the fine goes to the city, town or county and 50% to the state highway fund.

NOW, THEREFORE, BE IT RESOLVED, that MHTA member states endorse and support a compression brake or "jake-brake" enforcement program in their respective states.

BE IT FURTHER RESOLVED, that the MHTA states desiring to do so, make a priority the introduction and enactment of legislation establishing an engine compression brake or "jake -brake" enforcement program.

Adopted the 5th day of November, 2001

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2001-504 OPPOSING THE SAFE HIGHWAYS AND INFRASTRUCTURE ACT
(SHIPA)**

WHEREAS, it is widely recognized that state and local government understand best the local conditions that are important for assuring the safe movement of freight on roads and streets connecting to the Interstate and Primary system truck routes; and

WHEREAS, states further understand the transportation needs of industries that fuel their economies and have developed transportation policies that meet those needs, including the use of longer combination vehicles; and

WHEREAS, the Safe Highways and Infrastructure Act(SHIPA), if enacted into law by the Congress of the United States, takes away the fundamental right of states to manage commerce within their borders, and imposes restrictions that undermine the safe movement of goods and products, increases congestion and places unreasonable restraints on basic industries, particularly agriculture; and

WHEREAS, the provisions of SHIPA have no basis in either sound science, sound safety management, or sound public policy,

NOW, THEREFORE, BE IT RESOLVED that the MHTA states do urge the Governors of their respective states and the members of their Congressional delegations to vigorously oppose consideration and adoption of the SHIPA philosophy; and

BE IT FURTHER RESOLVED that the MHTA states urge the Congress of the United States to recognize the experience, expertise and capability of the states to manage the transportation of goods within their borders and to restore the ability of the states to work together to provide regional solutions to transportation issues that encourage the safe and efficient movement of goods.

Adopted the 5th day of November, 2001 at the annual meeting of MHTA, Scottsdale, Arizona

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2001-505 IN SUPPORT OF THE MID-CONTINENT STATES ADOPTION OF THE
MHTA IN THEIR RESEPECTIVE STATES**

WHEREAS, some 38 corridors have been identified across and through North America, including the Mid-Continent International Trade Corridor (MITC); and

WHEREAS, the MITC, since NAFTA has enabled growth in trade between U. S., Canada, and Mexico: \$289 billion in 1993 to \$489 billion 1997, according to the study; and

WHEREAS, the federalization of trucking regulations has meant the freezing of them, precluding states from altering these conditions since 1991 and TS&W regulations have not, in an overall manner, changed to meet current transportation conditions of NAFTA related developments such as the MITC; and

WHEREAS, the TS&W regulations, along the MITC, are a complicated patchwork in jurisdictions including Manitoba, federal U. S., federal Mexican government and the U. S. corridor states of North and South Dakota, Nebraska, Kansas, and Oklahoma; and

WHEREAS, the Federal Highway Administration's analysis of the use of Longer Combination Vehicles (LCVs), the Western Scenario, in states west of the Mississippi, illustrates the magnitude of the impacts from TS&W changes that would provide uniformity in the west and central region states with companies shipping by truck account for nearly 80% of the nation wide shipping bill and have received no increase productivity notwithstanding freight levels have increased 45% between 1990 and 1997; and

WHEREAS, an increase in the legal weight limit could produce savings of \$15 billion and reduce by 11%, the number of trucks on the road, improving safety, environmental impact, and saving labor and materials; and

WHEREAS, the recent study on barriers to the MITC noted that the Multi-State Highway Transportation Agreement (MHTA), an organization of the public and private sector authorized by state statute in 10 Western States, has, by law, established objectives, recommending changes in law or policy with emphasis on compatibility and uniformity and promoting governmental action or coordination in TS&W and related highway transportation matters.

NOW, THEREFORE, BE IT RESOLVED that the Multi-State Highway Transportation Agreement (MHTA) encourages the U. S. corridor states along the MITC to become members of MHTA, an interstate agreement, through the adoption of appropriate enabling legislation using the MHTA statute as model legislation; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the appropriate state governors, legislatures, department of transportation's, industry, and others involved in the development of MITC.

Adopted the 5th day of November, 2001.

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2001-506 IN SUPPORT OF EACH MHTA STATE DEVELOPING A SYSTEM
WHICH PRODUCES SAFETY DATA FOR EACH VEHICLE CONFIGURATION**

WHEREAS, a principal objective of MHTA is to foster the use of more efficient commercial truck combinations in the participating states; and

WHEREAS, opponents of increased productivity of highway vehicles falsely characterize longer combination vehicles (LCVs) as dangerous to persuade legislators and members of the public to restrict sizes and weights of truck combinations; and

WHEREAS, more than forty years of positive experience with the types of vehicles that operate in seventeen of the Western States provides evidence that their operation can be carried out within acceptable safety parameters and without negative impacts to the highway infrastructure; and

WHEREAS, no state, after allowing LCV operations, has ever rescinded that authority; and

WHEREAS, MHTA states, need to review procedures in collecting and utilizing uniform incident data involving collisions by combination types including LCVs, such as accomplished in Alberta, Canada; and

WHEREAS, a commercial truck safety performance study was conducted in Alberta utilizing safety/collision data collected from the operation of rocky mountain doubles, turnpike doubles, and triple over a four year period, from 1995 to 1998; and

WHEREAS, the approach of the Alberta study was the most rigorous and comprehensive collision study of relative vehicle performance known; and

WHEREAS, the results of the Alberta study confirmed LCVs had a significantly lower collision rate than all other commercial vehicles including unit trucks and multiple trailers and tractor semis; and

WHEREAS, reasons cited for low LCV collision incidents included, among others, stricter requirements in permits and for drivers, operating restrictions, and use of on-board computer monitoring in most vehicles; and

WHEREAS, data from Alberta Canada and hundreds of private operations provide significant evidence that LCV's operate with a lower rate of accident involvement than federally legal vehicles, all of which data is discounted due to the fact that they are not generated locally; and

WHEREAS, the superior safety of LCV's can never be demonstrated to the satisfaction of legislators and the public without a presentation of the accident experience of each configuration; and

WHEREAS, without state-generated safety data one of the principal objectives of MHTA will never be attained.

NOW, THEREFORE, BE IT RESOLVED, that MHTA encourages each member state to enact appropriate changes in its laws to track operations and compile collision data by vehicle class and configuration, and to effectuate the training associated with such change on an initial and ongoing basis.

Adopted the 5th day of November, 2001.

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-201 IN SUPPORT OF THE UNIFORM HAZARDOUS MATERIALS
REGISTRATION AND PERMITTING PROGRAM**

WHEREAS, MHTA recognizes that the transportation of hazardous materials is highly regulated and the registration and permitting of motor carriers transporting hazardous materials by states is recognized by Congress in Public Law 101-615 as a legitimate exercise of state authority as long as the registration and permitting forms and procedures are uniform and reciprocal; and

WHEREAS, a "Uniform Hazmat Registration and Permitting Program" for the transport of hazardous materials by motor carrier has been developed by the Alliance For Uniform Hazmat Forms and Procedures and implemented in seven states including the MHTA state of Nevada; and

WHEREAS, the Uniform Program ensures that only safe motor carriers transport hazardous materials, provides choices for states about the level of program participation and the universe of carriers to cover, spreads the workload among participating states, eliminates gaps that exist in the registration and permitting programs of some states, preserves state enforcement authority, reduces paperwork, and holds all carriers to the same standard no matter what jurisdiction issues the credential; and

NOW, THEREFORE, BE IT RESOLVED that the MHTA member states endorse the Uniform Program as reported to Congress in 1994 and modified from time to time by the Alliance For uniform Hazmat Forms and Procedures-

BE IT FURTHER RESOLVED, that the MHTA states desiring to do so, make a priority the introduction and enactment of legislation to enable states to replace existing registration and permitting programs imposed on motor carriers of hazardous material with the forms and procedures of the Uniform Program and to provide authority to appropriate agencies in said states to administer the Uniform Program as necessary including entering into reciprocal agreements with other states participating in the Uniform Program.

Adopted the 12th day of June, 2002

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-202 ADOPTING UNIFORM DIESEL SMOKE TESTING PROCEDURES AND
OPACITY STANDARDS IN MHTA STATES**

WHEREAS, MHTA recognizes that because of the interstate nature of both transportation and air quality, a cooperative regional strategy is needed to achieve the standards in the Clean Air Act; and

WHEREAS, MHTA recognizes the need for a uniform and standardized diesel smoke testing procedure that targets all diesel vehicles visibly emitting black smoke and urges states who have a need and a desire to do so, to adopt such a procedure; and

WHEREAS, MHTA recognizes that harmonizing opacity standards throughout the region would benefit interstate truckers who would otherwise have to comply with different standards in each state; and

WHEREAS, MHTA recognizes that uniform diesel smoke testing should include roadside testing using the snap acceleration test method, SAE J1667, developed by the Society of Automotive Engineers and recommended by the U.S. Environmental Protection Agency; and

WHEREAS, MHTA recognizes that uniform opacity standards should include the standards recommended by the U.S. Environmental Protection Agency for use in conjunction with SAE J1667; and

WHEREAS, MHTA urges states to ensure that vehicles cited for excesses are given the opportunity to perform proper repair without incurring multiple penalties by waiving additional penalties during repair grace periods; and

WHEREAS, MHTA urges that agencies compile information about the effectiveness of the program; and

WHEREAS, MHTA notes that a smoke testing agreement has been endorsed by nine states — from Maryland to Maine — and was praised by the American Trucking Associations, U.S. Environmental Protection Agency, Natural Resources Defense Council and American Lung Association; and

WHEREAS, MHTA further recognizes that diesel truck engines today are much cleaner than in the past, emitting less smoke and nearly 70% less oxides of nitrogen and 90% less particulate matter than in 1987.

NOW, THEREFORE, BE IT RESOLVED that MHTA supports using uniform roadside diesel smoke testing procedures and opacity standards as modified for ambient conditions in accordance with modification standards recommended by the U.S. Environmental Protection Agency and specifically supports the snap acceleration test method, SAE J1667, and the opacity standards recommended by the U.S. Environmental Protection Agency.

Adopted the 12th day of June, 2002

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2002-203 IN SUPPORT OF THE HIGHWAY WATCH PROGRAM

WHEREAS, the events of September 11, 2001 have heightened an awareness for the need to maintain vigilant Homeland Security measures, and

WHEREAS, the trucking industry hauls 68 percent of all the freight moved in the United States and more than 75 percent of America's communities are dependent solely on trucking for safe receipt of their goods, and

WHEREAS, the nation's three million professional truck drivers will play a vital role in keeping essential highways open, safe and secure, and

WHEREAS, America's highway watch program trains drivers to spot and report emergency and safety situations to appropriate state authorities, and

WHEREAS, it is proposed to expand the highway watch program which enlists the region's trained, commercial truck drivers to work cooperatively with law enforcement officers in identifying circumstances and incidents which may jeopardize the safety of the region,

NOW, THEREFORE BE IT RESOLVED that the Multistate Highway Transportation Agreement (MHTA) endorses the anti-terrorism action plan utilizing professional truck drivers trained in the highway watch program and further encourages each member state to adopt the highway watch program.

Adopted the 12th day of June, 2002

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002 -204 IN SUPPORT OF CONGRESSIONAL ADOPTION OF
PRODUCTIVITY BENEFITS TO TRUCKING INDUSTRY**

WHEREAS, the Western states have pioneered in the development of productive vehicle systems, in cooperation with Western Departments of Transportation, to meet the demands of large geographic distances to market, safety, air quality and congestion mitigation; and

WHEREAS, the Congress of the United States has effectively provided productivity benefits to the trucking industry only twice in the past forty years; and

WHEREAS, Western states were already allowing these types of productivity benefits; and

WHEREAS, the Transportation Research Board's (TRB) Report No. 267, completed in May, 2002, recommends that Western States be allowed to continue a reasoned approach to size and weight matters, through harmonization of weights, configurations and routes, under controlled pilot projects and permit systems to demonstrate the effectiveness of this approach, its effect on infrastructure, safety and the economy; and

WHEREAS, the TRB report further calls on Congress to allow a 90,000 pound gross truck weight (now 80,000 pounds) on six axles and trailers 33 feet long in doubles configurations to operate on federal highways under state supervision; and

WHEREAS, the TRB report No. 267 further calls for Congress to enact the Commercial Traffic Effects Institute to conduct research and develop federal standards for pilot programs and standards for evaluation.

NOW , THEREFORE LET IT BE RESOLVED that the members of the Multi-state Highway Transportation Agreement (MHTA) do encourage the Congress of the United States to act in an expeditious manner to enact proposed TRB recommendations, including a Commercial Traffic Effects Institute, a national permit program for 90,000 pound, six axle, tractor semi-trailers, combinations using 33 foot trailers and harmonization pilot programs allowing two or more states to work together to enhance transportation resources.

