



Lehigh Valley Planning Commission

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## BRIEF

### Truck and Motor Home Movement – Act 31 of 2018; Senate Bill 880

Enacted on June 12, 2018. Law takes effect December 10, 2018.

#### **Summary**

This law amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for operation of certain combinations on interstate and certain other highways, repealing provisions relating to operation of motor homes on interstate and certain other highways and further providing for width of vehicles and for length of vehicles; and in administration and enforcement, further providing for specific powers of state and local authorities.

#### **What Does the Law Do?**

1. The law allow the movement of tractors trailers delivering household goods from the “designated” highway “network to a point of loading or unloading which can safely and reasonably be accessed” [§4908 b.(1)]. This includes tractor trailers not exceeding 28.5 feet in length and 102 inches wide, or what is commonly known as a typical tractor trailer. Also, double trailers delivering household goods are also, allowed with some restrictions [§4908 b.(2)]. A \$50 penalty is established for the violation of household goods delivery laws [§4908 g].
2. The law regulates the movement of motor homes over 40’ and up to 45’ in length by limiting their movements from a garaged area to and along interstate highways, and federal aid primary highways 48’ wide or if divided, two 24’foot roadways [§4908.1 a.(1), (2)]. The law further limits motor home movement to highways marked with traffic signs with at least 10’ travel lanes unless prohibited by the Pennsylvania Department of Transportation or a municipal government [§4908.1 a.(3)]. Movement to and from food facilities, gas stations and service/repair locations is also, allowed [§4908.1 a.(4)].
3. The laws establish a general rule setting a not to exceed width of vehicles at eight (8) feet, six (6) inches, including load, with several exceptions outlined in the US Code of Federal Regulations 23 CFR Pt. 658 Appendix D [US Code of Federal Regulations reference below]. It is noted that width and length of vehicle regulations are applicable to: buses, motor homes, utility trailers, trucks, other than combinations [§4921 (a-d)].
4. Non-divisible loads not exceeding eight feet, six inches are also, allowed on roadways with a width of 20 feet or more [§4921 (d)].
5. The laws establish a maximum length for a single trailer at 53 feet with several exceptions for motor sports competition event trailers, and used outlined in the US Code

of Federal Regulations 23 CFR Pt. 658 Appendix D [PA Law, Act 31 of 2018§4923 b; US Code of Federal Regulations reference below].

6. The law requires engineers and traffic investigation as established by the Pennsylvania Department of Transportation and outlined in the US Code of Federal Regulations for reasonable access [PA Law, Act 31 of 2018§6109 (E); US Code of Federal Regulations reference below] for items covered in the law and specifically calls out restrictions on the operation of vehicles under federal law. It is of note that the US law specifically protects “reasonable access” of tractor trailers and outlines state and local enforcement authority in relative detail in §658.19 [see language below]. Some communities have attempted to prohibit tractor trailer movements in a wholesale manner, though this sort of local action has been prohibited by federal law since the 1990s. All-in-all local governments do retain the authority to regulate tractor trailers, however restrictions must be based on engineering studies and consistent with state and federal law.
7. The law also, eliminates the need to conduct engineering and traffic investigations for the establishment of speed limits if the specific type of location is covered in §3362(A)(1.2) of the Pennsylvania Vehicle Code [Pennsylvania Vehicle Code reference below].

## ***Resources***

\_\_\_\_\_. Act 31 of 2018. Pennsylvania General Assembly: Harrisburg, PA. June 12, 2018.

Available at:

<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2018&sessInd=0&act=31#>

## ***Code of Federal Regulations References***

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[This section of the federal code is reference in PA House Law 1669 § 4921 (e.2). Width of vehicles and § 4923 (b). Length of vehicles. ]

### **Appendix D to Part 658 - Devices That Are Excluded From Measurement of the Length or Width of a Commercial Motor Vehicle**

The following devices are excluded from measurement of the length or width of a commercial motor vehicle, as long as they do not carry property and do not exceed the dimensional limitations included in § 658.16. This list is not exhaustive.

