



Oregon

Tina Kotek, Governor

Department of Transportation

Office of the Director

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TO: Joint Committee on Transportation

FROM: Carla Phelps, Administrator, Commerce and Compliance Division, Oregon Department of Transportation
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SUBJECT: SB 94 (Milk Truck Weight Limits)

INTRODUCTION

The Oregon Department of Transportation is charged with administering the state's commercial motor vehicle size and weight regulations. The size and weight program helps ensure the integrity of the state's transportation infrastructure, protecting roads and bridges from unnecessary damage and wear and tear. This program operates under the authority of 23 CFR Part 657.5 and requires annual recertification by the Federal Highway Administration (FHWA). Federal funding is withheld from any state that fails the recertification process.

Senate Bill 94 seeks to amend ORS 818.030 to add a new exemption to the maximum weight limitations under ORS 818.010 and 818.020, allowing vehicles carrying fluid milk products to have a loaded weight up to 129,000 pounds subject to certain conditions. As written, the introduced version of the bill exempts the loads from permit requirements.

There are also two proposed amendments. The (-1) amendment includes the same base exemption as the introduced bill and specifies specific routes where hauling of exempt loads would be allowed. The (-2) amendment includes the same base exemption as the introduced bill but authorizes it under a five-year pilot program. Like the introduced bill, the (-1) amendment would exempt these loads from permitting. The (-2) amendment appears to contemplate permitting, but the language is ambiguous.

DISCUSSION

The agency has no position on this bill or the amendments. ODOT offers the background and considerations below for the committee to weigh in deliberating this measure.

The 2015 FAST Act amended federal law to establish that a vehicle carrying fluid milk products shall be considered a nondivisible load. This allowed states to issue permits for such vehicles, in accordance

with state law, to exceed the gross weight limit of 80,000 pounds or the maximum weight allowed by the Federal Bridge Formula. (23 U.S.C. 127(a)(13)). Importantly, issuance of such permits is permissive; states may—not shall—consider allowing milk to be hauled as a non-divisible load above the 80,000-pound threshold.

The State of Oregon already allows milk haulers to transport milk above the 80,000-pound federal limit by use of an annual divisible load permit, utilizing the legal axle weights in ORS 818.010 (e.g., 20,000 pounds/single axle; 34,000 pounds/tandem) in conformance with the Federal Bridge Formula.

ODOT offers a non-exhaustive list of considerations for the committee to weigh in deliberating this measure. First, as a threshold matter, it's not clear the bill and amendments could conform with federal law as written. Second, the proposed weight exemption will have impacts on the state's aging bridges. Third, the proposal has crash-related safety implications. Fourth, the bill and amendments either exempt these loads from permitting or lack clarity about whether these loads would be subject to permitting. And, fifth, the state's vehicle tax and registration schedules would need to be updated to accommodate this change.

ODOT posts signs near certain bridges to inform drivers about the structures' weight restrictions to ensure vehicles can cross safely. If the introduced version of this bill were passed, ODOT would need to reexamine load ratings for all bridges and install updated regulatory signage where applicable. If the bill passed with either amendment, the department would still need to reexamine load ratings and post updated signage for a considerable number of bridges, albeit within a more limited area. This would be an extensive and costly effort. For comparison, the recent work to include Specialized Hauling Vehicles in every load rating cost approximately \$21 Million and took nine years to complete—even with a large portion of that work outsourced to shorten the completion time.

Oregon's transportation infrastructure has been built and maintained based upon the existing commercial vehicle size and weight regulatory framework. Bridges are typically constructed for 50 to 100-year lifespans. The current repair and replacement cycle for ODOT's roughly 2,700 bridges is 900 years. An increase in the weight limit for milk trucks (and potentially additional commodities as envisioned in the (-2) amendment),¹ would put additional strain on the state's aging bridges at a time when the department is already struggling to fund the preservation of these critical assets.

Beyond the bridge integrity issues (and follow-on impacts) noted above, the committee may wish to weigh how such a change could impact crash rates and severity. The National Cooperative Freight Research Program [found](#) that heavier trucks were associated with fewer crashes due to fewer trucks being needed, but higher crash severity.

The bill would also necessitate ODOT modifying tax and registration schedules which would require substantial changes to various statutes and rules. The bill and amendments do not include the statutory changes necessary to update these tax and registration schedules. Updating regulations would result in additional departmental expenses.

The bill, as introduced, and both amendments lack clarity around permitting. While a permitting structure seems to be contemplated in the (-2) amendment, the introduced bill and the (-1)

¹ The (-2) amendment would require the department to consider expanding the pilot program to include "additional commodities." This would necessitate a corresponding examination of whether federal laws would need to be changed for said commodities.

amendment are silent on permitting. Federal law requires permitting above 80,000 lbs. If these loads were not subject to permitting, ODOT would be operating inconsistent with federal FAST Act requirements, which puts ODOT at risk of losing access to vital federal funding.

ODOT has been engaged in periodic conversations with this measure's proponents over several months. The department understands their desire for uniform weight standards between Oregon, Washington, and Idaho, but changing Oregon's weight limit for milk trucks would be a lengthy, complex, and costly endeavor. Studying this change before implementation could help the state and industry identify the most prudent approach to mitigate infrastructure and safety impacts while ensuring the state's regulations can accommodate such a change consistent with federal requirements.

CONCLUSION

The introduced bill as well as the (-1) and (-2) amendments (on a more limited scale) would exempt milk trucks from current maximum weight limitations. The state's bridge load ratings would need to be reexamined to accommodate such a change. Doing so would be a substantial undertaking, requiring significant time and funding. Additional statutory and regulatory changes would also be necessary to implement this change in conformance with federal law. A study could help identify the most prudent approach to implementing the change envisioned in this measure.