January 25, 2008

The Honorable J. Richard Capka
Administrator, Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Administrator Capka:

As representatives of the leading truck safety organizations we are alarmed by the renewed efforts of the State of Maine to seek higher truck weight limits on the portion of I-95 from Augusta north to the Canadian border and on I-395 near Bangor. We strenuously oppose these efforts because of the safety danger posed to Maine's citizens and the damage that will be done to the state's infrastructure at great expense to the average motorist and taxpayer. The risk of a bridge failure in Maine is very real.

Equally disturbing is the pending proposal in the Maine state legislature to increase gross weights of logging trucks from 100,000 to 105,000 pounds (lbs.) gross vehicle weight (GVW), purportedly to assist this motor carrier sector with fuel problems. We believe that such a temporary, "emergency" action will be used as an excuse to adopt increased gross weight limits on a permanent basis, in an effort to ratchet up weight limits in neighboring states. Of particular concern is the possibility that Maine will allow 105,000 lbs. GVW 6-axle trucks on I-95 that would include not just the current Maine Turnpike portion of the interstate highway but also the portion from Augusta to the Canadian border where the federal 80,000 lbs. GVW weight limits and single- and tandem-axle limits of 23 U.S.C. § 127(a) are still in force. As you know, Maine previously defied Federal Highway Administration (FHWA) opposition to higher weight limits on the Turnpike portion of I-95 in the 1990s and unilaterally raised the gross weight limit to 88,000 pounds GVW for 5-axle trucks and 100,000 pounds GVW for 6-axle trucks.

Increased truck weights pose a severe safety risk for the citizens of Maine. Although safety is again being invoked as the pretext for increasing truck gross weight limits on the northern portion of I-95, both public safety and infrastructure protection will suffer if FHWA acts to award an exemption to Maine to operate extra-heavy combination trucks at 100,000 lbs. GVW. FHWA itself has repudiated any safety argument for opening the rest of I-95 to these overweight trucks. The agency showed in an analysis prepared for congressional use in 2006 that a study performed for the State of Maine by Wilbur Smith and Associates does not justify the higher weights on the northern portion of I-95 and that there would be virtually no improvement in safety by opening the remainder of I-95 to the heavier trucks.

Maine's bridges are already in jeopardy. Studies by the federal government and the State of Maine, as well as by private organizations such as the American Society of Civil Engineers and the Maine Better Transportation Association, clearly and conclusively point out that Maine's highways are continuing to deteriorate, numerous bridges are already badly deteriorated statewide, and seven (7) interstate bridges identified by FHWA could be stressed beyond yield point and fail.

Because of the urgent safety concerns we request that FHWA provide the following information:

1. The identification of the seven (7) Interstate bridges in Maine that FHWA found were being stressed beyond yield point;

2. A list of Maine Interstate bridges that the agency has identified as built to below HS-20 standards;
3. Any analyses of Maine's 73 Interstate bridges as well as other Maine Interstate bridges that FHWA has concluded are being over-stressed, including stress beyond yield point and regarded as fracture-critical;
4. The identification of the two (2) deficient truss bridges in Maine, and the two (2) in New Hampshire, that FHWA has determined have designs similar to the I-35W bridge which failed on August 1, 2007, in Minneapolis, MN, killing 13 people; and,
5. FHWA's analysis of the bridges that Maine regards as acceptable for use by 105,000-pound, 6-axle logging trucks.

Allowing overweight trucks up to 100,000 pounds or more on the remaining portion of I-95 in Maine could potentially result in a major bridge collapse on the magnitude of the 1983 Mianus River Bridge failure in Connecticut or the 2007 disaster of the I-35W bridge failure in Minnesota. The current policy in Maine to allow 100,000-pound large trucks to use all highways in Maine except for the northern portion of I-95 is increasing the potential for catastrophic bridge failures that could take lives and cripple key portions of Maine's highway infrastructure.

Increased truck weights impose costly damage and degrade Maine's highway and bridge infrastructure. FHWA itself has shown in studies and recent analyses sent to Congress that Maine's 100,000 lbs. GVW trucks are severely stressing many Maine bridges, including those on the Turnpike portion of I-95 and are also destroying pavement at a rapid rate. This view is buttressed by an April 2004 agency report demonstrating that damage to highway bridges by states allowing extra-heavy trucks represents the most expensive infrastructure cost in the U.S. The report emphasizes that most states are substantially underestimating bridge improvement needs and costs, and Maine has inadequate funds to correct the growing backlog of statewide safety and structural deficiencies.