Adopted the 12th day of June, 2002

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-205 ESTABLISHING STUDY GROUP TO RECOMMEND UNIFORM
PROTOCOL AND STANDARDS FOR LIQUID DEICERS IN MHTA STATES**

WHEREAS, MHTA state DOT's face the same problems in preventing snowpack and getting snow and ice off the roads quickly so that travelers have a safe winter highway to drive on; and

WHEREAS, because environmental and road maintenance cost factors have become more prevalent for MHTA state DOT's, the use of chemical de-icers are an effective alternate to road salt and sand mix, known as abrasives, which does not melt snow below 20 degrees; and

WHEREAS, the results of studies in some MHTA states showed that the cost of using a chemical de-icer was roughly one-third less than the cost of using abrasives; and

WHEREAS, the MHTA state DOT's need to look at how the use of abrasives affects air quality because of Clean Air Act stipulations on the maximum amount of particulate material that can be suspended in the air; and

WHEREAS, even though chemicals such as calcium and magnesium chloride are effective ice melters, states are beginning to share trucking industry concerns about vehicle corrosion; and

WHEREAS, the trucking industry believes that chemicals such as magnesium and calcium chloride are accelerating the deterioration of their vehicles presenting a safety problem; and

WHEREAS, the MHTA and the trucking industry's desire to work with state departments of transportation and the Pacific Northwest Snow Fighters Association, to develop testing criteria and solutions and to join with the industry in testing chemical de-icers; and

WHEREAS, with passage of this resolution, the MHTA will seek to establish a study group within the MHTA Industry Advisory Committee and State Departments of Transportation to review the issue.

NOW, THEREFORE BE IT RESOLVED that the Multistate Highway Transportation Agreement (MHTA) endorses the establishment of an MHTA study group to seek adoption of a common protocol and standards for liquid deicers such as magnesium and calcium chloride that will make these and others more acceptable both industry and MHTA state departments of transportation.

Adopted the 12th day of June, 2002

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-206 IN SUPPORT OF IMPEMENTING NEW FEDERAL
REQUIREMENTS FOR THE COMMERCIAL DRIVERS LICENSES**

WHEREAS, the MHTA states and others are the key implementers of federal law requiring commercial drivers to have one CDL, preventing the issuance of multiple licenses, and allowing states to exchange information on traffic violations; and

WHEREAS, the Motor Carrier Safety Improvement Act of 1999 gave states additional requirements for commercial driver records and added, as a reason for disqualification by the U.S. Department of Transportation, a serious offense involving a non-commercial motor vehicle that has resulted in the revocation, cancellation or suspension by the state of the individual's license;

WHEREAS, a state must maintain a record of each violation of a state or local traffic control law incurred for each individual who holds a CDL, regardless of whether the violation occurred in a commercial motor vehicle(CMV); and

WHEREAS, the act prohibits states from allowing information about commercial violations to be withheld or masked from the CDL record of an individual; and

WHEREAS, states also may not issue provisional licenses that permit the driving of a CMV if the driver is disqualified, or if a license is revoked, suspended or canceled; and

WHEREAS, the National Conference of State Legislatures contracted with the Federal Motor Carrier Safety Administration(FMCSA) to research state driver history records to formulate guidelines for states to improve driver history records and to comply with the new federal CDL law; and

WHEREAS, the research methodology of the study included a 50-state survey, and case studies of two MHTA states, Colorado and Washington; and

WHEREAS, the study contains recommendations for state legislatures including: (1) Prohibiting commercial drivers from masking, diversion and deferral, and point removal programs; (2) Prohibiting hardship licenses; (3) Disallowing a base license after a CDL is disqualified; (4) Examining record purging practices; (5) Examining whether courts allow plea bargaining from a CMV offense to a non-CMV offense; and (6) Ensuring compliance with federal notification requirements.

NOW, THEREFORE, BE IT RESOLVED that the MHTA member states endorse the Uniform Commercial Drivers License program under the Motor Carrier Safety Improvement Act of 1999 and the requirements of the law.

BE IT FURTHER RESOLVED that the MHTA states enact legislation to implement uniform state requirements for CDLs issued in their respective states and to provide authority to appropriate agencies in said states to administer the uniform CDL program as necessary.

Adopted the 12th day of November, 2002

**MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-207 IN SUPPORT OF REPEALING NINE AXLE CAP LIMITATION ON
LONGER COMBINATION VEHICLES**

WHEREAS, MHTA acknowledges the affirmative response to one MHTA state (Montana) by Federal Highway Administration to the question, "can a state allow a truck tractor and two trailing units to operate on the Interstate System with more than nine axles under the Inter-modal Surface Transportation Efficiency Act of 1991 (ISTEA)"; and

WHEREAS, MHTA understands the purpose of the ISTEA weight freeze was to prohibit Longer Combination Vehicles (LCV's) from operating on the Interstate System at a gross weight greater than authorized on June 1, 1991; and

WHEREAS, the final rule in the most recent version of 23 CFR, Part 658, Appendix C cites gross weight limits for vehicle combinations for all states authorized to operate LCV's including MHTA states; and

WHEREAS, since the gross weight cited in appendix C becomes the highest weight allowed in the respective states authorized to operate LCV's, the nine-axle restriction is unnecessary and the State may allow LCV's to have more than nine axles if it wishes, provided that it limits their gross weight on the Interstate System to not more than the authorized gross weights in appendix C.

NOW, THEREFORE, BE IT RESOLVED that MHTA supports the position that MHTA states be encouraged to adopt a uniform standard which removes the nine axle limitation for the number of axles that may be operated on LCV's.

BE IT FURTHER RESOLVED, that MHTA members states, who have not done so, be encouraged to consider legislation to lift a nine axle cap, if such a cap is currently law and authorize the gross weight to limits to be established by rules adopted by the respective Departments of Transportation consistent with 23 CFR, Part 658 Appendix C.

Adopted the 12th day of November, 2002

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2002-208 IN SUPPORT OF IMPEMENTING FEDERAL PILOT STUDIES OF
COMMERCIAL MOTOR VEHICLE SIZE AND WEIGHT LIMITS

WHEREAS, the 1998 Transportation Equity Act for the 21st Century (TEA-21) instructed the Secretary of Transportation to ask the Transportation Research Board (TRB) to study the regulations governing the weights, lengths, and widths of commercial motor vehicles operating on highways subject to federal regulations, and to recommend any revisions to Congress deemed appropriate; and

WHEREAS, in May 2002 the TRB published Special Report #267 which responds to this Congressional directive and uses the analytical framework of US DOT's 2000 *Comprehensive Truck Size and Weight Study*; and

WHEREAS, TRB Special Report #267 concluded among other findings that: (1) opportunities exist for improving the efficiency of the highway system through reform of federal size and weight regulations; (2) the greatest potential to improve the functioning of the system would be changes in truck size and weight regulations coordinated with complementary changes in highway system management; (3) that the outcomes of regulatory changes are not possible to predict with high confidence; (4) that Research and monitoring needed to understand the relationship of truck characteristics and truck regulations to safety and other highway costs are not being conducted today; and that , (5) there is a need for direct and systematic observation of the frequency and impacts of oversize and overweight vehicles so that the costs of violations (as well as of legally operated overweight permit vehicles) can be known and the effectiveness of enforcement methods evaluated; and

WHEREAS, to address these findings TRB Special Report #267 recommends legislation to create an institute that would conduct pilot studies of changes in truck size and weight regulations, changes in related highway system management and operating practices, and user fee policies.

NOW, THEREFORE BE IT RESOLVED, MHTA supports the recommendations of TRB Special Report #267, provided all pilot studies undertaken include the following:

- Safety must be a pre-eminent focus along with other potential areas of study such as productivity, environmental benefits, or influence on congestion and system usage;
- Two or more states must formally support and participate directly in the pilot to reduce pressure on adjacent states to increase size and weights;
- The motor carriers participating in any pilot study must fully bear the cost responsibility for the size and weights of their involved vehicles; and
- The scheduled length of the pilot should not be less than five (5) years to ensure sufficient time for data collection and analysis, unless terminated by the involved states.

BE IT FURTHER RESOLVED, that this resolution be forwarded to the Secretary of Transportation and the Chairs and Ranking Members of those Congressional Committees with jurisdiction relative to truck size and weights.

Adopted the 12th day of November, 2002

**MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-301 THE WESTERN TRUCKING INDUSTRY'S ISSUES FOR
ECONOMIC IMPROVEMENT OF THE REGION THROUGH HIGHWAY TRANSPORT
LEGISLATION AND REGULATION**

WHEREAS, the mission of the Multistate Highway Transportation Agreement (MHTA) is to promote uniform laws, regulations and practices among member jurisdictions for the efficient movement of goods while ensuring the safety of all highway users and preserving the highway infrastructure; and

WHEREAS, trucks transport in excess of 87% of the commodities in MHTA states and exclusively serve over 70% of the communities in the western states.; and

WHEREAS, that providing for efficiency, consistency and uniformity of trucking is an important step to assure that this major transport mode supports the economic vitality and growth in MHTA states; and

WHEREAS, the western trucking industry and western state legislators and official concur that uniform adoption and action on issues described herein will have a positive impact on western state economies and are consistent in accomplishing MHTA's mission.

NOW, THEREFORE, BE IT RESOLVED that MHTA members will work to adopt uniform laws and regulations and take actions on the issues described herein that achieve the economic benefits and support the safe and smooth flow of freight.

BE IT FURTHER RESOLVED that the practices and programs described and prioritized herein be reported to legislatures where consideration of legislation is appropriate, and to state officials as recommended by MHTA to enhance economic activity in each member state as follows:

Safety

- Improve the enforcement of speed limits on all highways.*
- Require the certification of all enforcement officers performing safety inspections of commercial motor vehicles. Provide that only officers certified through the Commercial Vehicle Safety Alliance be allowed to conduct truck safety inspections. This will ensure that such inspections will be done by trained officials and in a uniform manner.*

Environmental

- Support one common national standard for diesel fuel.*

Taxes and Fees

- Recommend that any discount in the tax imposed on ethanol or bio-diesel be charged to a state's general fund, and in no way diminishes funding for highways.*
- Improve programs to eliminate diesel fuel tax evasion including the illegal use of dyed fuel and importation of untaxed fuel.*

Productivity

- Support the implementation of truck productivity benefit recommendations made in the Transportation Research Board Special Report 267: "Regulation of Weights, Length, and Widths of Commercial Motor Vehicles" by sending letters to the U.S. Congress endorsing the recommendations*

**MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-302 IN SUPPORT OF THE COMMERCIAL VEHICLE SAFETY
ALLIANCE'S CERTIFICATION OF MHTA STATE CVSA SAFETY INSPECTORS**

WHEREAS, the Commercial Vehicle Safety Alliance (CVSA) was formed in 1982 to develop and implement uniform international truck and bus roadside safety inspection standards and the uniform application of those standards and inspection procedures; and

WHEREAS the CVSA has grown to include all States and U.S. Territories, Canadian Provinces and Territories, Mexico, and industry; and

WHEREAS, CVSA is the leading commercial vehicle safety organization in North America; and

WHEREAS, CVSA developed international truck and bus roadside inspection standards and procedures, as well as certification and training standards and programs for inspectors; and

WHEREAS, CVSA develops and implements the North American Standard Out of Service Criteria; and

WHEREAS, CVSA developed and implements the Decal Program on behalf of industry in recognition of the good; and

WHEREAS, CVSA implements the state-based motor carrier safety assistance program (MCSAP) and has ensured the development of a comprehensive truck and bus safety programs in all 50 states, the District of Columbia, the provinces of Canada, Mexico, and US and Canadian Territories; and

WHEREAS, CVSA has significantly reduced the commercial vehicle crash rate on North American highways while stressing uniform and reciprocal safety standards and enforcement practices in all CVSA member jurisdictions; and

WHEREAS, CVSA promotes continuing education, professional development and training to ensure inspectors and safety professionals are able to maintain, enhance and expand their knowledge while improving the jurisdictions' ability to comply with Commercial Drivers License laws and having the tactical tools to enforce them; and

WHEREAS, CVSA assists all law enforcement agencies and organizations in effectively preparing and protecting our highways and citizens from security threats.

NOW, THEREFORE, BE IT RESOLVED that MHTA recognize the validity of the Commercial Vehicle Safety Alliance's (CVSA) certification and decal program for all law enforcement agencies and that enforcement officials who perform commercial vehicle safety inspections be certified by the CVSA to perform such inspections.

BE IT FURTHER RESOLVED that all MHTA states consider adopting legislation requiring that all commercial vehicle safety inspections conducted to determine compliance with rules and regulations promulgated by the appropriate state department shall be performed by an enforcement official who has been certified by the Commercial Vehicle Safety Alliance, or any successor organization thereto, to perform commercial vehicle inspections.

