

FIRST REPRINT

A.B. 641

(ON BEHALF OF NEVADA MOTOR TRANSPORT ASSOCIATION)

MARCH 26, 2001

SUMMARY—Makes various changes to Multistate Highway Transportation Agreement.
(BDR 43-1330)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Multistate Highway Transportation Agreement; providing that each participating jurisdiction is entitled to select not more than two designated representatives to serve on the cooperating committee; authorizing the departments, agencies and officers of each participating jurisdiction to cooperate with and provide assistance to the cooperating committee under certain circumstances; specifying the designated representatives from this state to serve on the cooperating committee; and providing other matters properly relating thereto

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 481A.010 is hereby amended to read as follows:
2 481A.010 The Multistate Highway Transportation Agreement is
3 hereby enacted into law and entered into with all jurisdictions legally
4 joining therein, in the form substantially as follows:

ARTICLE I Findings and Purposes

8 Section 1. Findings. The participating jurisdictions find that:
9 (a) The expanding regional economy depends on expanding
10 transportation capacity;
11 (b) Highway transportation is the major mode for movement of ~~people~~
12 *persons* and goods in the western states;
13 (c) Uniform application in the west of more adequate vehicle size and
14 weight standards will result in a reduction of pollution, congestion, fuel



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1 consumption and related transportation costs, which are necessary to
2 permit increased productivity;

3 (d) A number of western states have already, to the fullest extent
4 possible, adopted substantially the 1964 Bureau of Public Roads
5 recommended vehicle size and weight standards; *and*

6 (e) ~~The 1956 provision of federal law, (23 U.S.C. 127), though long~~
7 ~~outmoded, remains in effect depriving states of interstate matching money~~
8 ~~if vehicle weights and widths are increased, even though the Interstate~~
9 ~~System is more than 80 percent complete; and~~

10 ~~—(f) The~~ participating jurisdictions are most capable of developing
11 vehicle size and weight standards most appropriate for the regional
12 economy and transportation requirements, consistent with and in
13 recognition of principles of highway safety.

14 Sec. 2. Purposes. The purposes of this agreement are to:

15 (a) Adhere to the principle that each participating jurisdiction should
16 have the freedom to develop vehicle size and weight standards that it
17 determines to be most appropriate to its economy and highway system.

18 (b) Establish a system authorizing the operation of vehicles traveling
19 between two or more participating jurisdictions at more adequate size and
20 weight standards.

21 (c) Promote uniformity among participating jurisdictions in vehicle size
22 and weight standards on the basis of the objectives set forth in this
23 agreement.

24 (d) Secure uniformity insofar as possible, of administrative procedures
25 in the enforcement of recommended vehicle size and weight standards.

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

29 *(f) Facilitate communication among legislators, state transportation*
30 *administrators and commercial industry representatives in addressing*
31 *issues relating to highway transportation in participating jurisdictions.*
32

33 ARTICLE II Definitions

34
35 Section 1. As used in this agreement:

36 (a) *“Cooperating committee” means the committee consisting of the*
37 *designated representatives from all participating jurisdictions.*

38 (b) “Designated representative” means a legislator or other person
39 authorized *pursuant to Article XI* to represent the jurisdiction.

40 ~~(b)~~ (c) “Jurisdiction” means a state of the United States or the District
41 of Columbia.

42 ~~(e)~~ (d) “Vehicle” means any vehicle as defined by statute to be
43 subject to size and weight standards which operates in two or more
44 participating jurisdictions.

45 ARTICLE III General Provisions

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47
48 Section 1. Qualifications for Membership. Participation in this
49 agreement is open to jurisdictions which subscribe to the findings,



1 purposes and objectives of this agreement and will seek legislation
2 necessary to accomplish ~~these~~ *those* objectives.

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

7 Sec. 3. Effect of Headings. Article and section headings contained
8 herein shall not be deemed to govern, limit, modify or in any manner affect
9 the scope, meaning or intent of the provisions of any article or section
10 ~~hereof~~ *of this agreement*.

11 Sec. 4. Vehicle Laws and Regulations. This agreement ~~shall~~ *does*
12 not authorize the operation of a vehicle in any participating jurisdiction
13 contrary to the laws or regulations ~~thereof~~ *of the participating*
14 *jurisdiction*.

15 Sec. 5. Interpretation. The final decision regarding interpretation of
16 questions at issue relating to this agreement ~~shall~~ *must* be reached by *a*
17 unanimous joint action of the participating jurisdictions, acting through the
18 designated representatives. Results of all such actions ~~shall~~ *must* be
19 placed in writing.

