



MEMORANDUM

Agenda Item No. 11(A)(42)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution opposing federal legislation allowing for increased truck weights on interstate highways; urging Congress not to pass such legislation; supporting federal legislation freezing current truck weight limits and urging Congress to pass such legislation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

A handwritten signature in black ink, appearing to read 'RAC', written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(42)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(42)
10-4-11

RESOLUTION NO. _____

RESOLUTION OPPOSING FEDERAL LEGISLATION ALLOWING FOR INCREASED TRUCK WEIGHTS ON INTERSTATE HIGHWAYS; URGING CONGRESS NOT TO PASS SUCH LEGISLATION; SUPPORTING FEDERAL LEGISLATION FREEZING CURRENT TRUCK WEIGHT LIMITS AND URGING CONGRESS TO PASS SUCH LEGISLATION

WHEREAS, on average 4,000 people are killed in truck crashes each year in the U.S. and 100,000 more are injured; and

WHEREAS, large trucks have a fatal crash involvement rate 40 percent higher than that of passenger vehicles, according to the National Highway Safety Administration; and

WHEREAS, in fatal two-vehicle crashes involving a passenger vehicle and a large truck, 98 percent of the deaths are occupants of the passenger vehicles; and

WHEREAS, Florida law currently has an 80,000 pound weight limit on state roads, but during the 2010 session, the Florida Legislature passed Chapter 2010-225 (HB 1271), which allowed certain vehicles with an 88,000 pound weight limit on state roads that are not part of the interstate highway system; and

WHEREAS, current federal law provides that only trucks carrying 80,000 pounds or less are permitted legally on the interstate highway system; and

WHEREAS, bills have been filed for consideration during the 112th Congress that would raise the federal 80,000 pound weight limit on interstate highways or alternatively allow states to raise this limit, including:

- The Safe and Efficient Transportation Act of 2011, H.R. 763 by Representative Michael Michaud (D – Maine) and S. 747 by Senator Mike Crapo (R – Idaho), which would allow any state to authorize the operation of vehicles with a gross vehicle weight up to 97,000 pounds on the interstate highway system routes in the state;

- The Truck Weight Uniformity Act of 2011, H.R. 801 by Representative Chip Cravaack (R – Minnesota), which would allow a state to authorize a vehicle exceeding federal interstate highway weight limits to operate on interstate highways in that state if the vehicle has a gross vehicle weight of no more than 99,000 pounds, at least six axles and no more than 20,000 pounds per axle; no more than 34,000 pounds on the tandem axle; and no more than 51,000 pounds on any three axles;
- S. 1450, the Commercial Truck Safety Act, by Senator Olympia Snowe (R – Maine), which would allow the U.S. Secretary of Transportation to grant a waiver from current 80,000 pound interstate highway weight limit for a 3-year pilot program, during which time state engineers, highway users and safety advocates would weigh the advantages and disadvantages and report to the Secretary who could then set reasonable, permanent weight limits; and

WHEREAS, these bills all take various approaches to allow for heavier trucks on interstate highways; and

WHEREAS, bills also have been filed for consideration during the 112th Congress that would freeze current truck weights and lengths in all states, H.R. 1574 by Representative James McGovern (D – Massachusetts) and S. 876 by Senator Frank Lautenberg (D – New Jersey), the Safe Highways and Infrastructure Preservation Act (SHIPA); and

WHEREAS, this pair of bills would prohibit trucks on interstate highways heavier than the current 80,000 pound weight limit; and

WHEREAS, trucks heavier than 80,000 pounds threaten the safety of other highway drivers because of the time it takes them to stop and the extra weight they are hauling, making already dangerous highways even more dangerous; and

WHEREAS, trucks heavier than 80,000 pounds also raise concerns related to the nation's deteriorating infrastructure; and

WHEREAS, more than half the bridges on the National Highway System are more than 40 years old and over 20 percent are already either structurally deficient or functionally obsolete, according to a U.S. Department of Transportation report from last year; and

WHEREAS, trucks heavier than 80,000 pounds are likely to accelerate the deterioration of interstate road surfaces and bridges; and

WHEREAS, environmentalists also assert that bigger trucks are less fuel efficient than smaller ones and allowing heavier trucks could increase usage of trucks to the detriment of more fuel efficient forms of transport, such as rail; and

WHEREAS, legislation allowing for heavier trucks is opposed by law enforcement associations, the American Automobile Association, the Owner-Operator Independent Drivers Association and railroads associations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes any and all federal legislation that would allow for increased truck sizes and weights on interstate highways and urges Congress not to pass these bills, including but not limited to:

- The Safe and Efficient Transportation Act of 2011, H.R. 763 and S. 747;
- The Truck Weight Uniformity Act of 2011, H.R. 801; and
- The Commercial Truck Safety Act, S. 1450.

Section 2. Supports any and all federal legislation that would freeze current truck weights and lengths in all states, including but not limited to the Safe Highways and Infrastructure Preservation Act (SHIPA), H.R. 1574 and S. 876, and urges Congress to pass these bills.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

Section 4. Directs the County's federal lobbyists to advocate against the passage of the legislation as set forth in Section 1 above and to advocate for the passage of the legislation as set forth in Section 2 above.

Section 5. Authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 and 2012 Federal Legislative Packages.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty