

SENATE APPROPRIATIONS COMMITTEE -

MARKUP OF TRANSPORTATION BILL

Date wrong check - December or 1? September 16, 1982 (?) (litany Dec. notes)

Party 10-2 here

MA - says Subcommittee is 231M under the 302B allocation and Stockman admits it but 'we are over their budget' re admin. Speaks of "my great, great friend Mr. Stockman" who also says that "302B provides 717 more for discretionary transp. problem for '83 than Congress assumed when it passed the budget res." MA says that's better than we usually get from Mr. Stockman, i.e., some praise (re 302B) and some criticism (of 717 of discretionary money within 302B).

Inouye puts a letter from Byrne in asking for money for Chicago that is in the House bill (but not Senate bill) - 15 is for commuter operation in Chicago area and 12.5 earmarked for Regional Transportation Authority to purchase commuter lines of bankrupt Rock Island and Milwaukee railroads (UMTA). But in Senate bill the 15M is allocated to the N.E. generally and there is no earmarking.

Inouye reads the letter - MA says subc. was under pressure from Sen. Transp. to bring figure down to 150M which was admin. figure. Senate figure was at 700M and House at 500. As you know in my office before we brought this bill to subcommittee, there was a ^{long} transp. conf^{erence} with Sec. 1 ^{Trawp.} and his many ^{minion} ~~opinions~~ and they ^{pointed} ~~put~~ out we had to get down closer to 150M. It wasn't easy to do. I looked down that list 'I couldn't really see much sense in cutting Ore. and I couldn't see a whale of a lot of sense--incidentally there are none of these funds for ND. A number of other places didn't make too much sense ^{Hard to find} ~~we could cut.~~ We figured DC was always overlooked and we gave them an increase... I happened to read the NYT just before meeting with the Secy. of Transpo. In the NYT I read an article

where the Pres. had called one of our colleagues from Ill. and assured if he voted with him to sustain a veto he would take care of the interstate transfer fund for the state of Ill. I thought if we cut that to make ^{the} adjustment, then probably the Pres. would send up a request for 150M for the overall ^{pot}... There is nothing arbitrary in getting close to the pt. where the Pres. will sign the bill and make adjustments in conference. Maybe in the meantime, the Pres. having made that pledge will send up a request for more funds for Ill. " End of exchange. *The Perry thing again.*

Schmitt moves to debate Sec. 321 on 102" width as "inappropriate effort on the part of this committee." It withholds funds from any state that imposes limit less than 102". "It very simply is beyond the priorities of this committee... We shouldn't be trying to preempt state law in this area." Only a few states now permit 102" - NM does not. "We may have narrow state roads. We have a deteriorating highway system. Even the no weights are directly associated with 102 inches, it means loadings can go up and will accelerate the deterioration of the highway system."

Eagleton supports Schmitt.

National Govs. Conference and National Conference State Legis. ^{oppose} group.

Bill is *pending* on the calendar of the commerce com. - "I think Senator Schmitt is on that committee. And just in the last day or so Sens. Stafford and Randolph, joined by Sen. Bentson on Env. & PWks Com. have written a letter to members of this committee expressing their strong objection to this kind of legislation on an appropriations bill."

Sect. 321 - "is the starkest form of legis. on an approp. bill. With other committees strenuously protesting this because they have jurisdiction over the subject matters."

Commerce Com. was reported out permissive bill re 102".

TE asks if point of order is in order.

Chip H says yes.

MA asks where it is in Committee rules.

Chip H says they follow Senate rules.

MA including appeal from ruling of chamber.

Chip H Yes and including germaneness.

MA - I think this is clearly within the purview of the committee. We are designated by the Senate to decide where we shall apportion the funds of this gov't. There is no better way to decide where to apportion than through our highway legislation. I think it goes back to the beginning of our country. In our Constitution it says, "I have heard Senator after Senator refer to the Constit. on the floor of this great body and then we move away from that." and he goes into taxing power and commerce power. Says "We've gotten into trouble when we have backed away from that."