1. All devices at the front of a semitrailer or trailer including, but not limited to, the following:
  - (a) A device at the front of a trailer chassis to secure containers and prevent movement in transit;
  - (b) A front coupler device on a semitrailer or trailer used in road and rail intermodal operations;
  - (c) Aerodynamic devices, air deflector;

- (d) Air compressor;
- (e) Certificate holder (manifest box);
- (f) Door vent hardware;
- (g) Electrical connector;
- (h) Gladhand;
- (i) Handhold;
- (j) Hazardous materials placards and holders;
- (k) Heater;
- (l) Ladder;
- (m) Non-load carrying tie-down devices on automobile transporters;
- (n) Pickup plate lip;
- (o) Pump offline on tank trailer;
- (p) Refrigeration unit;
- (q) Removable bulkhead;
- (r) Removable stakes;
- (s) Stabilizing jack (anti-nosedive device);
- (t) Stake pockets;
- (u) Step;
- (v) Tarp basket;
- (w) Tire carrier; and
- (x) Uppercoupler.

2. Devices excluded from length measurement at the rear of a semitrailer or trailer including, but not limited to, the following:

- (a) Handhold;
- (b) Hazardous materials placards and holders;
- (c) Ladder;
- (d) Pintle hook;
- (e) Removable stakes;
- (f) Splash and spray suppression device;
- (g) Stake pockets; and
- (h) Step.

3. Devices excluded from width determination, not to exceed 3 inches from the side of the vehicle including, but not limited to, the following:

- (a) Corner caps;
- (b) Hazardous materials placards and holders;
- (c) Lift pads for trailer on flatcar (piggyback) operation;
- (d) Rain gutters;
- (e) Rear and side door hinges and their protective hardware;
- (f) Side marker lamps;
- (g) Structural reinforcement for side doors or intermodal operation (limited to 1 inch from the side within the 3 inch maximum extension);
- (h) Tarping systems for open-top trailers;
- (i) Movable devices to enclose the cargo area of flatbed semitrailers or trailers, usually called tarping systems, where no component part of the system extends more than 3 inches from the sides or back of the vehicle when the vehicle is in operation. This exclusion applies to all component parts of tarping systems, including the transverse structure at the front of the vehicle to which the sliding walls and roof of the tarp mechanism are attached, provided the structure is not also intended or designed to comply with 49 CFR 393.106, which requires a headerboard strong enough to prevent cargo from penetrating or crushing the cab; the transverse structure may be up to 108 inches wide if properly centered so that neither side extends more than 3 inches beyond the structural edge of the vehicle. Also excluded from measurement are side rails running the length of the vehicle and rear doors, provided the only function of the latter, like that of the transverse structure at the front of the vehicle, is to seal the cargo area and anchor the sliding walls and roof. On the other hand, a headerboard designed to comply with 49 CFR 393.106 is load bearing and thus limited to 102 inches in width. However, the "wings" designed to close the gap between such a headerboard and the movable walls and roof of a tarping system are width exclusive, provided they are add-on pieces designed to bear only the load of the tarping system itself and are not integral parts of the load-bearing headerboard structure;
- (j) Tie-down assembly on platform trailers;
- (k) Wall variation from true flat; and
- (l) Weevil pins and sockets on low-bed trailers.

[ 67 FR 15110, Mar. 29, 2002]

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[This section of the federal code is reference in PA House Law 1669 § 6109 (E) Specific Powers of Department and Local Authorities.]

**§ 658.19 Reasonable access.**

(a) No State may enact or enforce any law denying reasonable access to vehicles with dimensions authorized by the STAA between the NN and terminals and facilities for food, fuel,

repairs, and rest. In addition, no State may enact or enforce any law denying reasonable access between the NN and points of loading and unloading to household goods carriers, motor carriers of passengers, and any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 feet (28.5 feet where allowed pursuant to § 658.13(b)(5) of this part) and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a) of this part.

