



Highway Bill Advances

June 26, 2009

The Highway Bill, the Surface Transportation Authorization Act of 2009, passed out of the Subcommittee on Highways and Transit within the U.S. House Transportation and Infrastructure (T&I) Committee earlier this week, June 24, 2009.

According to an arrangement previously agreed to, no amendments were voted on but all amendments that members of Congress had were discussed to raise each issue and discussions would continue informally to reach agreement on the issues before consideration at the full committee in a few weeks.

Below is a summary of a few issues discussed by the subcommittee that may be of particular interest to AFTC members.

Exemption from Safety Regulations for Farm Trucks

An interesting dialogue occurred regarding the issue of safety regulations as they apply to lower weight farm trucks. The discussion involved the Chairman of the T&I Committee, Rep. James Oberstar of Minnesota. While the comments below from Chairman Oberstar were addressing this specific issue that is not exactly the same as the agricultural exemption to hours of service, his comments were pretty clear about his general feelings regarding exemptions to safety regulations.

Representative Mary Fallin of Oklahoma offered an amendment to exempt farm trucks below 26,000 pounds from safety regulations. Following is the discussion:

Fallin:

“This is an amendment that deals with an issue that we’ve actually had some hearings on in this committee dealing with private farm vehicles that have come under recent scrutiny from local and state law enforcement agencies in regards to interstate commercial motor vehicle standards.

Federal law allows each state to determine their own classification for commercial motor vehicles for trucks with a gross vehicle weight rating of less than 26,000 pounds when traveling within their own borders. However, these federal standards mandate that trucks traveling across state lines with a gross vehicle weight rating of more than 10,000 pounds are considered to be commercial motor vehicles and the discrepancy between these two standards is creating a cumbersome burden upon our farmers and ranchers who routinely cross state lines to support their local businesses and their families with their farm trucks.

I have an amendment which would remedy this problem by amending the commercial vehicle safety requirements to exempt farmers who are engaged in agricultural related activities from federal motor carrier commercial vehicle regulations. The farmers and ranchers across Oklahoma and this country have been inhibited by this piece of regulation that they've had to work with and they have come to me and I know, Mr. Chairman, we have met with you several times on this particular issue and had several hearings and as we continue to work along I know you've had a great concern about making sure that all of our equipment on our roads, especially as it deals with weights is safe and I have a great appreciation for that and I want to make sure we have safe vehicles on our roads but also to recognize that there is a challenge that when they cross lines on states they may have one weight limit in one state and then they cross to another and that creates some concerns with law enforcement. So, Mr. Chairman, I guess I'd like to ask that you continue to work with us on this issue and we continue to discuss it.

Defazio (Rep. Peter Defazio of Oregon - Chairman of Subcommittee):

Both Chairman Oberstar and I have been extensively involved in this issue, targeted exemptions and that, in the past and we're quite familiar with it, both come from areas that have significant farming activity, ranching activity in my area and timber, so I'm familiar with a number of the concerns and I personally, and I believe the Chairman, would be happy to continue these discussions as we move forward.

Oberstar:

Yes, indeed, and I thank the gentlewoman for raising this issue. I would just observe as we go forward that waiving requirements for special training, waiving hours of service rules, waiving the requirements for a driver road test are really serious safety obstacles. Those are the kinds of issues we're going to have to have some discussion about.

Fallin:

And the issue I'm trying to get at Mr. Chairman is when farmers have lower weight vehicles and the requirements of keeping medical records and keeping travel logs and they're not long haul commercial drivers but they're farmers taking products to local markets.

Oberstar:

I understand how much of this can be seasonal in nature but just the appearance of waiving hours of service rules, we can make them less cumbersome, we can make them less difficult to comply with, but just flat out waiving them really raises for me serious safety obstacles. So let's discuss this further. There's plenty of time to do this; and it's for cotton modules and sugar cane trucks and potato haulers and log haulers and a whole host of such items that we have to take into consideration.

Fallin:

I agree with you, Mr. Chairman, and I will withdraw this amendment on the consensus that we will continue to work on this issue.

Equitable Distribution of Highway Funding

Another dialogue occurred regarding equitable distribution of highway funds among various geographic areas and urban and rural areas. The amendment was offered by Representative Aaron Schock of Illinois and the dialogue occurred as follows:

Schock:

Mr. Chairman my amendment is rather simple; it ensures that Projects of National Significance monies that are in this bill are distributed around the country equitably. Specifically, the language in this amendment requires that when awarding these funds the Secretary shall take such measures as may be necessary to ensure an equitable geographic distribution of funds made available to carry out this section and an appropriate balance in addressing the needs of urban and rural communities under this section.

This language is the exact language that was included in the discretionary transportation grant program created by the stimulus which has since been named the Transportation Investment Generating Economic Recovery or TIGER discretionary grant program.

