

# Sharing the road to series

By MELANIE SILL, Staff Writer

You might think those weigh stations on interstate highways show that the government is keeping overloaded trucks off the roads.

Guess again.

In a four-part series, "Pounding the Pavement," beginning today on Page One, investigative reporter Pat Stith explains how and why overweight trucks are avoiding oversight in North Carolina.

It's the kind of story that doesn't come in a news release and the kind that distinguishes journalism from other more readily available information.

Stith spent untold hours of reporting to piece together the situation and then to interview people to find out how it came to be and what should be done about it.

News researchers Brooke Cain and David Raynor worked with him.

Their core findings were expanded by photographer Sher Stoneman and graphic artist Judson Drennan. Valerie Aguirre developed the series' online components.

Good journalism requires a team effort, beginning with the most difficult thing of all: finding out what's really happening in our community -- in this case, on our roads.

Telling the story well -- in ways that are clear and direct and that help people take action if they choose -- also requires significant effort and resources.

Page designer Andrea Jones, copy editor Jaime Larson-McLoone, photo editor Scott Sharpe and photo director Robert Miller helped craft the series. Deputy managing editor Steve Riley directed it.

# Part 1: State to trucks: Roll on

Officers' ranks shrink, citations plunge and drivers slide by



Heavy trucks tear up secondary roads in North Carolina, but state laws have allowed heavier trucks on some roads and cut in half some fines for exceeding weight limits. Drivers who try to dodge the scales on interstates are aided by a shortage of weight enforcement officers.

*Staff Photos by Sher Stoneman*



By PAT STITH, Staff Writer

Overweight trucks are rolling past the state Highway Patrol and tearing up North Carolina's highways.

Two and a half years ago, legislators put the patrol in charge of policing overweight trucks, taking the responsibility away from the Division of Motor Vehicles. But the transfer of those duties, along with laws passed by legislators to allow heavier trucks, have turned overweight trucks loose on North Carolina highways, a News & Observer investigation shows.

The cost is borne by taxpayers, who must pay millions of dollars a year for expensive repairs.

Last year, officers caught less than half as many overweight trucks as they ticketed in 2000. Penalties were also down by more than half. About 100 fewer officers prowled the state's back roads to weigh trucks with portable scales or were available to work at the weigh stations on North Carolina's interstates.

A state Department of Transportation study estimates that only 45 percent of the trucks on interstates are being weighed during the week. The stations are usually closed on weekends.

Overweight trucks have not been a priority for the patrol or a concern to state legislators, who have passed 10 laws in 12 years allowing heavier trucks on state-controlled roads.

The state Department of Transportation protested some of the laws but was ineffective. Lyndo Tippet, secretary of transportation for the past four years and a transportation board member for eight years before that, didn't know about new laws allowing heavier trucks on state primary and secondary roads until The N&O asked him about them.

Leaders of DOT and the Highway Patrol are appointed by the governor. Gov. Mike Easley's administration advocated transferring weight enforcement duties to the patrol after the DMV became entangled in allegations of ticket fixing and other improprieties.

The patrol acknowledges that it hasn't gotten the job done.

"Data shows that portable weight enforcement activities and ... inspections are at an all time low," Maj. M.R. Johnson told Highway Patrol troop commanders in a memo late last year.

The patrol's 37-page "Strategic Plan" for 2005 has a lot to say about protecting lives and property by reducing collisions but only one paragraph about protecting highways from damage caused by overweight trucks.

An internal Highway Patrol memo, written earlier this year after The N&O started asking about the weight enforcement numbers, listed 16 reasons for the drop in productivity, including a shift in focus of officers to highway safety.

Getting overweight trucks off the roads is critical because as a truck's weight increases, the damage it does increases exponentially. A 10 percent increase in weight, for example, translates to a 33 percent increase in damage, experts say. And even if a truck is legally loaded -- with a gross weight of 80,000 pounds -- pavement design experts say it does at least as much damage to a highway as 5,000 cars.

Most road damage comes from two sources: weather and trucks. Experts can't say precisely how much trucks, legal and overweight, cost the state in highway damage; estimates run as high as \$100 million a year. The state will spend \$2.2 billion this year on highways, including \$615 million on highway maintenance. The top highway official says he needs \$1 billion for maintenance.

### **Who benefits?**

On major roads, damage caused by overweight trucks -- or by more legally loaded trucks than the road was designed for -- can take years to show up, like health problems in people who smoke.

But on a country lane such as New Hill-Olive Chapel Road, a shortcut between U.S. 64 and U.S. 1 in southwest Wake County, there's no waiting period. On that two-lane road there's a patch, or a pothole needing a patch, an average of every 40 yards for more than four miles. Roads like it are scattered across the state.