(b) All States shall make available to commercial motor vehicle operators information regarding their reasonable access provisions to and from the National Network.

(c) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on access to points of loading and unloading by any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 1/2 feet and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a).

(d) No State may enact or enforce any law denying access within 1 road-mile from the National Network using the most reasonable and practicable route available except for specific safety reasons on individual routes.

(e) Approval of access for specific vehicles on any individual route applies to all vehicles of the same type regardless of ownership. Distinctions between vehicle types shall be based only on significant, substantial differences in their operating characteristics.

(f) Blanket restrictions on 102-inch wide vehicles may not be imposed.

(g) Vehicle dimension limits shall not be more restrictive than Federal requirements.

(h) States shall ensure compliance with the requirements of this section for roads under the jurisdiction of local units of government.

(i)

(1) Except in those States in which State law authorizes the operation of STAA-dimensioned vehicles on all public roads and highways, all States shall have an access review process that provides for the review of requests for access from the National Network.

(2) State access review processes shall provide for:

(i) One or more of the following:

(A) An analysis of the proposed access routes using observations or other data obtained from the operation of test vehicles over the routes;

(B) An analysis of the proposed access routes by application of vehicle templates to plans of the routes;

(C) A general provision for allowing access, without requiring a request, for commercial motor vehicles with semitrailers with a kingpin distance of 41 feet or less (measured from the kingpin to the center of the rear axle, if single, or the center of a group of rear axles). State safety analyses may be conducted on individual routes if warranted; and

(ii) All of the following:

(A) The denial of access to terminals and services only on the basis of safety and engineering analysis of the access route.

(B) The automatic approval of an access request if not acted upon within 90 days of receipt by the State. This provision shall become effective no later than 12 months following the effective date of this rule unless an extension is requested by the State and approved by FHWA.

(C) The denial of access for any 102-inch wide vehicles only on the basis of the characteristics of specific routes, in particular significant deficiencies in lane width.

(j)

(1) Each State shall submit its access provisions to FHWA for approval within 6 months after June 1, 1990. In those States in which State law authorizes the operation of STAA-dimensioned vehicles on all public roads and highways, no submission or approval under this paragraph is required. If, in the future, such a State changes its authorizing legislation and restricts the operation of STAA-dimensioned vehicles, then compliance with these provisions will be necessary.

(2) The FHWA will review the access provisions as submitted by each State subject to the provisions in paragraph (j)(1) and approve those that are in compliance with the requirements of this section. The FHWA may, at a State's request, approve State provisions that differ from the requirements of this section if FHWA determines that they provide reasonable access for STAA-dimensioned vehicles and do not impose an unreasonable burden on motor freight carriers, shippers and receivers and service facility operators.

(3) Any State that does not have FHWA approved access provisions in effect within 1 year after June 1, 1990 shall follow the requirements and the criteria set forth in this section and section 658.5 and 658.19 for determining access for STAA-dimensioned vehicles to terminals and services. The FHWA may approve a State's request for a time extension if it is received by FHWA at least 1 month before the end of the 1 year period.

[ 53 FR 12149, Apr. 13, 1988, as amended at 55 FR 22763, June 1, 1990; 59 FR 30420, June 13, 1994]

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## ***Pennsylvania Vehicle Code Reference [Title 75]***

[This section of the Pennsylvania code is referenced in PA House Law 1669 § 6109 (E). Specific Powers of Department and Local Authority.]

§ 3362. Maximum speed limits.

(a) General rule.-- Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour or 70 miles per hour for all vehicles on freeways where the department has posted a 65-miles-per-hour or 70-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

- (ii) is functionally classified by the department as a local highway.
  - (2) 55 miles per hour in other locations.
  - (3) Any other maximum speed limit established under this subchapter.
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