

Maine DOT Documents and Emails Obtained Under Freedom of Access Request Expose:

Efforts to Downplay Safety Risks of Overweight and Dangerous Trucks; Taxpayers Forced to Pay for Infrastructure Damage and Destruction; Secret Closed Door Meetings between Government Officials and Industry.

The Consolidated Appropriations Act of 2010 was enacted on Dec. 16, 2009, and included a **special interest provision** that authorized a one-year Pilot Program for 100,000 lb. trucks on 250 miles of Interstate highways in Maine and Vermont. The next day Maine's Governor declared a state of emergency and signed a proclamation to allow a change in truck weight limits for six-axle 100,000 lb. trucks. The Act required the Federal Highway Administration (FHWA) to issue a 6-month progress report on the Pilot Program. The Truck Safety Coalition (TSC) filed a Freedom of Access request with the Maine Department of Transportation (Maine DOT). Documents obtained by TSC show serious bridge safety problems, behind-the-scenes coordination between industry and government, and Maine DOT pressure to weaken and mask safety concerns and conclusions reached based on incomplete information.

FHWA FOUND SERIOUS SAFETY ISSUES

FHWA officials in charge of drafting the 6-month progress report found potentially serious safety problems:

4/6/10 - Michael Onder, Federal Highway Administration (FHWA) Team Leader, Truck Size & Weight, Freight Technology & Operations: "He [Brian Kozy, FHWA Senior Bridge Engineer] mentioned that **we reduce a factor of safety with 100K trucks...why are these bridges safe if they were built before anyone was thinking of 100K trucks? This is a lingering question...**"

4/7/10 - James Saklas Ph.D., FHWA Office of Transportation Policy Studies, in response to Michael Onder: "Brian [Kozy] and I have discussed this at some length. **He and I, and I am certain all bridge engineers, agree that the 100kip truck reduces the factor of safety on any bridge relative to the 80 kip truck, regardless of the bridge rating. The question, of course, is: Does this reduction jeopardize the traveling public...I think Brian and I, and I should not really speak for him, are uncomfortable with this reduction for some of Maine's bridges...Lastly, you raised the issue of the bridges currently rated at HS17.5 or lower. These should be of great concern...About 15% of the Maine interstate bridges are rated this low. The 100 kip truck causes an overstress of about 25 to 40% in these bridges.**"

4/7/10 - Brian Kozy, FHWA, to Mike Onder, FHWA, in response to James Saklas's, FHWA, e-mail: "**I agree with everything that Jim has said. I am also not comfortable with the reduction in safety...The 6 month initial period should have been enough time to screen the bridge inventory and indentify the 'critical' bridges and perform detailed load rating analysis with the 3S3 truck...Updating a detailed load rating on a bridge only takes a few hours for most typical bridges. Why hasn't this been done?**"

In a separate analysis, "***A Side-By-Side Analysis of Maine Interstate Bridges,***" an FHWA official points out:

"If one assumes that greater than a ten percent 'overstress'...is unacceptable, **then these results show that every 100,000 lbs. truck is a problem.**" [Bold and italics in original.] "...**the results should cause prudent bridge engineers some concern.**" "If the operating ratings are correct, these results indicate that, for the most part, Maine's interstate bridges can accommodate the **occasional** 100,000 lbs. truck [bold and italics in original]...**I feel that the operating rating reflects an unacceptable reduction of the factor of safety contain in the inventory rating and therefore it would not be prudent to allow unlimited numbers of these heavier trucks.**" "Conclusions: **There is absolutely no question that these trucks will produce stresses significantly higher than the 80 kip truck...most bridges in Maine are steel bridges, which are prone to fatigue problems, especially in the light of large amounts of salt used to melt snow in the winter...Relatively large factors of safety are inherent in bridge design, and Maine's interstate bridges were not designed for 100,000 lbs. trucks. This analysis shows that a significant number of bridges will have their factor of safety reduced significantly.**"

MAINE AND VERMONT DOTs PLAY UP SPECULATIVE SAVINGS AND DOWNPLAY SAFETY PROBLEMS

Despite efforts by FHWA staff to fairly represent safety issues regarding 100,000 lb. trucks, Maine and Vermont DOT officials continually insisted that the FHWA 6-month progress report reflect unsupported views of state DOTs:

5/12/10 - Letter from Jeffrey A. Lindley, FHWA Associate Administrator for Operations, to David Dill, Secretary, Vermont Agency of Transportation (AoT), and David Cole, Commissioner, Maine DOT, in response to a May 5, 2010 letter: “We share your concern for factual accuracy on this sensitive subject, which is why we have worked closely with your staff...**Given the sensitivity of this subject, we are willing to provide a confidential briefing...**”

5/13/10 - Chip Getchell, P.E., Maine DOT, Director Asset Services Division, Chief Engineer’s Office: “Gary and I have discussed, and feel that **we need to go on offense a little**. Our suggestion is to clearly communicate to Mike Onder that, if their final Report is one sided and only discusses the negative impacts to the Interstate, that **we will issue our own report** with the ‘rest of the story’ and distribute it.”

5/18/10 - Mike Onder, FHWA: “There has been considerable emphasis from both of you that trucks exiting the state system and transferring to the interstate system would provide an overall savings to the state...It would be merely **speculation on our part to say an overall saving will occur on the transfer**. As we have mentioned before **we don’t know the number of heavy trucks that will still need to use the state system** for delivery and other access points...Our experts are saying it has **too many variables to control and the result would be less than exact.**”

5/18/10 - John Zicconi, VT AoT, Director, Planning, Outreach & Community Affairs, in response to Michael Onder’s email: “**Mention of the coming tradeoff analysis is required in several key places throughout the report’s text** so that the reader gains the proper perspective when the **report is basically telling them that allowing heavy trucks will cause Interstate damage and will cost the federal government more money...we really need to insist** that they be placed in the body of the text...”