The purpose for this amendment is, Mr. Chairman, there are several reasons, for example, the primary employer in my district happens to be agriculture; in fact is one of the primary employers in the state of Illinois happens to be agriculture pumping \$6.4 billion into our economy. However, the goods produced by all farmers also need to get to market and the market today's farmer is selling to is no longer Pekin, Illinois but Peking, China. As such we no longer need a Farm-to-Market Road we need a farm to market infrastructure system that allows farmers to be cost-competitive in these international markets. This infrastructure is expensive and I am concerned under the language in this bill the Department will choose to fund other projects, projects which are of equal importance but are in larger media markets or provide a larger splash.

No one knows better than the Chairman that one of this bill's primary purposes is saving lives. Repeatedly and artfully, the Chairman's blueprint lists the tragic lives lost due to our outdated and inefficient transportation system. Unfortunately, a disturbingly and disproportionate percentage of those fatalities occur in rural America. In fact, 55 percent of highway fatalities happen in an area that only holds 23 percent of the population.

Another overarching goal of this legislation is creating and allowing economic development, and again I turn to the Chairman's blueprint which discusses the economic opportunities provided by increased freight movement. Again, rural areas are in

disproportionate need in this area. More than one in seven rural Americans lives in poverty and in the aggregate this poverty occurs at higher rates and lasts longer than those living in the cities. As such, if there is anyone which needs the benefit provided by enhanced movement of goods it is those in rural America.

So I'm hoping that the Chairman will work with us and, if not adopt this amendment, work with us to ensure that these monies will be dispersed appropriately and that the appropriate direction is given to the Secretary similar to how the stimulus funds are being directed.

Defazio:

I thank the gentleman and recognize the chairman of full committee, who I think wants to respond.

Oberstar:

Thank you. The gentleman is right, half of all highway fatalities occur on rural roads and half of the rural road fatalities are people from urban areas who get confused, who are driving on road conditions they are not accustomed to, with blind intersections, little or no shoulder, poor striping.

In our part of the country, northern Minnesota, we have whiteouts in winter time. The University of Minnesota transportation center has developed a sensor in the intersection of roadways to alert by GPS snowplow operators so that in a whiteout they don't run into somebody who's stuck in an intersection.

I understand fully. For those very concerns we provided language in the stimulus requiring states to equitably distribute their recovery dollars. It's not working quite as well, as I hear randomly from the members, as we intended. There really wasn't any enforcement mechanism on the states.

Secondly, on the projects on national significance, which I initiated in the SAFETEA legislation on the condition that there be an objective process, that the Secretary of Transportation would evaluate projects and award them. Mr. Young agreed with me, that was the language that could pass through the House, but then we got through conference with the Senate, however, and they had sliced it all up into little pieces. They were like little snowflakes distributed a little bit here, a little bit there, and someplace else. The gentleman will understand, in Chicago, CREATE [a rail project] was supposed to have a \$200 million investment but it only got \$100 million and it only came from our side. So, what I've done in this draft legislation is to create an ironclad process that the Senate won't meddle with and neither will we. There will be an objective process by which projects will be selected.

If the gentleman is concerned that there be equitable distribution we'll find a way to put that word in and put some teeth in it. Longer answer and more history that you probably wanted but that's what you get when you raise something with me.

Schock:

Thank you, Mr. Chairman. I appreciate that and I take you at your word and look forward to working towards that end.

Funding for Bridges in Rural Areas

A lengthy discussion occurred involving Rep. Jerry Moran of Kansas, Mr. Schock, and Chairmen Oberstar and Defazio regarding Mr. Moran's proposal to restore funding to the "off system bridge set aside." A provision in the draft highway bill would eliminate a provision of the current law requiring states to use at least 15 percent of their federal highway funding for non-federal bridges. This would effectively prevent states from using federal money to help in the repair of bridges which are not part of the federal aid highway system. Mr. Moran's amendment would allow states the flexibility to use up to 5 percent of their funding for off system bridges.

Mr. Moran told of bridges in rural areas in need of repair where the sparse population does not generate adequate tax revenue to fund those repairs.

Mr. Defazio argued that funding from other federal programs such as the Surface Transportation Program (STP) could be used for such purposes but the intention of the bill was to focus federal efforts on bringing the critical assets in the National Highway System up to good repair.

Mr. Oberstar point out that the bill does not prohibit the use of federal funds for non-federal bridges but that such a use is no longer made a category. Moran argued that the bulk of funding comes in the critical asset investment program and exclusion of non-federal uses is especially troublesome since many of the funds in the STP are already sub-allocated to urban areas.

The members of Congress agreed to continue discussions on the issue.

If you would like to watch the video of the debate it can be found here on the internet:

<http://transportation.house.gov/hearings/hearingDetail.aspx?NewsID=945>

Click on "Video of the Markup" in the middle at the bottom. Once the video begins playing drag the bar across the bottom over to the time point for each debate. Fallin is at 02:21:40 and Schock follows immediately. The Moran issue begins at 1:21 and continues through 1:34.

