

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, March 5, 1962.

To the Honorable Senate and House of Representatives:

In accordance with the provisions of Article LVI of the Amendments of the Constitution, I am returning herewith House No. 1258 entitled "An Act Relative To the Gross Weight Load of Certain Motor Vehicles Operated on the Highways of the Commonwealth".

I recommend that the bill be amended by striking all after the enactment clause and substituting therefor the following:

Section 19A of chapter 90 of the General Laws is hereby amended by striking out the first paragraph as appearing in Section 1 of chapter 523 of the Acts of 1961, and inserting in place thereof the following paragraph:—

Any provision of section thirty of chapter eighty-five to the contrary notwithstanding, a motor vehicle having two axles, which vehicle with its load weighs not more than twenty-three tons, and a semi-trailer unit or a motor vehicle having three or more axles, which unit or vehicle with its load weighs not more than thirty tons, may travel on a public way without a permit as required by said section thirty; provided, that no such motor vehicle or semi-trailer unit, the weight on any axle of which, measured at the ground, exceeds twenty-two thousand four hundred pounds, or, in case of axles spaced less than six feet apart, eighteen thousand pounds, shall so travel without such a permit; and provided further that the gross weight of any such vehicle together with its load expressed in pounds shall not exceed that shown on the following table without such a permit:— (Table is based on the formula $W=1,000(L+25)$ where L equals distance in feet between axles and W equals maximum gross weight in pounds.)

Distance in Feet between the First and Last Axles of a Motor Vehicle or Semi-Trailer Unit (L)	Maximum Gross Weight in Pounds (W)
7	32,000
8	33,000
9	34,000
10	35,000
11	36,000
12	37,000
13	38,000
14	39,000
15	40,000
16	41,000
17	42,000
18	43,000
19	44,000
20	45,000
21	46,000
22	47,000
23	48,000
24	49,000
25	50,000
26	51,000
27	52,000
28	53,000
29	54,000
30	55,000
31	56,000
32	57,000
33	58,000
34	59,000
35	60,000

SECTION 2. The first sentence of the fourth paragraph of said section 19A of said chapter 90, as appearing in Section 2 of chapter 523 of the Acts of 1961, is hereby amended by striking out, in line 4 of said Section 2 of chapter 523 of the Acts of 1961, the words "thirty-six and a half" and inserting in place thereof the word:— thirty.

I have been informed by Federal authorities and our Attorney General that the provisions of House 1258 would not be in conflict with the provisions of section 127 of title 23, United States Code and that it would remedy the obstacle to apportionment of Interstate funds to this Commonwealth.

However, House Bill No. 1258 would, on highways other than Interstate, permit certain vehicles to operate regularly with axle

weights greatly in excess of those permitted on the Interstate System. Allowing such vehicles on non-Interstate highways concerns me since, first, it will obviously be difficult to make certain that such vehicles do not, in fact, operate on the Interstate System and second, and perhaps of greater significance, the use of vehicles with excessive weight on non-Interstate highways, while not forbidden by Federal laws, poses serious questions regarding Federal participation in the cost of their construction in the future.

Mr. Rex M. Whitton in recent correspondence to me indicated that he does not approve House 1258 and I quote from his letter dated February 7, 1962: "Although the Congress has provided only for the withholding of Interstate funds where a State permits vehicles to operate on highways on the Inter-state System in excess of the width and weights permitted under section 127, the action taken in some States, and under consideration in Massachusetts, to permit the operation of vehicles with weights clearly in excess of those for which highways have been designed requires the consideration of other statutory provisions.

"Subsections 109(a) and (c) of title 23, United States Code, provide as follows:

"(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

"(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost."

"And section 116 imposes a duty on State highway departments to maintain, or cause to be maintained, every project constructed as a Federal-aid project as long as it is part of a Federal-aid system. If the lives of our highways are to be prematurely shortened by the legalized operation of vehicles with excessive axle loads, I think that serious questions arise as to whether Federal-aid funds should participate in their reconstruction and as to the establishment of design standards for application to the construction of new highways.

"I am hopeful that you and the Massachusetts Assembly will give very careful consideration to these possibilities in deliberating upon House Bill No. 1258".

Commissioner Ricciardi does not approve House 1258 in its present form and recommends that legislation, such as I recommend by this amendment, be enacted to reinstate the truck weight allowances in Massachusetts as they were prior to the enactment of Chapter 523 of the Acts of 1961.

Because of the above reasons and of the resulting damage that would be caused by excessive weights on our State Highways, Chapter 90 Highways and Chapter 81 Roads, I urge your immediate adoption of this amendment in order that we may comply with the terms of the resolution filed by Speaker John McCormack which provides that corrective legislation be enacted into law by March 14, 1962 if the commonwealth is to remain eligible for approximately 51 million dollars in Federal Highway Funds.

Respectfully submitted,

JOHN A. VOLPE,
Governor of the Commonwealth.