House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 54

HOUSE BILL 2372

AN ACT

AMENDING SECTIONS 28-1821 AND 28-1823, ARIZONA REVISED STATUTES; REPEALING SECTION 28-1822, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-1822; RELATING TO THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-1821, Arizona Revised Statutes, is amended to read:

28-1821. Adoption of agreement

The multistate highway transportation agreement is entered into and enacted into law 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, mutually agree as follows:

Article I

Findings and Purposes

Section 1. Findings.

The participating jurisdictions find that:

(a) The expanding regional economy depends on expanding transportation capacity.

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

(c) Uniform application in the west of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption and related transportation costs which are necessary to permit increased productivity.

(d) A number of western states, already having adopted substantially the 1964 bureau of public roads recommended vehicle size and weight standards, still find current federal limits more restrictive.

~~(e) The 1974 revision of federal law found in 23 United States Code section 127 did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching monies if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two per cent complete.~~

~~(f)~~ (e) 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 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 as far as possible of administrative procedures in the enforcement of recommended vehicle size and weight standards.

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

(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.

~~(a)~~ (b) "Designated representative" means a person authorized PURSUANT TO SECTION 28-1822 to represent the jurisdiction.

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

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

Article III

General Provisions

Section 1. Qualifications for membership.

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

Section 2. Cooperation.

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

Section 3. Effect of headings.

Article and section headings contained in this agreement are not deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section of this agreement.

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 of the jurisdiction.

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.

The participating jurisdictions may amend this agreement by unanimous joint action, acting through the officials of the jurisdictions authorized to enter into this agreement, subject to the requirements of article III, section 4. Any amendment shall be placed in writing and become a part of this agreement but shall not become effective as part of this agreement until adopted by the legislature.

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 article III, section 2, the designated representatives of the participating jurisdictions constitute ~~a~~ THE COOPERATING committee which may:

(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 if, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

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

(d) RECOMMEND IMPROVEMENTS IN HIGHWAY OPERATIONS, IN VEHICULAR SAFETY AND IN STATE ADMINISTRATION OF HIGHWAY TRANSPORTATION LAWS.

(e) PERFORM FUNCTIONS NECESSARY TO FACILITATE THE PURPOSES OF THIS AGREEMENT.

Section 2. Each DESIGNATED REPRESENTATIVE OF A participating jurisdiction is entitled to one vote only. No action of the committee is ~~binding~~ APPROVED unless a majority of the total number of votes cast by THE DESIGNATED REPRESENTATIVES OF THE participating jurisdictions is in favor of the action.

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

Section 4. The committee shall submit annually to the legislature of each participating jurisdiction~~, no later than November 1,~~ a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. ~~Copies of all such reports shall be made available to the transportation committee of the western conference, council of state governments, and to the western association of state highway and transportation officials.~~

Article V

Objectives of the Participating Jurisdictions

Section 1. Objectives.

The participating jurisdictions declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single axle weight of twenty thousand pounds, a tandem axle weight of thirty-four thousand pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

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

Where W = maximum weight in pounds carried on any group of two or MORE AXLES computed to the nearest five hundred pounds.

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

N = number of axles in the group under consideration.

(b) It is the objective of the participating jurisdictions that ~~if~~ the operation of a vehicle or combination of vehicles IN INTERSTATE COMMERCE according to the provisions of subsection (a) of this section ~~would result in withholding or forfeiture of federal aid monies pursuant to 23 United States Code section 127, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will~~ be authorized under special permit authority by each participating jurisdiction ~~which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956 are adhered to~~ FOR VEHICLE COMBINATIONS IN EXCESS OF A STATUTORY WEIGHT OF EIGHTY THOUSAND POUNDS OR STATUTORY LENGTHS, OR BOTH.

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

~~(d)~~ (c) It is the 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 agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications and operating practices and such other matters as may be pertinent.

~~(e)~~ (d) ~~In recognition of the limited prospects of federal revision of 23 United States Code section 127 and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal aid highway monies, it is the objective of~~ The COOPERATING COMMITTEE MAY RECOMMEND THAT THE participating jurisdictions ~~to~~ JOINTLY secure congressional approval of this agreement, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

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

(e) IT IS THE FURTHER OBJECTIVE OF THE PARTICIPATING JURISDICTIONS TO:

(i) ESTABLISH TRANSPORTATION LAWS AND REGULATIONS TO MEET REGIONAL NEEDS AND TO PROMOTE AN EFFICIENT, SAFE AND COMPATIBLE TRANSPORTATION NETWORK.

(ii) DEVELOP STANDARDS THAT FACILITATE THE MOST EFFICIENT AND ENVIRONMENTALLY SOUND OPERATION OF VEHICLES ON HIGHWAYS AND THAT ARE CONSISTENT WITH AND IN RECOGNITION OF PRINCIPLES OF HIGHWAY SAFETY.

(iii) 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 LAWS AND REGULATIONS.

Article VI
Entry Into Force and Withdrawal

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

Section 2. Any participating jurisdiction may withdraw from this agreement by cancelling the agreement, but no such withdrawal takes effect until thirty days after the designated representative of the withdrawing

jurisdiction gives 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 its purposes.

Section 2. The provisions of this agreement are 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 to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement is not affected. If this agreement is held contrary to the constitution of any participating jurisdiction, the agreement remains in full force as to the jurisdictions affected as to all severable matters.

Article VIII

Filing of Documents

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

Article IX

Existing Statutes Not Repealed

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

Article X

State Government Departments

Authorized to Cooperate With Cooperating Committee

Section 1. If appropriations are made available the departments, agencies and officers of the government of this state may cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1, subsections (a) and (b). The departments, agencies and officers of the government of this state are authorized to cooperate with the cooperating committee.

Sec. 2. Repeal

Section 28-1822, Arizona Revised Statutes, is repealed.

Sec. 3. Title 28, chapter 6, article 2, Arizona Revised Statutes, is amended by adding a new section 28-1822, to read:

28-1822. Selection of designated representatives

A. THE CHAIRPERSON OF THE SENATE TRANSPORTATION COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE, OR ITS SUCCESSOR COMMITTEE, SHALL REPRESENT THIS STATE AS THE DESIGNATED REPRESENTATIVES TO THE COOPERATING COMMITTEE OR MAY DESIGNATE OTHER LEGISLATORS OR STATE AGENCY OFFICIALS TO SERVE AS THE DESIGNATED REPRESENTATIVES.

1 B. THE COMMITTEE CHAIRPERSON IN EACH HOUSE SHALL DESIGNATE ONE
2 ALTERNATIVE DESIGNATED REPRESENTATIVE WHO SHALL ALSO BE A LEGISLATOR OR A
3 STATE AGENCY OFFICIAL TO SERVE IN THEIR ABSENCE.
4 Sec. 4. Section 28-1823, Arizona Revised Statutes, is amended to read:
5 28-1823. Compensation of designated representative
6 ~~The~~ A designated representative is not entitled to additional
7 compensation because of the designated representative's service as designated
8 representative. ~~The~~ A designated representative is entitled to reimbursement
9 for travel and other necessary expenses incurred in the performance of the
10 designated representative's official duties pursuant to title 41, chapter 7,
11 article 1.

APPROVED BY THE GOVERNOR APRIL 6, 2001.
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2001.

Passed the House February 6, 2001,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 2, 2001,

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

President of the Senate

Charmion Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2001,

at 12:35 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 6th day of

April, 2001,

at 11:03 o'clock A M.

Jane Dee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 6 day of April, 2001,

at 4:00 o'clock P M.

Betsey Bayless
Secretary of State

H.B. 2372