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HOUSE BILL 830

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Daniel P. Silva

AN ACT

**RELATING TO TRANSPORTATION; AMENDING THE MULTISTATE HIGHWAY
TRANSPORTATION AGREEMENT AND CHANGING PROVISIONS FOR
DESIGNATION OF STATE REPRESENTATIVES ON THE COOPERATING
COMMITTEE.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 11-14-2 NMSA 1978 (being Laws 1997,
Chapter 191, Section 2) is amended to read:**

**"11-14-2. PROVISIONS OF AGREEMENT. -- The provisions of
this multistate agreement are as follows:**

"MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

ARTICLE I. FINDINGS AND PURPOSE

(a) The participating jurisdictions find that:

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

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1 (2) Uniform application of state vehicle
2 regulations and laws may result in a reduction of pollution,
3 congestion, fuel consumption, and related transportation
4 costs, which are necessary to permit increased productivity.

5 (b) The purposes of this agreement are to:

6 (1) Adhere to the principle that each
7 participating jurisdiction has the freedom to develop vehicle
8 size and weight standards that it determines to be most
9 appropriate to its economy and highway system.

10 (2) Establish a system that would promote more
11 efficient operation of vehicles traveling between two or more
12 participating jurisdictions regarding necessary state
13 government vehicle laws and regulations.

14 (3) Encourage uniformity among participating
15 jurisdictions in vehicle size and weight standards on the
16 basis of the objectives set forth in this agreement when the
17 objectives are compatible with the safe operation of the
18 vehicles on each member's highway system, and when these size
19 and weight standards do not have an adverse impact on state
20 and local highway, street or road maintenance programs.

21 (4) Encourage uniformity, insofar as possible, of
22 administrative procedures in the enforcement of recommended
23 vehicle size and weight standards.

24 (5) Provide means for the encouragement and
25 utilization of research which will facilitate the achievement

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1 of the foregoing purposes, with due regard for the findings
2 set forth in paragraph (a) of this article.

3 (6) Facilitate communication among legislators,
4 state transportation administrators and commercial industry
5 representatives in addressing the emerging highway
6 transportation issues in participating jurisdictions.

7 ARTICLE II. DEFINITIONS

8 (a) As used in this agreement:

9 (1) "Cooperating committee" means a committee
10 composed of the designated representatives from participating
11 jurisdictions.

12 [~~(1)~~] (2) "Designated representative" means a
13 legislator or other person authorized to represent the
14 jurisdiction.

15 [~~(2)~~] (3) "Jurisdiction" means a state of the
16 United States or the District of Columbia.

17 [~~(3)~~] (4) "Vehicle" means any vehicle as defined
18 by statute to be subject to size and weight standards and
19 which operates in two or more participating jurisdictions.

20 ARTICLE III. GENERAL PROVISIONS

21 (a) Participation in this agreement is open to
22 jurisdictions which subscribe to the findings, purpose and
23 objectives of this agreement and which seek legislation
24 necessary to accomplish these objectives.

25 (b) The particular jurisdictions, working through their

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1 designated representatives, shall cooperate and assist each
2 other in achieving the desired goals of this agreement
3 pursuant to appropriate statutory authority.

4 (c) Article headings contained herein shall not be
5 deemed to govern, limit, modify, or in any manner affect the
6 scope, meaning, or intent of the provisions of any article or
7 paragraph hereof.

8 (d) This agreement shall not authorize the operation of
9 a vehicle in any participating jurisdiction contrary to the
10 laws or rules or regulations thereof.

11 (e) The final decisions regarding the interpretation of
12 questions at issue relating to this agreement shall be reached
13 by unanimous joint action of the participating jurisdictions
14 acting through their designated representatives. Results of
15 all such actions shall be in writing.

16 (f) This agreement may be amended by unanimous joint
17 action of the participating jurisdictions acting through their
18 designated representatives. Any amendments shall be in
19 writing and shall become a part of the agreement.

20 (g) Any jurisdiction entering this agreement shall
21 provide each of the other participating jurisdictions with a
22 list of any of its restrictions, conditions, or limitations on
23 the general terms of this agreement.

24 (h) Any jurisdiction may become a member of this
25 agreement by signing and accepting the terms of the agreement.