Roads such as New Hill-Olive Chapel are much thinner than interstates, and they can't handle as much weight. On those that have heavy truck traffic, state highway engineers set a maximum weight of 6.5 tons per axle -- 13,000 pounds instead of the normal axle weight limit of 20,000 pounds. But that hasn't helped New Hill-Olive Chapel.

Laws passed by legislators have helped farmers, loggers and truckers hauling stone, dirt and sand by allowing them to drive on some roads with loads beyond the posted weight limit.

The trucking industry says it is responsible for 300,000 jobs in North Carolina. It is critical to the state's economy; trucks deliver everything from fruits and vegetables to concrete and steel. And the bigger and heavier the load, the lower the costs for companies and consumers.

Driving overweight is so profitable that in the wee hours of the morning, when the weigh stations are closed and weight enforcement officers are off duty, the percentage of overweight trucks triples, an N&O analysis of DOT data shows. The information was gathered with hidden sensors.

Most of the trucks that are caught driving overweight are moving loads within North Carolina. Top violators include trucks hauling garbage, logs, aggregates, construction materials and farm products.

The president of the N.C. Trucking Association says it hasn't pushed for weight exemptions. "By and large, our members would prefer that weight allowances not be increased," said Charles F. Diehl. "It hurts their bottom line, because they're expected to haul more."

But in some cases, truckers want to haul more.

Fred Allen, executive director of the N.C. Aggregates Association, says his members who own quarries don't benefit from overloaded trucks; truckers benefit because they are paid by the weight of their load. He said quarries that overload trucks are being pressured by truckers.

"We find ourselves often, I don't want to say at odds with the truckers, but trying to keep them legal," Allen said.

### **Weight jobs unfilled**

Driving overweight trucks has been getting easier every year.

The number of overweight trucks caught in North Carolina began dropping in 2001, then nose-dived after the legislature turned weight enforcement over to the patrol Dec. 1, 2002.

Col. W. Fletcher Clay, who became patrol commander in July, blames most of the enforcement problem on the shortage of officers, which became more acute after the weight enforcement responsibilities were transferred to the patrol. Since then, there have been "zero applicants," he said.

That's because the patrol required applicants for weight officer positions to be trained as troopers. Graduates of a patrol school can elect to take a higher-paying, higher-prestige job as a trooper -- and they do. Troopers start at \$32,069, about 25 percent more than weight enforcement officers, and get automatic annual raises until they reach the top of their paygrade.

Forty percent of the 263 uniformed weight enforcement positions transferred to the patrol became vacant as officers left and no one took their places.

Len A. Sanderson, the state highway administrator, is impatient with the patrol's contention that it can't hire the officers needed to properly monitor trucks. Sanderson's Division of Highways, which is responsible for maintaining the state's 78,615 miles of highways, and the Division of Motor Vehicles are both part of the state Department of Transportation.

"They're saying they can't get the people, but we got 'em," he said. "Why can't they?"

### **Trucks skip the scales**

The staffing shortage is having an impact on the state's eight interstate weigh stations.

In the CB radio lingo of truckers, who constantly swap news about the stations, the "big word" is out a lot more often now. The little word is OPEN. The big word is CLOSED.

The hours of operation are down 22 percent since the responsibility was transferred from DMV to the Highway Patrol, dropping from an average of almost 14 hours a day to less than 11. And when weigh stations are open, they're sometimes so understaffed that there is no one to chase down trucks that ignore the "OPEN" sign and keep on rolling.

"We will periodically say, you know, this is the day we'll stop trucks trying to go by, if you've got an extra person," said officer C.D. Miller, who sometimes works at the weigh station on I-85 west of Charlotte.

But not all trucks trying to avoid inspection actually drive by. Drivers of overweight trucks use certain routes to avoid the scales, says PBS&J, a consultant hired by DOT to recommend ways to modernize its weigh stations.

"Only a fool is going to come to an open weigh station knowing he's overweight," Miller said. "If a truck knows he's going to be overweight, there is no law that prevents them from going around the scales."

Bryan E. Beatty, secretary of Crime Control & Public Safety, oversees the Highway Patrol. He said the patrol is hiring civilians to keep the weigh stations open longer and free more officers to patrol other roads.

"What we're seeing is a work in progress," he said. "We could not hire people, at that salary, in this department, after the transition."

Before and after Clay became commander in July, the patrol took weight enforcement officers away from their primary duty from time to time and used them to do work normally assigned to troopers. Weight officers were ordered to direct traffic at auto races near Charlotte and at ACC football games, escort overwide loads, catch speeding cars and investigate accidents, including those with no truck involved.

Beatty said Col. Richard W. Holden, the former commander, decided to use the weight enforcement officers for other duties. Holden didn't return calls to his home or office.