Adopted the 1st day of July, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-303 IN SUPPORT OF "DEADBEAT DAD" LAWS FOR HOLDERS OF STATE
DRIVERS LISCENCES**

WHEREAS, most states in the United States have enacted "deadbeat dad" laws for the purpose of enhancing state collections of unpaid child support for holders of a variety of licenses issued by the state; and

WHEREAS, enforcement actions under these laws were never intended to have a negative effect or economic impact on anyone other than the license holder; and

WHEREAS, in every business, except for trucking, where licensed professionals, (e.g. licensed realtor, plumber, lawyer or doctor) are required, when there is an enforcement action under these laws, the arrest of a "deadbeat" would be of little or no consequence to the employer (if any), compared to the onerous burden visited upon an employer in the trucking business; and

WHEREAS, states make no notation other than traffic citations on the records of a holder of a Commercial Driver License (CDL) nor in his Motor Vehicle Record (MVR), thereby making it impossible for a potential employer in the trucking industry to know that the person he is hiring may be arrested as soon as he is dispatched; and

WHEREAS, in the market for trucking services, where motor carriers are evaluated by their customers as to their on-time performance and reliability, it constitutes an enormous, unintended and unfair expense for an employer to deal with the interruption of dispatch and the need to make alternative arrangements for the delivery of goods in transit at a location that may be thousands of miles distant, in addition to the potential of being dropped as a carrier for the shipper whose freight was delayed; and

WHEREAS, there are additional defects and inconsistencies in various states' recordings of infractions, some as minor as unpaid parking tickets. In other cases, a driver is subsequently charged for a previous employer's failure to take care of a citation which was the responsibility of the employer for infractions such as exceeding legal axle weights. These practices may result in a CDL holder's being placed out of service. These practices also have the potential to work the same hardship on an employer who performs every background check he is capable of performing, but who still suffers an unintended and undeserved consequence in his business.

NOW THEREFORE, BE IT RESOLVED that the Multistate Highway Transportation Agreement calls on the Federal Government to provide guidance or uniform procedures to each state for giving notice in an ordinary MVR check, of any outstanding infraction for the holder of a CDL which any state or agency may use as a basis for either arresting or placing out of service a holder of a CDL. Failure of any state or any other state to follow such procedures precludes that state or any other state from placing a CDL holder out of service.

Adopted the 1st day of July, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-304 REAFFIRMING OPPOSITION TO THE SAFE HIGHWAYS AND
INFRASTRUCTURE ACT (SHIPA)**

WHEREAS, a fundamental principle of governance is that the best decisions are made at the level most affected by those decisions; and

WHEREAS, the safe and efficient movement of goods and people is best achieved at the local level, where conditions, local economies and fundamental rights of individual states to manage commerce are best understood; and

WHEREAS, once again efforts to extend federal oversight of commercial vehicle sizes and weights to an additional 100,000 miles of state and local roads is underway, by increasing regulatory burdens on state governments and taking away state responsibilities that have historically been well-administered, and

WHEREAS, the National Academy of Sciences(NAS) has recommended against passage of SHIPA because of its restrictions on states' rights and the federal overregulation which has prevented states from making reforms to allow for safer, more pavement-friendly vehicles on the roads;

NOW, THEREFORE BE IT RESOLVED by the Multi-State Highway Transportation Agreement states do urge their respective Governors and members of their Congressional delegations to vigorously oppose consideration and adoption of the SHIPA provisions; and

BE IT FURTHER RESOLVED that the MHTA states further urge the Congress of the United States to recognize the experience, expertise and capability of the states to manage the safe transportation of goods within their borders and to restore the ability of the states to work together to provide regional solutions to transportation issues that encourage the safe and efficient movement of goods.

Adopted the 1st day of July, 2003

**MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-305 SUPPORTING THE TRANSPORTATION RESEARCH BOARD'S
REPORT NO. 267**

WHEREAS, the Transportation Research Board's Special Report (TRB) No. 267 outlines a clear path toward achieving transportation productivity goals in a responsible manner; and

WHEREAS, giving states more flexibility as called for in the TRB Report No. 267 will allow states to adopt more sensible regulations that will result in fewer accidents, less congestion, less pollution, lower highway maintenance costs, reduce transportation costs and increase homeland security; and

WHEREAS, the TRB report supports the work of the multi-state highway transportation agreement states and the work of the Western Association of Highway and Transportation Officials (WASHTO) in recommending the harmonization of commercial vehicle sizes and weights through pilot programs which develop configurations, routes and weights to demonstrate the safety, efficiency and effectiveness of this approach in protecting the infrastructure and supporting of the regional economy;

NOW THEREFORE BE IT RESOLVED that the members of the Multi-State Transportation Agreement encourage the Congress of the United States to act in an expeditious manner to enact the provisions of the Transportation Research Board's Special Report No. 267.

Adopted the 1st day of July, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-306 IN SUPPORT OF THE USE AND DEPLOYMENT OF INTELLIGENT
TRANSPORTATION SYSTEMS (ITS) TO INCREASE SAFETY IN
CONSTRUCTION WORK ZONES**

WHEREAS, the Western States have a desire to be proactive in protecting public safety in Construction Work Zones, and promote safe and efficient traffic flow in Work Zones as a result of highway maintenance and construction; and

WHEREAS, Intelligent Transportation Systems (ITS) technologies are available to supplement current construction work zone traffic control practices as presented in State and Federal Manuals of Uniform Traffic Control Devices (MUTCD); and

WHEREAS, these ITS technologies include the use of Work Zone Dynamic Lane Merge, Work Zone Dynamic Traveler Information Systems, and Work Zone Variable Speed Limit Systems, all of which have been demonstrated in Federal demonstrations, evaluated by independent study and in some cases, have been reviewed by the American Association of State Highways and Transportation Officials (AASHTO) Technology Implementation Group (TIG), and included in the Work Zone Toolbox, having been shown to be effective in the protection of the public in work zones, and have additionally been shown to increase travel times, and reduce driver frustration.

NOW THEREFORE BE RESOLVED that the members of the Multi-State Highway Transportation Agreement do urge their respective State Officials including State DOT, State Police and Public Safety, and State Legislative Officials to support the implementation where possible and within state budget restraints of these ITS Work Zone Safety systems in construction projects where work zone traffic control is required.

Adopted the 1st day of July, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-307 SUPPORTING H.R. 871 - A BILL TO PROTECT THE
AGRICULTURAL EXEMPTIONS IN THE NATIONAL HIGHWAY SYSTEM DESIGNATION
ACT OF 1995**

WHEREAS, the States comprising the Multistate Highway Transportation Agreement have significant movement of agricultural commodities, including livestock, livestock food, poultry and poultry feed; and

WHEREAS, the National Highway System Designation Act of 1995, includes an agricultural operations exemption from the federal hours of service rules for truck drivers for the transportation of agricultural commodities; and

WHEREAS, the majority of States in the Nation have safely implemented the agricultural operations exemption, based upon the specific agricultural transportation needs found within the individual States; and

WHEREAS, produce and other perishable commodities, must be delivered in a timely manner, as the need for efficient, timely commercial agricultural transportation grows; and

WHEREAS, the Federal Motor Carrier Safety Administration has issued a "guidance" that determined livestock, livestock feed, poultry and poultry feed are not agricultural commodities,

NOW THEREFORE BE IT RESOLVED, that the Multistate Highway Transportation Agreement (MHTA) supports the passage of H.R. 871, to amend the National Highway System Designation Act of 1995, to provide a comprehensive definition of the term "agricultural commodity" and make the agricultural operations exemption permanent and not subject to modification or revocation by the United States Department of Transportation.

BE IT FURTHER RESOLVED, that MHTA urges members of Congress from the states comprising MHTA to become co-sponsors of H.R. 871.

Adopted the 11th day of November, 2003

**MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-308 SUPPORTING A CHANGE IN OVERLY RESTRICTIVE FEDERAL SIZE
AND WEIGHT STANDARDS PREVENTING SAFETY IMPROVEMENTS.**

WHEREAS, the purpose of the MHTA is to promote uniformity in vehicle size and weight standards among the participating jurisdictions and promote highway safety; and

WHEREAS, at the request of Congress, the Transportation Research Board (TRB) issued a Special Report #267 on the impacts of current Federal Truck size and weight regulations that concluded that the largely static and inflexible system of Federal regulation that currently exists discourages innovation aimed at improving highway efficiency and reducing the costs of truck traffic including costs related to accidents involving trucks; and

WHEREAS, the TRB Special Report #267 concludes that States should be given greater authority with strong Federal oversight to make decisions on size and weight limits on trucks on highways under their jurisdiction with strong federal oversight; and

WHEREAS, to address these findings TRB Special Report #267 recommends legislation to create an institute that would conduct pilot studies of changes in truck size and weight regulations, changes in related highway system management and operating practices, and user fee policies; and

WHEREAS, while it does not make sense from a safety or economic standpoint to allow larger or heavier trucks to operate on every highway or in every state, Congress cannot continue to ignore the growing body of evidence that supports the fact that opportunities to prevent accidents through size and weight reform are available; and

WHEREAS, the expanded operation of more productive trucks increases the safety benefits of needing fewer trucks to haul a given amount of freight thereby reducing accident exposure; and

WHEREAS, for the past 12 years there has been little or no opportunity for states to enhance economic growth with improved truck efficiency, improve air quality, reduced traffic congestion and bodily injury, and increased fuel savings due to the current federal truck size and weight regulations; and

WHEREAS, a study by Federal Highway Administration found that the accident rate for LCVs is half that other trucks and a recent Canadian study found that LCVs have an accident rate that is five times lower than the rate for tractor-semitrailers; and

WHEREAS, the same Canadian study also found that the number of registered trucks dropped by 19 percent due to truck productivity gains, although the economy grew and non-truck registrations grew by 23%.

NOW THEREFORE, BE IT RESOLVED that the Multistate Highway Transportation Agreement (MHTA) supports the recommendation of the TRB Special Report #267 providing for the undertaking of pilot studies over a period of not less than five years to be used as a basis for determining changes in truck size and weight regulations; and

BE IT FURTHER RESOLVED that MHTA urges the Congress take the opportunity to review this issue based on the facts and that MHTA encourages members of Congress, Governors, State Legislative Leaders, and State Departments of Transportation from MHTA state to consider supporting these pilot studies of truck size and weight regulations; and

BE IT FURTHER RESOLVED that MHTA Cooperating Committee members sponsor a resolution in their respective State Legislatures supporting the implementation of pilot projects to study truck size and weight regulations both at the federal and state levels.

Adopted the 11th day of November, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-309 IN SUPPORT FOR THE RELEASE BY FHWA OF THE WESTERN
UNIFORMITY SCENARIO TRUCK SIZE AND WEIGHT STUDY**

WHEREAS, the Western States' economy is uniquely dependent upon trucking to provide access to markets for the region's agriculture, mineral, forest, and industrial products to serve the region's widely dispersed rural needs and urban centers; and

WHEREAS, the U.S. Secretary of the Department of Transportation and Federal Highway Administration (FHWA), at the request of the Western Governor's Association, have developed and completed a study, Western Uniformity Scenario, Truck Size and Weight as a separate study not part of the Comprehensive Truck Size and Weight Study; and

WHEREAS, current Federal law, in "Title 23, United States Code-Highways" has taken the surface transportation decision-making authority regarding vehicle weights and dimensions away from state officials; and

WHEREAS, the relationship between truck size and weight, highway safety, infrastructure integrity, economic competitiveness and the environment are important and often controversial issues; and

WHEREAS, more than forty years of positive experience with the types of vehicles that operate in seventeen of the Western States provides evidence that the operation of more productive vehicles including longer combination vehicles can be carried out within acceptable safety parameters and without negative impacts to the highway infrastructure; and

WHEREAS, the Multi-State Highway Transportation Agreement supports regional cooperative efforts and agreements to facilitate safe, economical, and productive commercial vehicle operations for the improvement of Western regional and international trade, and recognizes the cooperative effort undertaken by Western transportation providers, shippers, Governors, State Legislatures and Departments of Transportation; and

WHEREAS, the Multi-State Highway Transportation Agreement believes that transportation decisions are best made at the state level and will achieve national goals of reduce traffic accidents, reduced energy consumption, congestion, vehicle miles traveled and increased economic productivity; and

WHEREAS, the Multi-State Highway Transportation Agreement supports public/private partnerships to develop regional transportation goals, including increasing the capacity, efficiency and safety of the Western Transportation System in order to increase the competitiveness of the Western economy.

NOW THEREFORE BE IT RESOLVED, that the Multi-State Highway Transportation Agreement commends the U.S. DOT Secretary and FHWA in developing and completing a Western Uniformity Scenario Truck Size and Weight study to address western states truck size and weight issues; and

BE IT FURTHER RESOLVED that the Multi-State Highway Transportation Agreement respectfully requests that the Western Uniformity Scenario Truck Size and Weight study to be released for distribution and review by western states including MHTA states.