20 Sec. 6. Amendment. This agreement may be amended by *a*
21 unanimous joint action of the participating jurisdictions, acting through the
22 officials thereof authorized to enter into this agreement, subject to the
23 requirements of section 4 ~~of~~ *of* article III. Any amendment ~~shall~~ *must* be
24 placed in writing and become a part ~~hereof~~ *of this agreement*.

25 Sec. 7. Restrictions, Conditions or Limitations. Any jurisdiction
26 entering *into* this agreement shall provide *to* each other participating
27 jurisdiction ~~with~~ a list of any restriction, condition or limitation on the
28 general terms of this agreement, if any.

29 Sec. 8. Additional Jurisdictions. Additional jurisdictions may
30 become members of this agreement by signing and accepting the terms of
31 the agreement.

32 ARTICLE IV Cooperating Committee

33
34 Section 1. *Each participating jurisdiction is entitled to select not*
35 *more than two designated representatives.* Pursuant to section 2 ~~of~~ *of*
36 article III, the designated representatives of the participating jurisdictions
37 ~~shall~~ constitute a *cooperating* committee which ~~shall have the power to~~
38 *may*:

39 (a) Collect, correlate, analyze and evaluate information resulting or
40 derivable from research and testing activities in relation to vehicle size and
41 weight-related matters.

42 (b) Recommend and encourage the undertaking of research and testing
43 in any aspect of vehicle size and weight or related matter when, in their
44 collective judgment, appropriate or sufficient research or testing has not
45 been undertaken.

46 (c) Recommend changes in law or policy with emphasis on
47 compatibility of laws and uniformity of administrative rules or regulations
48



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1 which would promote effective governmental action or coordination in the
2 field of vehicle size and weight-related matters.

3 *(d) Recommend improvements in highway operations, vehicular safety*
4 *and state administration of highway transportation laws.*

5 *(e) Perform any functions required to carry out the purposes of this*
6 *agreement.*

7 Sec. 2. Each *designated representative of a* participating jurisdiction
8 ~~{shall be}~~ *is* entitled to one vote only. No action of the committee ~~{shall be}~~
9 ~~binding}~~ *may be approved* unless a majority of the total number of votes
10 cast by *the designated representatives of the* participating jurisdictions are
11 in favor ~~{thereof.}~~ *of the action.*

12 Sec. 3. The committee shall meet at least once annually and shall
13 elect, from among its members, a chairman, a ~~{vice chairman}~~ *vice*
14 *chairman* and a secretary.

15 Sec. 4. The committee shall submit annually to the legislature of each
16 participating jurisdiction ~~{, no later than November 1,}~~ a report setting forth
17 the work of the committee during the preceding year and including
18 recommendations developed by the committee. The committee may submit
19 such additional reports as it deems appropriate. ~~{for desirable. Copies of all~~
20 ~~such reports shall be made available to the Transportation Committee of~~
21 ~~the Western Conference, Council of State Governments, and to the~~
22 ~~Western Association of State Highway Officials.}~~

23 24 ARTICLE V Objectives of the Participating Jurisdictions

25
26 Section 1. Objectives. The participating jurisdictions hereby declare
27 that:

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

37
38
$$W = 500 [LN / (N-1) + 12N + 36]$$

39 where W = Maximum weight in pounds carried on any group of two
40 or more axles computed to nearest 500 pounds.

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

43 N = number of axles in group under consideration.
44

45 (b) It is the further objective of the participating jurisdictions that ~~{in the~~
46 ~~event}~~ the operation of a vehicle or combination of vehicles *in interstate*
47 *commerce* according to the provisions of subsection (a) of this section
48 ~~{would result in withholding or forfeiture of federal aid funds pursuant to~~
49 ~~section 127, Title 23, U.S. Code, the operation of such vehicle or~~



1 combination of vehicles at axle and gross weights within the limits set forth
2 in subsection (a) of this section will be authorized under special permit
3 authority by each participating jurisdiction ~~which could legally issue such~~
4 ~~permits prior to July 1, 1956, provided all regulations and procedures~~
5 ~~related to such issuance in effect as of July 1, 1956, are adhered to.~~

6 ~~— (c) The objectives of subsections (a) and (b) of this section relate to~~
7 ~~vehicles or combinations of vehicles in regular operation, and the authority~~
8 ~~of any participating jurisdiction to issue special permits for the movement~~
9 ~~of any vehicle or combination of vehicles having dimensions and/or~~
10 ~~weights in excess of the maximum statutory limits in each participating~~
11 ~~jurisdiction will not be affected.~~

12 ~~— (d) if the vehicle or combination of vehicles weighs more than 80,000~~
13 ~~pounds or exceeds the length prescribed by statute in the participating~~
14 ~~jurisdiction in which the vehicle or combination of vehicles is operated.~~

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

29 ~~{(e) In recognition of the limited prospects of federal revision of section~~
30 ~~127, Title 23, U.S. Code, and in order to protect participating jurisdictions~~
31 ~~against any possibility of withholding or forfeiture of federal aid highway~~
32 ~~funds, it is the further objective of}~~

33 (d) *It is further the objective of the participating jurisdictions that the*
34 *cooperating committee may recommend that* the participating jurisdictions
35 ~~to~~ *jointly* secure Congressional approval of this agreement and,
36 specifically of the vehicle size and weight standards set forth in subsection
37 (a) of this section.