FHWA has already rejected Maine's claims about bridge damage inflicted by overweight trucks as an acceptable practice. Specifically, FHWA's 2006 analysis of Maine's Interstate bridges states that Maine's Interstate bridges will be overstressed with additional truck weight and, as mentioned above, at least seven (7) Interstate bridges could be stressed beyond yield point and fail. That analysis found that of the 273 Interstate bridges in Maine, 73 are rated below HS-20 and that the extra-heavy trucks will overstress these bridges. In fact, FHWA stated that almost three-quarters of Maine's Interstate bridges are overstressed at higher truck gross weights. This view is corroborated by a June 2006 study performed by the Washington State Department of Transportation similarly confirming more rapid and severe deterioration even of HS-20 bridges due to extra-heavy truck weights. Moreover, several recent National Cooperative Research Program studies have shown that even small increases in the gross weights of large trucks on bridges accelerate bridge damage, dramatically shorten the service lives of bridges, and that the addition of extra axles cannot mitigate these adverse impacts.

The use of extra-heavy, 100,000 lbs. GVW trucks also imposes excessive costs on Maine's citizens that are not met by equitable user fees paid by the motor carriers operating these overweight trucks. FHWA's 1997 and 2000 Highway Cost Allocation studies clearly show the radical underpayment by extra-heavy trucks of their fair share of road and bridge damage. The U.S. Department of Transportation emphasized in its concluding chapter of the 2004 study, *Western Uniformity Scenario Analysis*, that when "heavy trucks do not pay the full costs of their operations, other motorists must make up the difference." Cost allocation studies conducted by Maine also show that extra-heavy trucks, specifically 6-axle combinations, are significantly underpaying their cost responsibility. Furthermore, the conclusions of the Maine Governor's Capital Transportation Working Group released in 2006 show

that Maine faces both a funding and an infrastructure crisis. In fact, in the fall of 2005, Maine DOT was forced to defer many transportation projects, including many bridge projects, constituting about 20 percent of Maine DOT's 2006-2007 Capital Work Plan because of unprecedented increases in costs and other funding shortfalls. These efforts to increase truck weights come at a time when Maine has inadequate funds to correct the growing backlog of safety and structural deficiencies throughout the state.

The cost of putting extra-heavy, overweight trucks on Maine roads and highways are being borne by its motorists. This was also the conclusion of a 2002 study requested by the Maine state legislature. That updated cost responsibility investigation showed that even at 80,000 pounds GVW, a 5-axle semi-trailer combination is *underpaying* its fair share of highway user costs by 28 percent each year, or $1,717. As for cars and small trucks, the study found that they are *overpaying* their fair share by a staggering 36 percent, or $285 annually per passenger vehicle. However, the Maine legislature report also concluded that violations of even the generous weight limits on Maine highways currently in effect are both chronic and pervasive, and that enforcement of axle and gross weight limits was poor.

Maine's motorists are paying with their lives and their wallets for the permissive use of extra-heavy trucks on Maine's highways and bridges. The immediate, dire safety and infrastructure threats in Maine cannot be ignored. The danger is now greater than ever with Maine's proposal for 105,000-pound logging trucks on the state's highways and bridges. We view this as a grave threat to public safety and request that you clarify whether the emergency legislation pending in the Maine legislature will, if enacted, also have the effect of increasing the gross weight limit to 105,000 pounds on any portion of I-95 and, if so, what FHWA intends to do to deter this dangerous policy.

These facts concerning the critical state of Maine's interstate bridges compel FHWA to reject requests to approve weight increases on any portion of I-95.

Because of the urgency of this safety issue, we look forward to your immediate reply, including clarification of the impact of the pending Maine legislation and specific responses to the information requests itemized above. Thank you.

Sincerely,

Daphne and Steve Izer, Lisbon, Maine
Founders
Parents Against Tired Truckers (P.A.T.T)

Joan Claybrook, President
Public Citizen

Jacqueline S. Gillan, Vice President
Advocates for Highway and Auto Safety

Andrew McGuire, Executive Director
Trauma Foundation

John Lannen, Executive Director
Truck Safety Coalition