Adopted the 11th day of November, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2003-310 AFFIRMING A CLOSE WORKING RELATIONSHIP WITH THE
WASHTO COMMITTEE ON HIGHWAY TRANSPORT**

WHEREAS, the purpose of both the WASHTO Committee on Highway Transport and the Multistate Highway Transportation Agreement is to promote uniformity in vehicle size and weight standards among the participating jurisdictions and to foster uniformity of administrative procedures in the enforcement of recommended vehicle size and weight standards and to provide encouragement and utilization of research to aid in the achievement of uniformity; and

WHEREAS, MHTA and the WASHTO Committee maintain continuing liaison with representatives of the trucking industry, state highway and transport industry officials to promote uniformity on various industry-related transportation issues; and

WHEREAS, MHTA supports the work of the WASHTO Committee and has endorsed the "Guide For Uniform Laws and Regulations Governing Truck Size & Weight Among the WASHTO States," developed by the Committee as a guide for the operation of legal vehicles, vehicles transporting over dimensional loads, extra-legal weight vehicles, and longer combination vehicles; and

WHEREAS, the concept of uniformity embodied in the WASHTO Guide contemplates minimum objectives many of which can be realistically obtained in all of the MHTA and WASHTO states, notwithstanding inflexible Federal regulations; and

WHEREAS, the MHTA would suggest that the WASHTO Committee, MHTA and trucking industry associations, meet concurrently, at one of the two meetings now held individually, in an effort to jointly communicate, identify and attempt to resolve highway transportation issues; and

WHEREAS, the WASHTO Committee and MHTA share the same goal to provide a forum to share industry best practices among WASHTO and MHTA states and to maximize applications for the safe and efficient movement of goods.

NOW, THEREFORE, BE IT RESOLVED that the MHTA continues to support the work of the WASHTO Committee on Highway Transport and industry associations to resolve highway transportation issues in the MHTA and WASHTO states; and

BE IT FURTHER RESOLVED that the MHTA herewith reaffirms its position in endorsing and implementing the Guide for Uniform Laws and Regulations Governing Truck Size and Weight among the MHTA & WASHTO states; and

BE IT FURTHER RESOLVED that the MHTA encourages the individual member states' legislatures and state governmental agencies to pursue the necessary legislative actions and policies, to the extent possible, to enact the recommendations of the Guide into the laws, regulations and policies of all of the WASHTO and MHTA states in order to accomplish the desired uniformity of truck size and weight and other standards in the Guide for the safe and efficient movement of goods. .

Adopted the 11th day of November, 2003

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-401 SUPPORTING HIGHWAY TRANSPORTATION
TORT REFORM LEGISLATION**

WHEREAS, the laws of some states do not provide motor carrier businesses with adequate protection from frivolous lawsuits and tort claims; and

WHEREAS, the abuse of state judicial systems costs transportation companies and other American businesses many millions of dollars annually in increased insurance premiums, unwarranted legal costs, and unjust awards; and

WHEREAS, reforms to state civil justice systems can effectively end many such abuses; and

WHEREAS, the continued existence of joint-and-several liability provisions in state law, the non-recognition by state courts of collateral sources of contribution, bars in state law to the introduction of the evidence of nonuse of a seat belt by an injured plaintiff, and the lack of caps in state laws on awards of punitive damages are particularly serious burdens for motor carriers; now, therefore, be it

NOW THEREFORE BE IT RESOLVED, that the Multistate Highway Transportation Agreement supports the elimination of provisions of state law that allow joint and several liability; and

BE IT FURTHER RESOLVED, that the Multistate Highway Transportation Agreement supports the enactment in state law of provisions for the recognition of collateral sources of contribution by the civil justice system; and

BE IT FURTHER RESOLVED, that the Multistate Highway Transportation Agreement supports the elimination of prohibitions in state law against the introduction of the evidence of the nonuse of a seat belt by an injured party in a tort claim, both to show contributory negligence and to mitigate damages; and

BE IT FURTHER RESOLVED, that the Multistate Highway Transportation Agreement supports the enactment of caps on awards for punitive damages in tort claims.

Adopted the 15th day of June, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-402 COMMENDING THE RELEASE OF THE WESTERN
UNIFORMITY SCENARIO TRUCK SIZE AND WEIGHT STUDY BY SECRETARY MINETA,
U.S. DEPARTMENT OF TRANSPORTATION**

WHEREAS, the U.S. Secretary of the Department of Transportation and Federal Highway Administration (FHWA), at the request of the Western Governor's Association in 1999, has completed and released the Western Uniformity Scenario Truck Size and Weight Study; and

WHEREAS, all of the affected modal administrators within the U. S. Department of Transportation and the Policy Office in the Office of the Secretary completed their review of the report and signed off on it; and

WHEREAS, despite the unfortunate inclusion of a summary by DOT which has no relevance to the substantive benefits of efficient transportation set forth in the report, the body of the research in the Western Uniformity Scenario is accurate and supportive of continued and expanded use of Longer Combination Vehicles (LCVs) in the western states, with a \$5 billion positive economic benefit, improved safety and air quality as well as a savings in the consumption of fossil fuel to the extent of a billion gallons a year; and

WHEREAS, the MHTA has unanimously passed a resolution and Senate/House Joint Resolution, to be considered in the 2005 Legislatures, supporting the Study; and

WHEREAS, the MHTA Cooperating Committee members are herewith asking their respective Governors to write a letter to Secretary Mineta thanking him for the release of the Western Uniformity Scenario Truck Size and Weight Study, urging support for its implementation in all western states; and

WHEREAS, each member of the MHTA Cooperating Committee, as Chairs of their respective House and Senate Committees, are also asked to write a letter to Secretary Mineta thanking him for the release of the Western Uniformity Scenario Truck Size and Weight Study, urging support for its implementation in all western states; and

NOW THEREFORE BE IT RESOLVED, that the Multi-State Highway Transportation Agreement commending the U.S. DOT Secretary and FHWA in developing and completing a Western Uniformity Scenario Truck Size and Weight study to address western states truck size and weight issues and urging support for its implementation in all western states.

Adopted the 15th day of June, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-403 IN SUPPORT OF: THE REAUTHORIZATION FUNDING LEVELS IN
S.1072 (SAFTEA); MAINTAINING THE TEA-21 STRUCTURE; MINIMIZING RESTRICTIVE
POLICIES ON STATES; AND REAFFIRMING OPPOSITION TO SHIPA**

WHEREAS, the US DOT's Conditions and Performance Report documents that America's highways have suffered deterioration throughout the past decade, and that even maintaining existing highway and bridge conditions will require significant new investment in these facilities; and

WHEREAS, the \$318 billion funding level established in the Senate Bill 1072 accomplishes the highest possible funding level without increasing the federal gas tax, or implementing financing mechanisms that could adversely affect the deficit, or that could be construed as concealing the true cost of the program; and

WHEREAS, the US DOT estimates that for every \$1 billion invested in transportation infrastructure 47,500 jobs are created, which results in the creation of 2,945,000 additional jobs under the Senate Bill, as compared to the Administration's bill, and provides substantial stimulation for the economy; and

WHEREAS, TEA-21 developed a broadly supported program framework that appropriately prioritized investment in core highway apportionment programs and protected transportation program funding through the effective use of budgetary firewalls; and

WHEREAS, any expansion of federal requirements, oversight, or regulation of the states' management of the Federal-aid highway program places undue burdens on the States' available resources, which in turn results in additional delay in the delivery of much needed highway improvement projects; and

WHEREAS, the creation of new or additional sanctions or mandates further reduces already limited resources and is fundamentally contrary to finding unique solutions at the lowest governmental level; and

WHEREAS, the safe and efficient movement of goods and people is best achieved at the local level, where local economies and rights of individual states to manage commerce are best understood; and

WHEREAS, once again efforts to extend federal oversight of commercial vehicle sizes and weights to an additional 100,000 miles of state and local roads is underway, by increasing regulatory burdens on state governments and taking away state responsibilities that have historically been well-administered; and

WHEREAS, the National Academy of Sciences (NAS) has recommended against passage of SHIPA because of its restrictions on states' rights and the federal overregulation which has prevented states from making reforms to allow for safer, more pavement-friendly vehicles on the roads.

NOW, THEREFORE BE IT RESOLVED that the Multi-State Highway Transportation Agreement states do urge their respective Governors and members of their Congressional delegations to vigorously advocate for the adoption of the Senate Bill funding levels for the reauthorization of the federal transportation program and support the enactment of a federal transportation program that continues the program structure and budgetary protections created in TEA-21; and

BE IT FURTHER RESOLVED by the Multi-State Highway Transportation Agreement states do urge their respective Governors and members of their Congressional delegations to vigorously oppose new extensions of the Federal regulatory burden, including mandates tied to funding sanctions, and pursue the least state restrictive policies when reauthorizing the Federal-aid transportation program; and

BE IT FURTHER RESOLVED by the Multi-State Highway Transportation Agreement states do urge their respective Governors and members of their Congressional delegations to vigorously oppose consideration and adoption of the SHIPA provisions.

Adopted the 15th day of June, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-404 SUPPORTING THE ESTABLISHMENT OF A WORKING
RELATIONSHIP WITH NATIONAL AND REGIONAL LEGISLATIVE AND STATE
GOVERNMENTAL ORGANIZATIONS**

WHEREAS, organizations such as the American Legislative Exchange Council (ALEC), the National Conference of State Legislatures (NCSL), Council of State Governments, Western Conference (CSGWC), Western Governors Association (WGA), Western Association of Highways and Transportation Officials (WASHTO), are among the nation's largest, bipartisan, individual membership associations of state legislators and state government officials; and

WHEREAS, the highway transportation committees and task forces of these associations seek to improve the competitiveness of states and of the nation and study ways to better involve the private sector in policymaking in order to more efficiently generate the necessary funds and flexibility required to meet the transportation and infrastructure needs of the states and of the nation; and

WHEREAS, these organizations continue to study highway maintenance and expansion, public-private partnerships in highway construction, and the relationship between the federal government and state governments with regard to transportation funding; and

WHEREAS, these organizations, from time to time, put forth model legislation approved by a majority of its members, to be used by the states; and

THEREFORE BE IT RESOLVED, that the Multistate Highway Transportation Agreement (MHTA) will forge a working relationship with ALEC, NCSL, CSGWC, WGA, WASHTO and others in order to benefit mutually from one another; and

BE IT FURTHER RESOLVED, that a copy of this resolution be dispatched to members of ALEC Trade and Transportation Task Force, NCSL Transportation Committee, CSGWC Transportation Committee, WGA, WASHTO.

Adopted the 15th day of June, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-405 IN SUPPORT OF THE NATIONAL COOPERATIVE HIGHWAY
RESEARCH PROGRAM (NCHRP) PROGRAM STATEMENT ENTITLED**

“STANDARDIZED VEHICLE SAFETY PERFORMANCE BENCHMARK STUDY”

WHEREAS, long combination vehicle (LCV) safety continues to generate strong and diverse opinion; and

WHEREAS, the Federal Highway Administration’s recently released Western Uniformity Scenario Analysis states that “Data simply is not available upon which to develop reliable estimates of changes in the number of crashes or fatalities that might result from a change in truck size and weight limits....” ; and

WHEREAS, the NCHRP Problem Statement titled Standardized Vehicle Safety Performance Benchmark Study (Study) provides a new, thoughtful and effective methodology for the collection and analysis of LCV crash and fatality data in relation to other vehicles including passenger cars and other trucks; and

WHEREAS, LCV crash and fatality data realized, if the Study is approved for funding through the NCHRP, process would provide states and the federal government with the data necessary to resolve, or move closer toward resolution, of remaining LCV safety concerns; and

WHEREAS, the annual NCHRP Problem Statement review and selection for funding process occurs between October 2004 and spring 2005; and

WHEREAS, research professionals from MHTA member states are among those responsible for the NCHRP Problem Statement review and funding selection process; and

WHEREAS, it is appropriate for MHTA members to contact those research professionals within each state who participate in the NCHRP review and funding selection process.

NOW, THEREFORE, BE IT RESOLVED that MHTA member states endorse and support the NCHRP Problem Statement titled Standardized Vehicle Safety Performance Benchmark Study.

BE IT FURTHER RESOLVED that MHTA members agree to encourage support for the Study by contacting research professionals within each MHTA state to voice support for the Study as it moves through the NCHRP review and funding selection process.

Adopted the 9th day of November, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-406 SUPPORTING THE COMMERCIAL DRIVERS LICENSE
INFORMATION SYSTEM MODERNIZATION PROGRAM**

WHEREAS The Federal government and the States rely on CDLIS to serve as the clearinghouse and repository of commercial driver license (CDL) holder data and provide the means for interstate exchange of driver-related data; and

WHEREAS, CDLIS today relies on outdated technologies and inadequate operating systems, the Modernization Program proposed in HR 3550, will improve system security and effectiveness, address known problems, and prevent further system degradation as system usage and requirements grow; and

WHEREAS, MHTA supports retention the new grant program established by Section 4125 of H.R. 3550 (TEA LU) designed to assist States and related organization to modernize CDLIS.