1 ARTICLE IV. COOPERATING COMMITTEE

2 (a) Each participation jurisdiction shall have two
3 designated representatives. Pursuant to paragraph (b) of
4 Article III, the [~~designated~~] representatives of the
5 participating jurisdictions shall constitute [~~a~~] the
6 cooperating committee which shall have the power to:

7 (1) Collect, correlate, analyze, and evaluate
8 information resulting or derivable from research and testing
9 activities in relation to vehicle size, vehicle weight-related
10 matters, highway safety and bridge maintenance problems caused
11 by heavy vehicles.

12 (2) ~~Recommend~~ and encourage the undertaking of
13 research and testing in any aspect of vehicle size and weight
14 or related matter when in their collective judgment,
15 appropriate or sufficient research or testing has not been
16 undertaken.

17 (3) ~~Recommend~~ changes in law or policy, including
18 the compatibility of laws and uniformity of rules and
19 regulations which would assist effective governmental action
20 or coordination in the field of vehicle size and weight-
21 related matters.

22 (4) Recommend improvements in highway operations,
23 in vehicular safety and in state administration of highway
24 transportation laws.

25 (5) Perform functions necessary to facilitate the

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1 purposes of this agreement.

2 (b) Each designated representative of a participating
3 jurisdiction shall be entitled to one vote only. No action of
4 the committee shall be [~~binding~~] approved unless a majority of
5 the designated representatives of the participating
6 jurisdictions are in favor thereof.

7 (c) The committee shall meet at least once annually and
8 shall elect, from among its members, a vice chairman and a
9 secretary.

10 (d) The committee shall submit annually to the
11 legislature of each participating jurisdiction [~~not later than~~
12 ~~November 1~~] a report setting forth the work of the committee
13 during the preceding year and including recommendations
14 developed by the committee. The committee may submit such
15 additional reports as it deems appropriate or desirable.
16 [~~Copies of all such reports shall be made available to the~~
17 ~~Transportation Committee of the Western Conference, Council of~~
18 ~~State Governments, and to the Western Association of State~~
19 ~~Highway and Transportation Officials.~~]

20 ARTICLE V. OBJECTIVES OF THE

21 PARTICIPATING JURISDICTIONS

22 [~~(a)~~] The participating jurisdictions hereby declare that:

23 [~~(1)~~] (a) It is the objective of the participating
24 jurisdictions to obtain safer, more economical transportation
25 by motor vehicles among the participating jurisdictions and to

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1 obtain more efficient and more economical transportation by
2 motor vehicles between and among the participating
3 jurisdictions by encouraging the adoption of standards that
4 will, as minimums, allow the operation on all state highways,
5 except those determined through engineering evaluation to be
6 inadequate, with a single-axle weight not in excess of twenty
7 thousand pounds, a tandem-axle weight not in excess of thirty-
8 four thousand pounds, and a gross vehicle or combination
9 weight not in excess of that resulting from application of the
10 formula:

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

11
12 W=maximum weight in pounds carried on any group of two or more
13 axles computed to the nearest five hundred pounds; L=distance
14 in feet between the extremes of any group of two or more
15 consecutive axles; and N=number of axles in group under
16 consideration.

17 [~~(2)~~] (b) It is the further objective of the
18 participating jurisdictions that [~~in the event~~] the operation
19 of a vehicle, or combination of vehicles pursuant in
20 interstate commerce to the objectives stated in paragraph [~~(1)~~]
21 ~~of subdivision (b) would result in withholding or forfeiture~~
22 ~~of federal aid funds, the operation of such vehicle, or~~
23 ~~combination of vehicles shall] (a) of this article be
24 authorized under special permit authority by each
25 participating jurisdiction [~~which can legally issue such~~~~

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1 ~~permits]~~ for vehicle combinations in excess of the statutory
2 weight of eighty thousand pounds or statutory lengths.

3 ~~[(3) The authority of any participating~~
4 ~~jurisdiction to issue special permits for the movement of any~~
5 ~~vehicle, or combination of vehicles, having dimensions or~~
6 ~~weights, or both, in excess of the maximum statutory limits in~~
7 ~~each participating jurisdiction shall not be affected.~~

8 ~~(4)]~~ (c) It is the further objective of the
9 participating jurisdictions to facilitate and expedite the
10 operation of any vehicle, or combination of vehicles, among
11 the participating jurisdictions. To that end the
12 participating jurisdictions hereby agree, through their
13 designated representatives, to meet and cooperate in the
14 consideration of vehicle size weight-related matters
15 including, but not limited to, the development of uniform
16 enforcement procedures; additional vehicle size and weight
17 standards; operational standards; agreements or compacts to
18 facilitate regional application and administration of vehicle
19 size and weight standards; uniform permit procedures; uniform
20 application forms; rules and regulations for the operation of
21 vehicles, including equipment requirements, driver
22 qualifications, and operating practices; traffic safety and
23 highway maintenance; and such other matters as may be
24 pertinent.