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

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

44 (1) *Establish transportation laws and regulations that satisfy*
45 *regional and economic requirements and promote an efficient, safe and*
46 *compatible network of transportation.*

47 (2) *Develop standards that facilitate the most efficient and*
48 *environmentally sound operation of vehicles on highways, consistent*
49 *with and in recognition of the principles of highway safety.*



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

5
6 ARTICLE VI Entry Into Force and Withdrawal

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8 Section 1. This agreement ~~{shall enter}~~ *enters* into force when enacted
9 into law by any two or more jurisdictions. Thereafter, this agreement ~~{shall~~
10 ~~become}~~ *becomes* effective as to any other jurisdiction upon its enactment
11 thereof, except as otherwise provided in section 8 ~~{}~~ *of* article III.

12 Sec. 2. Any participating jurisdiction may withdraw from this
13 agreement by canceling ~~{the same but no}~~ *this agreement, but* such *a*
14 withdrawal ~~{shall}~~ *must not* take effect until 30 days after the designated
15 ~~{representative}~~ *representatives* of the withdrawing jurisdiction ~~{has}~~ *have*
16 given notice in writing of the withdrawal to all other participating
17 jurisdictions.

18
19 ARTICLE VII Construction and Severability

20
21 Section 1. This agreement ~~{shall}~~ *must* be liberally construed ~~{so as}~~
22 to effectuate the purposes thereof.

23 Sec. 2. The provisions of this agreement ~~{shall be}~~ *are* severable and
24 if any phrase, clause, sentence or provision of this agreement is declared to
25 be contrary to the constitution of any participating jurisdiction , or the
26 applicability thereto to any government, agency, person or circumstance is
27 held invalid, the validity of the remainder of this agreement ~~{shall}~~ *must*
28 not be affected thereby. If this agreement ~~{shall be}~~ *is* held *to be* contrary to
29 the constitution of any jurisdiction participating herein, the agreement
30 ~~{shall remain}~~ *remains* in full force and effect as to the remaining
31 jurisdictions and in full force and effect as to the jurisdictions affected as to
32 all severable matters.

33
34 ARTICLE VIII Filing of Documents

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36 Section 1. A copy of this agreement, its amendments, and rules or
37 regulations promulgated thereunder and interpretations thereof ~~{shall}~~ *must*
38 be filed in the highway department in each participating jurisdiction and
39 ~~{shall}~~ *must* be made available for review by interested parties.

40
41 *ARTICLE IX Cooperation by State Governments*
42 *with Cooperating Committee*

43
44 *Section 1. Within the limits of legislative appropriations, the*
45 *departments, agencies and officers of each participating jurisdiction may*
46 *cooperate with and provide assistance to the cooperating committee*
47 *concerning any provision of this agreement.*



ARTICLE X Funding

Section 1. Funds for the administration of this agreement, including participation in the cooperating committee and the actual authorized expenses of the designated representatives, must be budgeted from any fees collected for the highway fund of each participating jurisdiction.

ARTICLE XI Selection of Designated Representatives

Section 1. Each participating jurisdiction shall establish by law the procedure for selecting its designated representatives to serve on the cooperating committee.

Sec. 2. NRS 481A.020 is hereby amended to read as follows:

481A.020 ~~1. The governor shall appoint the director of the department of transportation as the designated representative.~~ **The designated representatives** of this state to serve on the cooperating committee established by article IV of the Multistate Highway Transportation Agreement ~~+~~

~~2. The designated representative of this state may be represented by an alternate designated by him. Any such alternate must be a principal deputy in the department of transportation.~~ **are:**

1. The chairman of the senate standing committee on transportation or a person designated by him; and

2. The chairman of the assembly standing committee on transportation or a person designated by him.

Sec. 3. 1. There is hereby appropriated from the state highway fund to the legislative fund to pay the cost of the salaries, per diem and travel expenses and dues for membership in the Multistate Highway Transportation Association for the designated representatives specified in NRS 481A.020:

For the fiscal year 2001-2002..... \$7,500

For the fiscal year 2002-2003..... \$7,500

2. The sums appropriated by subsection 1 are available for either fiscal year.

Sec. 4. This act becomes effective on July 1, 2001.