WHEREAS, \$30 million is provided for this program in HR 3550, (\$6 million for each of 2005-2009) with said grants to be used for activities consistent with a National Plan developed by the Secretary of Transportation, in consultation with the motor carrier industry and State safety enforcement and State licensing agencies; and

WHEREAS, structural shortcomings with CDLIS' design has resulted in problems with the integrity of the information contained in the CDLIS' name field, making it difficult to correctly identify drivers and duplicate driving records.

WHEREAS, CDLIS limits the number of characters that can be entered into the name field to 35 characters and with the growing variety of name formats and spellings, States are truncating and abbreviating names to make them fit into the system resulting in inconsistencies among the states in shortening names, making it impossible to tell that different spellings in different jurisdictions belong to the same person; and

WHEREAS, taken together, the proposed changes in HR 3550, in addition to making highways safer and more secure, will also ensure that CDLIS is able to accommodate the anticipated growth in usage over the next six years and new requirements being added to it, through the Motor Carrier Safety Improvements Act.

NOW THEREFORE BE IT RESOLVED, the Multistate Highway Transportation Agreement supports the enactment of legislation H.R. 3550 (TEA LU), including the new grant program established by Section 4125 designed to assist States and related organization to modernize CDLIS; and .

BE IT FURTHER RESOLVED that the MHTA members urge their respective Governors and members of their Congressional delegations to support the enactment of HR 3550 including the new grant program established by Section 4125.

Adopted the 11th day of November, 2004

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004 – 407 SUPPORTING THE U.S. EPA'S SMARTWAY TRANSPORT
PARTNERSHIP IN MHTA STATES

WHEREAS, MHTA recognizes that because of the interstate nature of both transportation and air quality, a voluntary partnership among the freight industry can help improve fuel efficiency and air quality; and

WHEREAS, MHTA recognizes that the U.S. EPA's Smart-Way Transport Partnership represents a collaborative, voluntary program between the freight industry and EPA that will increase the energy efficiency and energy security of our country while reducing air pollution and greenhouse gases; and

WHEREAS, there are three primary components of the program, creating partnerships, reducing all unnecessary engine idling, and increasing the efficiency and use of inter-modal operations; and

WHEREAS, MHTA recognizes that Smart-Way identifies a variety of strategies to improve fuel efficiency, including the use of idling policies, speed management and aerodynamic devices; as well as other strategies including longer combination vehicles; and

WHEREAS, a major component of the Smart-Way Transport Partnership is eliminating unnecessary truck and rail idling coupled with the development of a nationwide network of idle-reduction options along major transportation corridors, truck stops, hubs, rail yards, and the like; and

WHEREAS, by 2012, this initiative aims to reduce between 33 - 66 million metric tons of carbon dioxide (CO₂) emissions and up to 200,000 tons of nitrogen oxide (NO_x) emissions per year; and

WHEREAS, at the same time, the initiative will result in fuel savings of up to 150 million barrels of oil annually; and

WHEREAS, MHTA recognizes that Smart-Way provides shippers and freight carriers, including both truck and rail companies, the opportunity to enhance their public image by taking proactive steps to improve the efficiency of their operations; and

WHEREAS, MHTA recognizes that Smart-Way provides the freight industry opportunities to save money by improving operating efficiencies.

NOW, THEREFORE, BE IT RESOLVED that the member states of the Multi-State Highway Transportation Agreement (MHTA) support the U.S. EPA's Smart-Way Transport Partnership as a voluntary partnership among the freight industry that can help improve fuel efficiency and air quality; and

BE IT FURTHER RESOLVED that the MHTA urges trucking companies members, trucking association members, state and private highway contractors, railroads, MHTA state governments, and private industry to become voluntary partners in. the U.S. EPA's Smart-Way Transport Partnership

Adopted the 11th day of November, 2004

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
RESOLUTION 2004-408 SUPPORTING REVISIONS IN MHTA STATES' GOOD SAMARITAN
LAWS EXTENDING GOOD SAMARITAN STATUS AND LEGAL EXEMPTION TO
EMPLOYERS OF AND AN INDIVIDUAL RENDERING ASSISTANCE**

WHEREAS, Good Samaritan statutes are laws enacted by the various states which prevent a party from being sued if that individual, in good faith, renders assistance in an emergency situation using reasonable, prudent guidelines for; and

WHEREAS, MHTA states have enacted some form of Good Samaritan or Volunteer Protection laws prohibiting a victim from suing a physician or other health care professional for injuries from a Good Samaritan act; and

WHEREAS, some states have enacted laws that make it a punishable offense NOT to render aid in an emergency situation; and

WHEREAS, there appears to be a significant loophole in the existing Good Samaritan laws relating to commercial vehicle operators and their employers; and

WHEREAS, giving assistance in highway emergencies can create a "no-win" situation for truck drivers and their companies as failure to render assistance is considered a violation under the law; and

WHEREAS, in at least two incidents in an MHTA state, an individual truck driver has rendered assistance and company employers have been sued or faced the prospect of being sued when their vehicles, properly parked at the scene, were struck by another unrelated vehicle; and

WHEREAS, MHTA states' Good Samaritan laws, where appropriate, should be amended to cover not only the driver providing assistance but also the company and its equipment of the driver rendering such assistance; and

NOW THEREFORE BE IT RESOLVED, the Multistate Highway Transportation Agreement supports the enactment of legislation amending Good Samaritan laws to cover not only the driver providing assistance but also the company and its equipment of the driver rendering such assistance; and

BE IT FURTHER RESOLVED that the MHTA members urge their respective Legislatures and Governors to support the enactment of amendments to Good Samaritan laws as provided in MHTA model legislation.

Adopted the 11th day of November, 2004

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

**RESOLUTION 2004-409 IN OPPOSITION TO IMPOSITION OF TOLLS ON
UNRESTRICTED LANES ON EXISTING PUBLIC HIGHWAYS**

WHEREAS, public highway infrastructure in use in the United States in 2004 has already been either paid for or committed to be paid for by means of user fees on highway users of every type, including commercial motor carrier, and

WHEREAS, imposing a toll for the use of an unrestricted lane on existing public highway would constitute an overcharge approaching a double payment on those who paid the toll.

NOW, THEREFORE, BE IT RESOLVED, that the MHTA member states oppose the imposition of tolls on unrestricted lanes on any existing public highway.

Adopted the 9th day of November, 2004.

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2005-501 IN SUPPORT OF REASONABLE AND FAIR INDEMNIFICATION AND FACILITY ACCESS AGREEMENTS BETWEEN SHIPPERS, RECEIVERS AND FACILITY OPERATORS AND MOTOR CARRIERS.

WHEREAS, in general, indemnification agreements are contractual provisions in which the parties agree to an allocation of responsibility for liabilities that might arise from the activities contemplated by the contract; and

WHEREAS, shippers, receivers and facility operators often present motor carriers with indemnification and hold harmless provisions in motor carrier transportation contracts and facility access agreements that would have motor carriers accept responsibility for all liabilities including those that arise from either contributory or the sole negligence of the shipper/receiver/facility operator; and

WHEREAS, the negative implications for motor carriers are readily apparent in this kind of indemnification/waiver of subrogation provision being abusive and purely a one way street; and

WHEREAS, for example, if the motor carrier's employee driver is injured by the negligence of an employee of the shipper, the motor carrier's worker's compensation coverage would pay the motor carrier's driver and the carrier could not collect reimbursement from the shipper or the shipper's insurer and similarly with facility operators; and

WHEREAS, some states prohibit or restrict motor carrier transportation contracts with abusive indemnification provisions because they are against public policy; and

WHEREAS, that is not the law in all states and that disparity creates even more problems and uncertainty for motor carriers because motor carriers usually operate in more than one state.

NOW THEREFORE BE IT RESOLVED, that MHTA herewith approves a policy, in the public's best interest, that supports having each party to a motor carrier transportation contract take responsibility for the consequences of their own actions which provides for the most incentive and assurance that each party will take the necessary steps to prevent accidents from happening; and

BE IT FURTHER RESOLVED, that MHTA supports the introduction and passage of model legislation in MHTA states that would make void, motor carrier transportation contract provisions, having motor carriers accept responsibility for all liabilities in indemnification/hold harmless agreements between the shipper/receiver/facility operator and motor carrier.

Adopted 15th day of November, 2005

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2005-502 SUPPORTING CLARIFICATIONS OF CARGO SECUREMENT REGULATIONS APPLYING TO TRANSPORTATION OF BALES OF HAY.

WHEREAS, the Federal Motor Carrier Safety Administration published new cargo securement regulations on September 27, 2002, for securing all cargo loads in a uniform manner and ignoring the unique requirements for constraining loads of bales of hay when being transported; and

WHEREAS, the said regulations require the use of tie downs and v-boards to secure the sides of a load, a more costly, time-consuming and dangerous method when used to transport bales of hay; and

WHEREAS, the said regulations only allow certain optional securement methods such as longitudinal ropes and cross-stacking of bales; and

WHEREAS, transporting bales of hay without the use of longitudinal ropes and cross-stacking can create hazardous conditions for the driver and the public, including the potential for bales of hay to shift or to fall or blow off the vehicle; and

WHEREAS, the federal cargo securement regulations are subject to varying interpretations by law enforcement officers in different jurisdictions, resulting in different methods of securement being enforced in different areas of this state and in other states;

NOW THEREFORE BE IT RESOLVED that MHTA, respectfully urges the U. S. Department of Transportation to issue an interpretation of this regulation which, when applied to the transportation of bales of hay, allows the traditional and safer use of longitudinal tie downs and v-boards at the front and back of a load, rather than requiring the use of v-boards on the sides with tie downs every 10 feet; and

BE IT FURTHER RESOLVED, that ask the U. S. DOT to consider a regulation for the specific containment and securement of baled hay to deal with the unique requirements for constraining loads of baled hay; and

BE IT FURTHER RESOLVED, that MHTA transmit a copy of this resolution to the Administrator of the Federal Motor Carrier Safety Administration and each MHTA State DOTs.

Adopted 15th Day of November, 2005

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2005-503 IN SUPPORT OF A FUNDING PROGRAM FOR PARTICIPATION IN MHTA BY STATE MEMBERS IN ACCORDANCE WITH MHTA LAWS.

WHEREAS, the western trucking industry and western state legislators and officials concur that uniform adoption and action on issues benefiting MHTA, including adequate funding of the Agreement, are consistent and necessary in accomplishing MHTA's mission; and

WHEREAS, the MHTA States' laws require that within appropriations available, the departments, agencies, and officers of the government of each of the states shall cooperate with and assist the Cooperating Committee within the scope contemplated by Article IV, subsections 1(a) and 1(b) of the Agreement and further state, departments, agencies, and officers of the government are authorized generally to cooperate with said Cooperating Committee; and

WHEREAS, the MHTA States' laws further require that funds for the administration of the Agreement, including participation in the Cooperating Committee and the actual expenses of the designated representatives, shall be budgeted or expensed as determined appropriate; and

WHEREAS, the member states are currently funding MHTA from varying sources ranging from earmarked fuel tax funds to general fund appropriations for state legislatures or are not completely funding MHTA; and

WHEREAS, it is important to achieve a consensus by MHTA Cooperating Committee, trucking members, and state officials in seeking uniform funding sources for MHTA States to consider; and

WHEREAS, one possible source for funding of participation in MHTA by states would be to extend the fee to MHTA, now assessed annually by state departments of transportation for International Fuel Tax Agreement (IFTA) decals and paid by trucking companies for state participation in the IFTA as is now the case in Wyoming.

NOW THEREFORE BE IT RESOLVED, that MHTA supports, an appropriation for funding for each state.

Adopted 15th day of November, 2005

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

RESOLUTION 2005-504 IN SUPPORT OF UNIFORM LAWS AND REGULATIONS GOVERNING TRUCK SIZE AND WEIGHT AND PERMIT REGULATIONS AMONG THE MHTA AND OTHER WASHTO STATES.