U.S. TAXPAYER GETS STUCK WITH THE BILL FOR OVERWEIGHT TRUCKS IN MAINE

By allowing heavier overweight trucks to use Interstate highways in Maine and Vermont, the Pilot Program transfers the cost burden of bridge maintenance and highway pavement repair from the state to the federal taxpayer:

3/19/10 - Michael Onder, FHWA: “Essentially he (Tom Yu) is saying **it will take the equivalent of another ½ inch pavement on the interstate system to support the additional axle weights...Vermont tells us it will take about 20 years to repave the interstate system with a ½” overlay.**” [Bold and emphasis added].

4/7/10 - James Saklas, FHWA: “The second issue we need to address is the **added cost of maintenance, repair, rehab and replacement** (if any) due to these larger trucks. My guess is that if there are **several bridges that need replaced due to these trucks, AND if the state has the courage to charge those costs to these trucks, then the cost per truck would be so high that they would return to the 80kip truck. Of course, we all know that in reality they will do all they can to pass these costs on to auto and smaller truck uses.**”

4/23/10 - Michael Onder, FHWA: “**FHWA’s latest information shows that of the 197 bridges on Maine’s Interstate System, 36 are functionally obsolete, and 6 are structurally deficient. In Vermont there are 313 total bridges. Of those, 95 are functionally obsolete, and 22 are structurally deficient.**’ These figures still stand since I have not seen them refuted.”

According to the author of the “*A Side-By-Side Analysis of Maine Interstate Bridges,*” “**the real effect i[s] that it is in the state’s interest to shift the responsibility of repairing bridge and pavement damage from the State to the Federal government. . . . In my opinion it is the wrong solution. If there is a safety issue and damage issue on the Maine system, then the solution is to apply Bridge Formula B with an 80 kip [thousand pound] cap to the Maine system.**”

Maine’s budget for highway spending is facing a shortfall of \$720 million over the next two years (according to Bangor Daily News <http://www.bangordailynews.com/story/Statewide/Maine-highway-budget-shortfall-estimated-at-720M,158379>).

CLOSE GOVERNMENT COLLABORATION WITH TRUCKING SPECIAL INTERESTS BUT NONE WITH PUBLIC OR SAFETY GROUPS

Documents show that FHWA officials drafting the 6 Month Report met with private industry behind closed doors:

1/18/10 - Minutes of Jan. 14, 2010 Pilot Study Committee meeting indicate that an employee of Pike Industries, which has been awarded numerous multi-million dollar paving contracts in New England states, and has significant monetary interest in selling more pavement, is contact for two committees preparing 6-month pilot program report.

2/14/10 - Michael Onder, FHWA, e-mail about meeting with trucking industry: **“My understanding is that you (Robert Elder) [Maine DOT] and Jon McDade [Maine DOT] will be going with me to that meeting. You are welcome to invite any others that you believe are pertinent to the discussion. Could you please confirm that we are meeting at the Trucking Association offices at 10am?”**

2/22/10 – Michael Onder, FHWA, email about **FHWA meetings with Maine and Vermont trucking industry stating that they will work “very closely” to put together a “very successful report”**: “I had very positive meetings with the Maine Motor Transport Association and the Vermont Truck and Bus Association this past week. **The leadership of both organizations pledged to work very closely with our team and the work groups to put a very successful report together.** I'll do some followup with specific individuals on getting members of these organizations connected to the work groups. Many thanks to Mr. Brian Parke and Mr. Timothy Doyle of the Maine Motor Transport Association for setting aside time to meet with Jonathan McDade, Anna Price and me last Wednesday. Likewise, many thanks to Ed Miller, Roland Bellavance, Ken Ferno and Ed Larson of the Vermont Truck and Bus Association for meeting with Ernie Blais, Roger Thompson and me last Thursday. We learned a great deal from our discussions with all of you.”

4/29/10 - Tim Doyle, MMTA Vice President, Maine Motor Transport Association (MMTA), which represents Maine trucking interests, to Robert Elder, Maine DOT, Director, Office of Freight and Business Personnel,: “We are gearing up for our DC trip next week...As always, the weight limit extension will be a high priority when we meet with the Congressional delegation.”

5/11/10 - Tim Doyle, MMTA, to Robert Elder, Maine DOT: “I'll also fill you in on our DC trip last week.”

The Truck Safety Coalition has requested additional documents and information about what was discussed during the meetings held between FHWA, Maine DOT, and the Maine and Vermont trucking industries but still has not received this information.

The Pilot Program allows the trucking industry to put 100,000 lb. trucks on 250 miles of Maine Interstates. Internal documents from Maine DOT clearly show that the economic productivity of the trucking industry and transferring bridge and pavement damage costs to the federal government were top priorities, while ignoring safety concerns raised by FHWA and endangering the safety of the traveling public. Taxpayers, not the trucking industry, are footing the bill for both the implementation of the Pilot Program and the costly damage to highways and bridges.

The Motoring Public is Paying with their Lives and their Wallets for this Dangerous and Costly Program. Don't Wait Until a Bridge Collapses and Families are Killed and Injured. Stop the Pilot Program Now!!!

**We urge Congress to act responsibly:
End this special interest project that puts public safety at risk**