25 ~~[(5) In recognition of the desire for a degree of~~

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1 ~~national uniformity of size and weight regulations, it is the~~
2 ~~further objective of the participating jurisdictions to~~
3 ~~encourage the development of broad, uniform size and weight~~
4 ~~standards on a national basis under this agreement that are~~
5 ~~compatible with national standards.]~~

6 (d) The cooperating committee may recommend that the
7 participating jurisdictions jointly secure congressional
8 approval of this agreement and, specifically, of the vehicle
9 size and weight standards set forth in paragraph (a) of this
10 article.

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

13 (1) Establish transportation laws and regulations
14 to meet regional needs and to promote an efficient, safe and
15 compatible transportation network.

16 (2) Develop standards that facilitate the most
17 efficient and environmentally sound operation of vehicles on
18 highways, consistent with and in recognition of principles of
19 highway safety.

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

24 **ARTICLE VI. ENTRY INTO FORCE AND WITHDRAWAL**

25 (a) This agreement shall be in force in the State of New

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1 Mexico for a period of three years when enacted into law by
2 two or more jurisdictions. Thereafter, this agreement shall
3 become effective as to any other jurisdiction upon its
4 enactment thereof, except as otherwise provided in paragraph
5 (g) of Article III. Not later than July 1, 2000, the
6 Secretary of Highway and Transportation shall recommend to the
7 Legislature whether or not this agreement should be continued
8 based upon its usefulness to the State of New Mexico.

9 (b) Any participating jurisdiction may withdraw from
10 this agreement by enacting a statute repealing the same, but
11 no such withdrawal shall take effect until 30 days after the
12 designated representative of the withdrawing jurisdiction has
13 given notice in writing of the withdrawal to all the other
14 participating jurisdictions.

15 ARTICLE VII. CONSTRUCTION AND SEVERABILITY

16 (a) This agreement shall be liberally construed so as to
17 effectuate the purposes thereof.

18 (b) The provisions of this agreement shall be severable
19 and if any phrase, clause, sentence, or provision of this
20 agreement is declared to be contrary to the constitution of
21 any participating jurisdiction or of the United States, or the
22 applicability thereof to any government, agency, person, or
23 circumstance is held invalid, the validity of the remainder of
24 this agreement shall not be affected thereby. If this
25 agreement shall be held contrary to the constitution of any

1 jurisdiction participating herein, the agreement shall remain
2 in full force and effect as to the remaining participating
3 jurisdictions and in full force and effect as to the
4 jurisdictions affected as to all severable matters.

5 ARTICLE VIII. FILING OF DOCUMENTS

6 (a) A copy of this agreement, its amendments, and rules
7 and regulations promulgated thereunder and interpretations
8 thereof, shall be filed in the highway department of each
9 participating jurisdiction and shall be made available for
10 review by interested parties."

11 Section 2. Section 11-14-3 NMSA 1978 (being Laws 1997,
12 Chapter 191, Section 3) is amended to read:

13 "11-14-3. DESIGNATED REPRESENTATIVE TO COOPERATING
14 COMMITTEE- - APPOINTMENT. - - [TERM OF OFFICE. - - The designated
15 representative to the cooperating committee established by
16 Article IV of the Multistate Highway Transportation Agreement
17 shall be jointly appointed by the speaker of the house of
18 representatives and the president pro tempore of the senate.
19 The designated representative may be represented by an
20 alternate jointly appointed by the speaker and the president
21 pro tempore.] The process for selecting the designated
22 representatives to the cooperating committee shall be
23 established by law pursuant to this section as follows:

24 A. the persons authorized to represent the state
25 as the designated representatives to the cooperating committee

1 shall be the chair of the standing senate corporations and
2 transportation committee and the chair of the house
3 transportation committee or a legislator or state agency
4 official that the chair designates; and

5 B. the chairs designated in Subsection A of this
6 section shall also designate one alternate designated
7 representative who shall also be a legislator or state agency
8 official to serve in the absence of the designated chair. "

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