WHEREAS, transportation has been vital to America's economic prosperity and quality of life since the Nation's founding; and

WHEREAS, more than \$700 billion dollars annually- an eighth of America's economy- is devoted to transportation products and services and one in ten Americans is employed in the industries that provide these goods and services; and

WHEREAS, Congress has called for a new era in transportation that recognizes the projected growth of transportation needs, the inability of infrastructure growth to keep pace with increasing congestion on America's highways, the need for more efficient and safe use of existing highway infrastructures and increased inter-modal transport; and

WHEREAS, western states through the WASHTO organization and the Committee on Highway Transport recognize and endorse the need for uniformity of truck size and weight laws and regulations in permitting over-dimensional loads and the importance of working with western trucking associations and the specialized carrier industry to improve cooperation and understanding and promote uniformity between entities; and

WHEREAS, government and industry recognize the need for permitting processes which reflects cooperation between states, local jurisdictions and motor carriers to devise safe procedures for moving extra-legal loads; and

WHEREAS, states and the heavy-specialized carrier industry recognize that regulatory and process uniformity improves the safety, mobility and efficiency of the highway system and that, conversely a system of fragmented, disjointed and restrictive permit processes is both detrimental to the Nation's interest and causes lost productivity, higher prices and diminished opportunities; and

WHEREAS, the Multi-State Highway Transportation Agreement supports regional cooperative efforts and agreements to facilitate safe, economical and productive commercial vehicle operations for the improvement of local, regional, national and international trade and recognizes the need for cooperative effort by transportation providers, shippers, local governments, Governors, State Legislatures and Departments of Transportation; and

WHEREAS, the Multi-State Highway Transportation Agreement supports public/private partnerships to meet regional transportation goals, including increasing the capacity, efficiency of process and safety of the transportation system which supports the region's economy,

NOW THEREFORE BE IT RESOLVED, that the Multi-State Highway Transportation Agreement supports the continued cooperative efforts of industry and the WASHTO Subcommittee on Highway Transport to resolve highway transportation issues; and

BE IT FURTHER RESOLVED that MHTA encourages individual member states to cooperate with industry and representative associations to pursue necessary legislative and regulatory actions with state legislatures, local jurisdictions and other policy-making entities to incorporate, to the extent possible, uniform permitting processes-that improve safety and efficiency in the movement of extra-legal loads.

Adopted 15th Day of November, 2005

MHTA

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

MODEL LEGISLATION

and

MODEL LEGISLATIVE RESOLUTIONS

*ENACTING POLICY POSITIONS ON
HIGHWAY TRANSPORTATION ISSUES*

MODEL LEGISLATION - UNIFORM HAZMAT MODEL LAW

A BILL RELATING TO THE UNIFORM REGISTRATION AND PERMITTING OF MOTOR VEHICLES OPERATED BY PERSONS ENGAGED IN THE HIGHWAY TRANSPORTATION OF HAZARDOUS MATERIALS INTO, THROUGH OR WITHIN THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF _____ THAT CHAPTER _____ OF THE CODE OF _____ BE AMENDED BY ADDING THERETO A NEW SECTION, DESIGNATED _____ TO READ AS FOLLOWS:

ARTICLE _____ REGISTRATION AND IDENTIFICATION OF VEHICLES OPERATED BY PERSONS ENGAGED IN HAZARDOUS MATERIALS TRANSPORTATION.

Section 1. - Participation on the hazardous materials transportation registration system. (a) The State Department of Transportation shall have power and authority to promulgate rules implementing a hazardous materials transportation registration and permitting program for operators of motor vehicles transporting hazardous materials upon or over the public highways within the borders of this state. Rules adopted under this section shall be consistent with, and equivalent in scope, coverage, and content to, the report submitted by the alliance for uniform hazardous material transportation procedures to the secretary of transportation, United States department of transportation, pursuant to paragraph [c] of section of section twenty two of the "Hazardous Materials Transportation Uniform Safety Act of 1990", Public Law 101-615.

(b) The hazardous materials transportation registration and permitting program established in this section shall be coordinated with hazardous materials regulations enforced by other agencies of the state, and shall preempt and supersede hazardous materials transportation regulation and permitting programs administered or enforced by any municipality, county or other political subdivision of this state.

(c) The funds for the program established in this section shall be obtained from fees paid by registrants hereunder. The fees shall be established by rulemaking and shall be apportioned: by the percentage of the registrant's activity in this state; by the percentage of a registrant's business that is related to hazardous materials; and by the number of motor vehicles operated in this state by a registrant. Rulemaking may also establish fees for processing and registration: Provided, that said fees established in this section shall not exceed \$ _____ per registrant per annum, nor \$ _____ per vehicle per annum: Provided, however, that said apportioned vehicle fee shall not be required under this program sooner than the registration year beginning on the _____.

(d) The commission may enter into agreements with other states, a national repository federal agencies as necessary to implement the program established under this section.

(e) To achieve the purposes of this section, the commission may, through its inspectors or other authorized employees, inspect any facilities or motor vehicles of any person who transports hazardous materials subject to this program.

(f) It shall be unlawful for any person to operate, or cause to be operated, a motor vehicle transporting hazardous materials upon or over the public highways within this state without first having complied with the requirements of the registration and permitting program, as established by the commission. Failure to comply with the program requirements, as determined by the commission after notice and opportunity to be heard, may be sufficient cause for suspension or revocation of permits and registration under the program. -
END-

MODEL LEGISLATION - SMOKE TESTING OF ON-ROAD DIESEL VEHICLES ROADSIDE INSPECTIONS

A BILL ESTABLISHING A UNIFORM AND STANDARDIZED DIESEL SMOKE TESTING PROCEDURE THAT TARGETS THOSE VEHICLES VISIBLY EMITTING BLACK SMOKE. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____

SECTION 1. {Title} This Act may be cited as "Uniform Diesel Smoke Testing Act."

SECTION 2. {Legislative Findings} The legislature hereby finds and declares that: (A) Today's heavy-duty diesel engines produce nearly 90 percent fewer particulates than those engines manufactured in 1988.

(B) Today's engines also produce such low levels of smoke emissions that they are considered smokless.

(C) In spite of this progress, smoke emissions from heavy-duty diesel-powered vehicles, such as trucks and buses, are a concern to the residents of the state. And while many heavy-duty diesel-powered vehicles are engaged in interstate commerce that extends beyond the boundaries of the state, the federal Clean Air Act does not require these vehicles to be regularly inspected for excess smoke emissions.

(D) To address the concerns of the residents and to eliminate excessively smoking vehicles from the state's roadways, the Legislature hereby declares that heavy-duty diesel-powered vehicles shall be inspected for excessive smoke emissions. Under no circumstances shall the engines in these vehicles be required to meet emissions standards that are more stringent than the new engine emission standards to which they were certified.

SECTION 3. {Definitions} As used in this Act: (A) "Heavy-duty vehicle" means any vehicle powered by diesel fuel and having a gross vehicle weight of greater than eight thousand five hundred (8,500) pounds.

SECTION 4. {Test Procedures} (A) The smoke testing procedures and measuring equipment used in determining violations of the test standards shall be conducted in accordance with the Society of Automotive Engineers recommended practice J1667 (SAE J1667), "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles." Any meter that measures smoke opacity and any recorder that stores or records smoke opacity measurements must produce consistent and repeatable results.

(B) No Federal or State Funds can be used to purchase smoke opacity meters for use in state diesel emission enforcement programs unless they completed the SAEJ1667 accuracy and correlation test for specification compliance. A smoke meter proven to be SAEJ1667 compliant during the 1996 accuracy and correlation test will be used as the reference meter in testing any previously untested and unproven meters.

SECTION 5. {Test Standards} Smoke test standards shall be designed to ensure that no engine will fail the standards when the engine is in good operating condition and is adjusted to manufacturer's specifications. Under no circumstances shall heavy-duty engines in vehicles be required to meet emission standards more stringent than the new engine emission standards to which they were certified pursuant to the federal Clean Air Act

To meet the requirements of this section, the following maximum allowable opacity cutpoints shall be established: 40% for model year 1991 or newer engines, 55% for model years 1990 to 1974 engines, and 70% for model year 1973 or older engines. established: 40% for model year 1991 or newer engines, 55% for model years 1990 to 1974 engines, and 70% for model year 1973 or older engines.

These cutpoints shall be based on the reference conditions contained in the SAE J1667 document.

Actual opacity readings may need to be adjusted according to the procedures contained in Appendix B of the SAE J1667 document to account for ambient conditions.

In implementing this section, regulations shall be adopted that ensure there will be no false failures or any false failures will be remedied without penalty to the vehicle owner.

SECTION 6. {Test Program} A roadside program shall be developed for the inspection of emissions from on-road heavy-duty vehicles. Such inspection program shall include visual screening to identify vehicles suspected of exceeding the standards contained in this section. Suspected vehicles shall then be tested, using the procedures described in this section, to determine compliance with the test standards. Vehicles that have been issued a smoke test citation, regardless of the state of issuance, and are within a forty-five day proof of correction period shall not be subject to additional testing during the correction period. Coordination with appropriate agencies in other states that have proposed or adopted heavy-duty vehicle emission inspection programs shall be undertaken to promote consistency. Criteria shall be developed for site selection and procedures for the control of traffic and operation at any public or quasi-public location.

SECTION 7. {Exemptions} A. Vehicles equipped with any engine family for which the manufacturer has demonstrated greater smoke opacity than the standards when adjusted to manufacturer's specification shall be exempt from the test standards. In such case, the engine family shall comply instead with any technologically appropriate less stringent standard based on data obtained from engines in good operating condition and adjusted to manufacturer's specifications.
B. Farm vehicles or vehicles used for animal husbandry will be exempt.

SECTION 8. {Phase-In Period} A six-month phase-in period shall be established during which no citations or penalties shall be issued. This phase-in period shall be used by the responsible regulatory agency to raise awareness of the upcoming program requirements by conducting smoke tests and encouraging potential violators to repair and maintain their vehicles.

Section 9. {Penalties} It shall be a violation to operate a heavy-duty vehicle which, when tested, exceeds the test standards set forth in this section. The following penalties shall apply to any violation:

1. First violation (within a twelve-month period) \$ XXX
Second and subsequent violations (within a twelve-month period) \$ XXX
2. The penalties set forth in paragraph 1 of this section for first violations shall be waived if proof of correction is submitted not later than forty-five (45) days after the issuance of a citation.
3. Proof of correction can be demonstrated by submitting a receipt that documents repair by a repair facility or a fleet maintenance facility, by submitting results of a post-repair emissions test that demonstrate compliance, or by submitting a receipt that documents the maximum repair limit of \$ XXX has been reached.
4. Vehicles found in violation of the test standards set forth in this section shall not be subject to impoundment or otherwise prevented from engaging in commerce as a result of this program.

Section 10. {Appeals} Owners of any vehicle subject to penalties under this section shall have forty-five (45) days to request an administrative hearing process to contest such penalties. An administrative hearing conducted by a neutral party shall be held within forty-five (45) days of receiving such request. No penalties shall be collected during an appeal until a judgement has been rendered.

Section 11. {Advisory Panel} An advisory panel, consisting of representatives from the responsible regulatory agency, the truck and bus industries and other affected parties, shall be established to develop and monitor the implementation of the smoke testing program described herein.
Section 12. {Effective Date} **-END-**

Model Legislation -Cargo Carrying Unit Lengths

A BILL REVISING VEHICLE CARGO CARRYING LENGTH LIMITS ON LONGER COMBINATION VEHICLES; AMENDING SECTIONS _____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

Section 1. Definitions.

"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, semi-trailer, or the cargo-carrying section of a single-unit truck.

"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 semi-trailers which operates on the highway systems of this state at a gross vehicle weight greater than 80,000 pounds.

Section 2. Special permits — fees. (1) Except as provided in subsections _____ in addition to the regular registration and gross vehicle weight fees, a fee of _____ for each trip permit and a fee of _____ for each term permit issued for size in excess of that specified in _____ must be paid for all movements under special permits on the public highways.

(2) (a) A longer combination vehicle, consisting of a truck tractor semi-trailer, trailer Rocky Mountain double, may not exceed 81 feet in cargo carrying unit length.

(b) A Rocky Mountain double is not subject to a combination length limit. &

(c) Special permits for vehicle combinations may specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(3) (a) A special permit may be issued to operate a truck tractor-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(b) The combination may be operated only on highways that are part of the federal-aid interstate system, and within a 2-mile radius of an interchange on the interstate system on other highways only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(d) The cargo carrying unit length may not exceed 95 feet;

(e) The combination is not subject to a combination length limit.

- END -

Model Legislation- Engine Compression Brake Device

A BILL CONCERNING THE REQUIREMENT FOR COMMERCIAL VEHICLES THAT ARE EQUIPPED WITH ENGINE COMPRESSION BRAKE DEVICES TO HAVE MUFFLERS FOR SUCH DEVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE _____

SECTION 1. _____ is amended, by the addition of a new subsection, to read:

Mufflers - prevention of noise. (1) Any commercial vehicle, as defined _____ subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.

(2) Any person who violates subsection (1) of this section commits traffic infraction. Any person who violates this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer and credited to the highway users tax fund.

SECTION 2. _____ is amended to read:

Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (1) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of this section apply shall be fined or penalized, and have a surcharge levied thereon of thirty five dollars and the surcharge shall be four dollars in accordance with the penalty and surcharge schedule set forth. If no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars.