"We all sit around looking at each other telling each other how great we are and we refuse to respond to needs."

Goes back to Marshall - Gibbons and Ogden re commerce power.

"None of us are virgins from the standpoint of putting appropri. bills through with directives that can be construed as legis. on approp. We have done it in the Hyde Amendment and a whole lot of things. Some voted for it, some voted vs. it, and we never really worried too much about it because we do in fact have the responsibility to make sure this money is wisely expended."

Then he goes to merits - Exempts, "we sit here and talk about saving money. We are running empty trucks back and forth over the roads of this country."

^{12/6}
~~Considered~~ ^{Counseled} by Dept. of Transp. ^{r.p.} ~~ca~~ Language and Dept. of Transp. has
"no objection to this particular piece of legislation."

I have driven heavy trucks in my day () it is safe to have a truck with a 102 inch trailer than with a 96" trailer because you have a lower center of gravity you have less fishtailing" on the icy roads we encounter in the north or roads with curves."

"I know there are other committees of Cong. that have been looking at this for quite some time, and I know they have been postponing and postponing and postponing. But I would suspect, Mr. Chmn, that the people of Oregon feel like the people in ND. It is about time we got off our duff and did something. Our subc. saw an opportunity to save 7 bill. in transp. costs, enhance safety, move into a new *era* when we do have 24' roads. The old 96" trailer was for 22' roads. We have more space, a lower center of gravity and we save the consumers money. I think this amend. is a necessary one and let me conclude by telling my colleagues they didn't elect me back in ND to come down here and dance around politely and say so and so should have the jurisdiction and so and so should do this. They hope when they elected us and I expect when they elect Dems. as well as Repubs. that we come down here and try to do the best we can to help consumers meet these high cost of living , ensuresafety and do the sensible adjustment that needs to be done. This is a long overdue, sensible adjustment that addresses solely width. "

Stennis. I am pretty much a stickler for no legis. on approp. bills but I want to assure the chmn. of the subcommittee you get into all kinds of situations here if you really move in on this. I think the Senator made a remarkable statement....I am supporting his position.

Schmitt comes back with chart showing that roads deteriorate when weight increases and that weight will increase after width increase is allowed.

Hatfield asks Eagleton to withdraw point of order and let vote be on the Schmitt deletion motion - doesn't want to get into a complex set of rules in the committee. 'Even though the committee does not have detailed rules governing such matters, I would like not to set a precedent of getting into a point of order problem here at the comm. level. I think we get enough of that on the floor and I would like not to have to get into a complex set of rules for committee action."

Schmitt then plays another card. "I think it would be well to advise the committee...that there are Sens. not on the committee who feel even more strongly and this bill, this Transp. Approp. Bill, is in jeopardy of not passing the U.S. Senate because of this amend."

Hatfield - "I understand. We have that information transmitted to the committee. I don't think we should be intimidated by that, though, because the committee has taken other action that was very controversial, such as abortion."

Eagleton again cites objection by other Senators and says it "shouldn't be whistled through this committee under these circumstances." "46 states at the least 47, have laws restricting width to 96 inches. So in one fell swoop we are ordering 46 or 47 states under the penalty of losing their highway money to change their laws forthwith. So I wonder where are the states rights advocates today on that issue. This is a steamroller of the states... Once we adopt the 102" width the next step is additional length and additional weight... This amend. will accelerate and intensify the already preexisting rapid rate of decay" of highways.

MA - "A wide truck width will cut back on road deterioration acc to the engineers in our highway Dept. Let me point out why. I am not a highway engineer, I am a farmer. If I go out on a soft field I want to get those

tractor tires spread as far as I can. I don't want them close together. If you broaden the width of a trailer you get your duals further apart and you enhance traffic to hold up the type of road."

He also notes that 102" is bus width already. Some softball question by Stevens.

Vote - Aye votes from Schmitt, Garn, Proxmire, Eagleton - 18-4.

Schmitt reserves right to raise issue on the floor.