(2) These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate

SECTION 3. _____, is amended to read:

Powers and duties. (1) The personnel of a port of entry weigh station, during the time that they are actually engaged in performing their duties as such and while acting under proper orders or regulations issued by the _____, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article; except that they shall not have the power to serve civil writs and process and, in the exercise of their duties, such personnel shall have the authority to restrain and detain persons or vehicles and may impound any vehicle until any tax or license fee imposed by law is paid or until compliance is had with any tax or regulatory law or regulation issued thereunder.

-END-

MODEL LEGISLATION - REPEALING NINE AXLE CAP

A BILL REPLACING THE LIMIT ON THE NUMBER OF AXLES ALLOWED ON A COMMERCIAL MOTOR VEHICLE WITH THE FEDERAL GROSS VEHICLE WEIGHT LIMITS; AND AMENDING _____.

BE IT ENACTED BY THE LEGISLATURE OF _____ THAT CHAPTER _____ OF THE CODE OF _____ BE AMENDED BY ADDING THERETO A NEW SECTION, DESIGNATED _____ TO READ AS FOLLOWS:

Section 1. Maximum gross weight. (1) An axle may not carry a load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may carry a load in excess of 34,000 pounds. An axle load is the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. For purposes of this section, axles 40 inches or less apart are considered to be a single axle. A VEHICLE OR COMBINATION MAY NOT HAVE MORE THAN NINE AXLES. (STRIKE LANGUAGE RESTRICTING NINE AXLE MAXIMUM)

(2) The maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles must be determined by the formula: $W = 500((LN/(N - 1)) + 12N + 36)$ in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(3) the maximum gross weight allowed on a vehicle may not exceed the weight limits adopted by the department. The department shall adopt rules for weight limits based upon the most recent version of 23 cfr. Part 658. Appendix c. For vehicles operating in this state.

-END-

Model Legislation - Dyed Diesel Fuel Enforcement

A BILL ESTABLISHING A DYED DIESEL FUEL ENFORCEMENT PROGRAM; AND ALLOWING THE DEPARTMENT OF TRANSPORTATION (OR OTHER AGENCY) TO STOP AND INSPECT DIESEL-POWERED MOTOR VEHICLES FOR THE PRESENCE OF NONTAXED, DYED DIESEL FUEL IN THEIR SUPPLY TANKS; AND AMENDING SECTIONS _

BE IT ENACTED BY THE LEGISLATURE OF _____ THAT CHAPTER _____ OF THE CODE OF _____ BE AMENDED BY ADDING THERETO A NEW SECTION, DESIGNATED _____ TO READ AS FOLLOWS:

SECTION 1. Section _____ is amended to read:

“ _____ Certain exempt special fuel to be dyed; operation or maintenance of vehicle containing dyed special fuel prohibited on highway; exception.

1. Special fuel, other than compressed natural gas, liquefied petroleum gas or kerosene, which is exempt from the tax pursuant to section _____ must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. Except as otherwise provided in subsections 3 and 4, a person shall not operate or maintain on any highway in this state a motor vehicle which contains in the fuel tank of that vehicle special fuel which has been dyed.

3. A person who, pursuant to subsection 2, 3 or 4 of _____ is exempt from the tax imposed by this chapter, may operate or maintain a motor vehicle on a highway in this state which contains in the fuel tank of that vehicle special fuel which has been dyed.

4. A person may operate or maintain on a highway in this state any special mobile equipment or farm equipment that contains in the fuel tank of the special mobile equipment or farm equipment special fuel which has been dyed. As used in this subsection:

(a) “Farm equipment” means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:

- (1) Owned or leased by the operator of the farm equipment; and
- (2) Used to store or process the crops or agricultural products.

The term includes a tractor, baler or swather or any implement used to retrieve hay.

(b) “Highway” does not include a controlled-access highway as defined in _____.

SECTION 2. Section _____ is amended to read:

“ _____ Penalty for other violations. Any violation of the provisions of this chapter, except as otherwise provided, is a misdemeanor and is punishable as such.”

SECTION 3. Section _____ is amended to read:

“ _____ Misuse or alteration of exempt special fuel: Administrative fine. (1) The department may impose an administrative fine of the greater of \$1,000 or \$10 per gallon of special fuel based on the maximum storage capacity of the storage tank that contains the special fuel if a person:

(a). Sells or stores any special fuel that has been dyed for a use which the person selling or storing such fuel knows, or has reason to know, is a taxable use of the fuel;

(b). Willfully alters or attempts to alter the strength of composition of any dye in any special fuel intended to be used for a taxable purpose; or

(c). Uses special fuel that has been dyed for a taxable purpose.”

SECTION 4. Section _____ is amended to read:

“ _____ Tax on special fuel and volatile liquids. (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax, as provided in subsection (2):

(a) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) The tax imposed in subsection (1) is _____ per gallon.”

SECTION 5. Section _____ is amended to read:

“ _____ Officers authorized to weigh vehicles and enforcement of motor carrier safety standards—authority to inspect diesel-powered vehicles. (1) A peace officer, officer of the highway patrol, or employee of the department of transportation, in addition to other enforcement duties assigned under section _____ has the authority to stop and inspect the supply tank of any diesel-powered motor vehicle

operating on the public highways of this state, at sites designed by the department of transportation for the presence of non-taxed, dyed diesel fuel in the supply tanks to determine compliance with SECTION 4.

-END-

MODEL LEGISLATION – CVSA CERTIFICATION OF VEHICLE SAFETY INSPECTORS

A BILL CONCERNING A REQUIREMENT THAT ENFORCEMENT OFFICIALS WHO PERFORM COMMERCIAL VEHICLE SAFETY INSPECTIONS BE CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE TO PERFORM LEVEL ONE INSPECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____
THAT CHAPTER _____ OF THE CODE OF _____ BE AMENDED BY ADDING
THERE TO NEW SECTION, DESIGNATED _____ TO READ AS FOLLOWS:

SECTION 1. _____ is amended to read:

Minimum standards for commercial vehicles. The department shall adopt rules and regulations for the operation of all commercial vehicles. In adopting such rules and regulations, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles and employee safety and health standards.

ON AND AFTER _____, ALL COMMERCIAL VEHICLE SAFETY INSPECTIONS CONDUCTED TO DETERMINE COMPLIANCE WITH RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH SHALL BE PERFORMED BY AN OFFICIAL, AS DEFINED IN SECTION _____ WHO HAS BEEN CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE, OR ANY SUCCESSOR ORGANIZATION THERETO, TO PERFORM LEVEL ONE INSPECTIONS.

SECTION 2. _____, is amended to read:

Enforcement. (1) The provisions of parts 1, 2, and 3 of this article relating to the transportation of hazardous materials by motor vehicle may only be enforced by an enforcement official. ON AND AFTER _____, SAID PROVISIONS MAY ONLY BE ENFORCED BY AN OFFICIAL WHO HAS BEEN CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE, OR ANY SUCCESSOR ORGANIZATION THERETO, TO PERFORM LEVEL ONE INSPECTIONS.

SECTION 3. Effective date.

-END-

MHTA STATES - MODEL JOINT HOUSE AND SENATE LEGISLATIVE RESOLUTION - FEDERAL S&W REGULATIONS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF _____ REQUESTING THE UNITED STATES CONGRESS TO STUDY THE REGULATIONS GOVERNING THE WEIGHTS, LENGTHS, AND WIDTHS OF COMMERCIAL MOTOR VEHICLES OPERATING ON HIGHWAYS SUBJECT TO FEDERAL REGULATIONS, AND TO RECOMMEND ANY REVISIONS TO CONGRESS DEEMED APPROPRIATE.

WHEREAS, at the request of Congress, the Transportation Research Board (TRB) issued a Special Report #267 on the impacts of Federal Truck size and weight regulations that concluded that the largely static and inflexible system of Federal regulation that currently exists discourages innovation aimed at improving highway efficiency and reducing the costs of truck traffic including costs related to accidents involving trucks; and

WHEREAS, the TRB Special Report #267 concludes that States should be given greater authority to make decisions on size and weight limits on trucks on highways under their jurisdiction; and

WHEREAS, to address these findings TRB Special Report #267 recommends legislation to create an institute that would conduct pilot studies of changes in truck size and weight regulations, changes in related highway system management and operating practices, and user fee policies; and

WHEREAS, the expanded operation of more productive trucks would have the safety benefits of needing fewer trucks to haul a given amount of freight thereby reducing accident exposure; and

WHEREAS, a study by Federal Highway Administration found that the accident rate for LCVs is half that other trucks and a recent Canadian study found that LCVs have an accident rate that is five times lower than the rate for tractor-semitrailers.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF _____ supports the recommendations of the TRB Special Report #267, providing for the undertaking of pilot studies of changes in truck size and weight to include the following:

1. Safety must be a pre-eminent focus along with other potential areas of study such as productivity, environmental benefits, or influence on congestion and system usage.
2. Two or more states must formally support and participate directly in the pilot to reduce pressure on adjacent states to increase size and weights.
3. The motor carriers participating in any pilot study must fully bear the cost responsibility for the size and weights of their involved vehicles.
4. The scheduled length of the pilot should not be less than five (5) years to ensure sufficient time for data collection and analysis, unless terminated by the involved states.

BE IT FURTHER RESOLVED that the Congress be urged to take the opportunity to review this issue based on the facts and that members of Congress from the State of _____, and the Governors, State Legislative Leaders, and State Departments of Transportation from MHTA state to consider supporting these pilot studies of truck size and weight regulations.

-END-

MODEL LEGISLATION - GOOD SAMARITAN LIABILITY EXEMPTION COMMERCIAL VEHICLE OPERATOR

A BILL FOR AN ACT CONCERNING AN EXTENSION OF THE EXEMPTION FROM CIVIL LIABILITY TO THE EMPLOYER OF A COMMERCIAL VEHICLE OPERATOR WHO RENDERS GOOD FAITH EMERGENCY CARE OR EMERGENCY ASSISTANCE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Exempts an employer from civil liability for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee: Operates a commercial motor vehicle for the employer; Renders the emergency care or emergency assistance in the of his or her employment; and is personally exempted by current law from liability for civil damages for the acts or omissions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:
THAT CHAPTER _____ OF THE CODE OF _____ BE AMENDED BY ADDING
THERETO NEW SECTION, DESIGNATED _____ TO READ AS FOLLOWS

SECTION 1. _____ is amended by the addition of a new subsection to read:
Persons rendering emergency assistance exempt from civil liability.

- (1) AN EMPLOYER SHALL NOT BE LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE BY AN EMPLOYEE WHILE RENDERING EMERGENCY CARE OR EMERGENCY ASSISTANCE IF THE EMPLOYEE:
 - (a) OPERATES A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN _____
_____ FOR THE EMPLOYER;
 - (b) RENDERS THE EMERGENCY CARE OR EMERGENCY ASSISTANCE IN THE COURSE OF HIS OR HER EMPLOYMENT FOR THE EMPLOYER; AND
 - (c) IS PERSONALLY EXEMPT FROM LIABILITY FOR CIVIL DAMAGES FOR THE ACTS OR OMISSIONS UNDER SUBSECTION (1) OF THIS SECTION.

SECTION 2. Applicability. This act shall apply to causes of action arising on or after the effective date of this act.

SECTION 3. Effective date.

-END-

MHTA Model Legislation

Abusive Indemnification Agreements

A BILL FOR AN ACT TO AMEND THE CODE OF LAWS OF _____ BY ADDING SECTION _____ SO AS TO PROVIDE THAT A PROVISION, CLAUSE, COVENANT, OR AGREEMENT CONTAINED IN, A MOTOR CARRIER TRANSPORTATION CONTRACT THAT INDEMNIFIES, DEFENDS, OR HOLDS HARMLESS THE CONTRACT'S PROMISEE FROM OR AGAINST LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF THE CONTRACT'S PROMISEE, OR ANY AGENTS, EMPLOYEES, SERVANTS, OR INDEPENDENT CONTRACTORS WHO ARE DIRECTLY RESPONSIBLE TO THE CONTRACT'S PROMISEE IS UNENFORCEABLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____.

Motor carrier transportation contracts

SECTION 1. _____ is amended by adding:

"Section _____ (A) Notwithstanding another provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the contract's promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract's promisee, or any agents, employees, servants, or independent contractors who are directly responsible to the contract's promisee, is against the public policy of this State and is unenforceable.

(B) As used in this section 'motor carrier transportation contract' means a contract, agreement, or understanding covering:

- (1) the transportation of property for compensation or hire by the motor carrier;
- (2) the entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or
- (3) a service incidental to activity described in items (1) or (2) including, but not limited to, storage of property.

(C) As used in this section 'Promisee' means the promisee, and any agents, employees, servants, or independent contractors who are directly responsible to the promisee, except for motor carriers party to a motor carrier transportation contract with promisee, and such motor carrier's agents, employees, servants or independent contractors directly responsible to such motor carrier.

(D) Nothing contained in this section affects a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the contract's promisee against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier."

SECTION 2. This act takes effect _____.

END

MHTA STATES - MODEL JOINT HOUSE AND SENATE LEGISLATIVE RESOLUTION - FEDERAL CARGO SECUREMENT REGULATIONS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF _____ URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO TAKE ACTION ON FEDERAL CARGO SECUREMENT REGULATIONS AS APPLIED TO BALES OF HAY.

WHEREAS, the Federal Motor Carrier Safety Administration published new cargo securement regulations on September 27, 2002, to prevent cargo from shifting or falling from commercial motor vehicles; and

WHEREAS, the federal regulations address all cargo loads in a uniform manner and ignore the unique requirements for constraining loads of bales of hay which creates safety problems when transporting bales of hay; and

WHEREAS, the said regulations require the use of tie downs and v-boards to secure the sides of a load, a more costly, time-consuming and dangerous method when used to transport bales of hay; and

WHEREAS, the said regulations only allow certain optional securement methods such as longitudinal ropes and cross-stacking of bales; and

WHEREAS, transporting bales of hay without the use of longitudinal ropes and cross-stacking can create hazardous conditions for the driver and the public, including the potential for bales of hay to shift or to fall or blow off the vehicle; and

WHEREAS, the federal cargo securement regulations are subject to varying interpretations by law enforcement officers in different jurisdictions, resulting in different methods of securement being enforced in different areas of this state and in other states;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF _____ JOINTLY, respectfully urging the U. S. Department of Transportation to issue an interpretation of this regulation which, when applied to the transportation of bales of hay, allows the traditional and safer use of longitudinal tie downs and v-boards at the front and back of a load, rather than requiring the use of v-boards on the sides with tie downs every 10 feet; and

BE IT FURTHER RESOLVED, that the _____ Legislature respectfully suggests, as an alternative, the U. S. DOT remove the transport of bales of hay from the general cargo category and create a regulation for the specific containment and securement of baled hay to deal with the unique requirements for constraining loads of baled hay; and

BE IT FURTHER RESOLVED, that the U.S DOT, act in consultation with industry experts and local agencies, to consider the safety advantages of using traditional longitudinal straps and cross-stacking standards when reviewing these regulations for amendment; and

BE IT FURTHER RESOLVED, that the Chief Clerks of the House and Senate prepare and transmit a copy of this resolution to the Secretary of Transportation of the United States Department of Transportation, the Administrator of the Federal Motor Carrier Safety Administration and each member of the _____ Congressional Delegation.

END

MHTA Model Legislation – For Funding the Multistate Highway Transportation Agreement

A BILL FOR AN ACT TO AMEND THE CODE OF LAWS OF _____ (State) _____
_____ BY _____ ADDING SECTION _____ SO AS TO PROVIDE
FUNDING FOR THE MULTISTATE HIGHWAY TRANSPORTATION
AGREEMENT FROM THE INTERNATIONAL FUEL TAX LICENSE FEE.

Section 1. State Cooperation With And Assistance To Interstate Cooperating Committee. (a) The department of transportation shall cooperate with the cooperating committee in carrying out the purpose of _____ (insert citation MHTA statute) and shall cooperate with and assist the committee, to the extent funds are appropriated for this purpose, with the provisions of article _____ section

(b) Funds for the administration of this agreement _____ (insert citation MHTA statute) _____ including participation in the cooperating committee and the actual expenses of the designated representative, shall be budgeted from the fees collected under (insert citation section of law dealing with motor fuel tax licenses, permits, annual decal for IFTA)

Section 2. Licenses; Permits. An additional fee may be collected by the issuing agency from a licensee for each annual decal issued pursuant to the international fuel tax agreement authorized by (insert citation International Fuel Tax Agreement statute). The fee shall be in an amount determined by the department of transportation to be sufficient to recover reasonable administrative costs of the international fuel tax agreement and the multistate highway transportation agreement, but not more than ten dollars (\$10.00) per annual decal. The fee shall be remitted to the state treasurer who shall credit the multistate highway and fuel tax agreements account within the highway fund.

Section 3. Effective Date.

-END-

MHTA

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT

Cooperating Committee

*OPERATING
PROCEDURES*

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT OPERATING PROCEDURES

I. Purposes

- 1.10 The purpose of the Operating Procedures is to provide rules that determine how the Multi-State Highway Transportation Agreement (MHTA) functions.
- 1.20 The operating procedures shall determine the procedures for the MHTA cooperating committee, MHTA meetings, voting, agreement amendments and amendments to the operating procedures.
- 1.30 The MHTA operating procedures are intended to be consistent with the MHTA agreement and supplement state legislation where necessary. When the operating procedures conflict with the MHTA agreement, the agreement shall control.

II. Definitions

- 2.10 **Designated representative** – A designated representative means a legislator or other person authorized to represent the jurisdiction.
- 2.20 **Jurisdiction** – Jurisdiction means a state of the United States or the District of Columbia.
- 2.30 **Agreement** – The agreement means the Multistate Highway Transportation Agreement as defined in the statutes of the participating jurisdictions.

III. Cooperating Committee

- 3.10 **Cooperating Committee formed** – As set forth in the agreement, the designated representatives of the participating jurisdictions shall constitute the Cooperating Committee. The designated representatives shall be the only members of the Cooperating Committee.
- 3.20 **Designated representatives per jurisdiction** - Each MHTA jurisdiction shall be entitled to two designated representatives on the Cooperating Committee.
- 3.30 **Designated representatives appointment** – The designated representatives for each jurisdiction shall be appointed according to the laws and regulations of the appropriate jurisdiction. Annual confirmation of the designated representatives shall be obtained from each jurisdictions, including any alternates appointed in accordance with each jurisdiction's statute.
- 3.40 **Committee authority**
 - 3.41 **Governing body of MHTA** - The Cooperating Committee is the governing authority for MHTA. MHTA activities and recommendations shall be conducted only with the authority of the MHTA Cooperating Committee.
 - 3.42 **Research authority** – As set forth in the agreement, the MHTA Cooperating Committee shall have the power to:

V. Officers

- 5.10 **Cooperating Committee officers** – As set forth in the agreement, the Cooperating Committee shall select, from among its members, a chairman, a vice-chairman and a secretary.
- 5.20 **Additional officers** – The Cooperating Committee shall also elect a treasurer and an at-large officer.

VI. Officer Duties

- 6.10 **Officers constitute the Board of Directors** - The officers of the Cooperating Committee shall constitute the board of directors for MHTA, Inc and shall have all the powers and duties described in the MHTA, Inc. bylaws.

VII. Officer Elections

- 7.10 **Annual election** - The chairman, vice-chairman, secretary, treasurer, and at-large officer shall be elected at the regular annual meeting and shall hold office for one year.
- 7.20 **Majority vote required** - The chairman, vice-chairman, secretary, treasurer and at-large officer shall be elected by a majority vote of the designated representatives of the Cooperating Committee in attendance at the time of the voting.
- 7.30 **Vacancy** – In the event a designated representative vacates an officer position, the chairman shall appoint a Cooperating Committee member to serve the remainder of the officer's term. In the event the office of Chairman is permanently vacated, the wording of the Operating Procedures shall be changed to agree with the by-laws of the MHTA Corporation on the succession of the vice president.

VIII. Quorum

- 8.10 **Quorum** – A majority of the designated representatives of the Cooperating Committee shall constitute a quorum. On special or standing committees, a quorum shall be a majority of committee members.
- 8.20 **Quorum required** – Except as otherwise provided by law or these operating procedures, the MHTA Cooperating Committee and any special or standing subcommittees shall not vote on the business of the agreement without a quorum.

IX. Voting Procedures

- 9.10 **Actions by the Cooperating Committee** – Actions by the Cooperating Committee shall be taken only by a majority vote of the designated representatives present where a quorum is present.
- 9.20 **Votes by mail** – In the interim between Cooperating Committee meetings, should the MHTA board of directors determine that an emergency exists which requires immediate approval of a policy position, the board may request a vote by mail. For such votes, the chairman may establish a voting period of not less than seven (7) days from the date of the postmark, fax or electronic mail for comment and determination

XII. Governing Rules

- 12.10 **Robert's Rules govern** – Committee meetings shall be governed by Robert's Newly Revised Rules of Order except as may be stipulated by the operating procedures.

XIII. Amendments to Operating Procedures

- 13.10 **Majority vote required** – Amendments to these operating procedures shall require a majority vote of the Cooperating Committee.
- 13.20 **Votes at annual meeting** – Votes on amendments to these operating procedures shall be conducted at the annual meeting.
- 13.30 **Written notice required** – Written notice shall be delivered to Cooperating Committee members at least ten (10) working days prior to any meeting at which the members shall vote to amend the operating procedures. Such notice shall include a description of the proposed amendments and information about the time and place of the meeting.

XIV. Records

- 14.10 **Annual written report** – The Cooperating Committee shall submit an annual report to the legislature of each participating jurisdiction, no later than January 31. The report shall summarize the work of the Committee during the preceding year including recommendations developed by the Committee.
- 14.20 **Minutes and records** – The secretary, by and through MHTA staff or other appropriate designees, shall be responsible for maintaining and distributing minutes and records of all MHTA proceedings in accordance with the MHTA, Inc. bylaws and procedures.

XV. Active/Inactive State Members

- 15.10 **Active State Members** - To fully participate and vote at MHTA meetings, participating jurisdictions must be "active state members." Active state members have appointed designated representatives and have paid their annual dues.
- 15.20 **Inactive State Members** - States not meeting the criteria in 15.10 shall be considered inactive. Inactive states shall not be counted in quorum requirements, shall not be eligible to vote in mail balloting, and shall not be counted as part of MHTA for purposes of amending the MHTA agreement.
- 15.30 **Reinstatement** – Inactive states may be restored to active status by appointing designated representatives and paying current year dues.

MHTA
MULTI-STATE HIGHWAY
TRANSPORTATION
AGREEMENT

INDUSTRY ADVISORY
COMMITTEE

OPERATING
PROCEDURES

**MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT
INDUSTRY ADVISORY COMMITTEE**

PURPOSE:

Advise the Cooperating Committee about industry concerns and assist the Cooperating Committee of the Multi-State Highway Transportation Agreement and Board of Directors of MHTA, Inc. as deemed appropriate by either entity.

MEMBERSHIP

Can be an individual, association or company concerned about or affected by the issues which could or should be addressed by MHTA and who is also an Affiliate member of MHTA, Inc.

DUES

• In order to carry out the purposes of MHTA and provide the opportunities for Industry and Government to interact on the matters to be addressed by the Cooperating Committee, funds are required.

• Voting within the Industry Advisory Committee can only be by dues paying affiliate members of MHTA.

• Non-dues participants can attend meetings and participate in discussions, but may not vote.

• Affiliate Members pay dues as follows, ased upon a calendar year: \$700 per company/organization base fee; \$250 for an individual.

• Sponsorship opportunities will be offered first to Affiliate Members and then to non-members to raise their visibility at the Summer Transportation Seminar and the Annual Meeting.

• It is also understood that dues paying affiliate members of MHTA are entitled to vote within the Industry Advisory Council ONLY. They do not have a vote within the Cooperating Committee nor the Board of Directors of MHTA, Inc., nor can they serve on the Board.

• All dues will be paid to the Treasurer of MHTA. The Committee shall not collect, bank nor pay out monies on its own behalf.

(See management below.)

GOVERNANCE

The Industry Advisory Committee (IAR) shall nominate and elect from its voting ranks a Chairman at the Annual Meeting who shall serve for one year.

MANAGEMENT

The Committee may call upon the Administrative Consultant for MHTA to communicate with its members, make meeting arrangements and take minutes. Dues will be collected by the Treasurer of MHTA or their designate. The Executive Consultant for MHTA is available to assist with posturing issues and researching information.

CONDUCT OF BUSINESS

The IAC shall function as a forum for identifying important issues facing the interstate commercial movement of goods and services between the Western States. Individual Task Forces can be appointed by the Chair to investigate specific issues to be presented to the full IAC Committee. The full committee shall vote on those issues they wish to present to the MHTA Cooperating Committee for their consideration in preparing Resolutions or Model Legislation to be presented to member Legislatures.

VOTING PROCEDURES

• No quorum of members is required to conduct business.

• Notice of a meeting to be sent to dues paying members at least 30 days prior to meeting.

• Members whose dues are current at the time of voting may vote.

• Matters are determined by a majority of those voting members present.

VACANCY

If the Chairmanship of IAC should become vacant during the Calendar Year, a replacement will be appointed by the Chairman of the Cooperating Committee.

MISCELLANEOUS PROCEDURES

• IAC will meet before each meeting of the Cooperating Committee.

• Issues which have been voted upon by IAC and prepared for consideration by the Cooperating Committee should be presented to the Chairman of MHTA at least 30 days prior to the stated meeting of the Cooperating Committee.

• Unless emergency in nature, issues to be addressed should be researched and prepared well in advance of the stated meetings.

POLICIES & PROCEDURES

All policies and procedures and changes thereto must be approved by the Cooperating Committee.