Clay said that weight officers are no longer used to direct traffic at games and races and that their escort duty for overwide loads has been cut back, although they will continue to be used to patrol rest areas and work zones.

Troop commanders have been told that the officers should be refocused on truck violations and collisions.

"I viewed it as a pressing issue," Clay said, referring to the drop in overweight citations. "There's no secret there. We know, I know, performance is down."

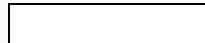
## Part 2: Heavy trucks get breaks

Lawmakers' exemptions increase weight limits, lower fines



State Sen. Clark Jenkins, center, presides over a recent meeting of the Senate's appropriations subcommittee on transportation. Jenkins sponsored a bill, passed this month by the Senate, that would loosen weight limits for trucks carrying materials to construction sites.

**Staff Photos by Sher Stoneman**



By PAT STITH, Staff Writer

Second of four parts

Earlier this month, the N.C. Senate quickly agreed to overrule state engineers and allow heavy trucks carrying construction materials to rumble over country and neighborhood roads not built to handle the load. The N.C. Home Builders Association is pushing the legislation, which would allow its members' trucks to drive fully loaded on the fragile roads -- and avoid paying for the damage. Sen. Clark Jenkins, the bill's sponsor, says the General Assembly should approve the legislation as a matter of fairness.

That's because legislators have already granted similar breaks to trucks that haul garbage, seafood, logs, sludge, Christmas trees, crops and other materials.

Some of the breaks date to the 1980s or before. But during the past 12 years, state lawmakers voted 10 times for bills that benefit trucking interests at the public expense. The actions include:

- \* Giving trucks hauling wood chips, agricultural products and construction aggregates approval to travel on state primary and secondary roads with total weights higher than the 80,000 pounds allowed on interstates. Weights on interstates are controlled by Congress.
- \* Cutting fines for some overweight trucks in half. Also, legislators have not increased overweight penalties since 1981. That means, after inflation, overweight truck fines are now 25 percent to 50 percent of what they were in the early 1980s.
- \* Allowing some fully loaded trucks to travel on neighborhood streets and back roads that highway engineers say aren't strong enough to take the pounding.

Legislators also transferred the officers responsible for enforcement of truck weight laws to the Highway Patrol, but without clear directions on what they wanted done and without the money to pay for it. Since the transfer in December 2002, the number of trucks caught with overweight loads has declined sharply, even as truck traffic rises.

Jenkins, a Tarboro Democrat and former member of the state Board of Transportation, says the past votes are influencing current action.

"I don't see how you tell a contractor that he doesn't have the same right that a forest product guy does, or an ag products guy does, if his business is to deliver to that site," Jenkins said in an interview.

The clout of the groups that have gotten their way with truck weights doesn't necessarily come from providing legislators with campaign cash. Except for the N.C. Home Builders Association, which has its bill pending, none of the organizations that have won exemptions have given large amounts of money. The home builders gave \$230,938 during the last two years, an average of about \$1,350 for every member of the House and Senate.

The weight bills passed by overwhelming margins, in part because there doesn't appear to have been any organized opposition. No group is regularly advocating limits on truck weights.

Rep. Paul Luebke, a Democrat from Durham, voted against some of the weight bills. He said in an interview that they harmed the roads and gave unfair advantage to special interests.

"I thought ... someone would have to pay for the long-term damage, and that someone would be the people of North Carolina," Luebke said.

### **Up against statistics**

Jenkins, an agribusinessman who is a chairman of the Joint Legislative Transportation Oversight Committee, knows better than most legislators that road damage inflicted by overweight trucks rises exponentially with weight. If truck weight increases by 10 percent, for example, the damage to the road increases by 33 percent.

Truck weight is regulated because the larger, heavier vehicles do so much more damage than cars. One truck loaded to the interstate limit of 80,000 pounds puts as much stress on a highway as 5,000 cars, according to Judith Corley-Lay, an expert on pavement management at the state Division of Highways.

Corley-Lay's estimate might be conservative. The director of the U.S. General Accounting Office told a congressional oversight committee in 1979 that 20,000 pounds on a truck axle -- the federal limit -- does 7,550 times as much damage as the weight on one car axle.

Even so, Jenkins last year co-sponsored a bill pushed by the N.C. Dump Truck Association that raised the maximum gross weight of trucks hauling aggregates to 84,000 pounds, 5 percent higher than the maximum allowed by the federal government on interstates. It also raised maximum axle weights about 10 percent above the interstate limit.

Axle weight is controlled because trucks that weigh less than the maximum can still do a lot of damage if they have too much weight on a single axle or combination of axles.

The dump truck bill was approved by the Senate, 45-0, on June 28. Two days later, Ted Brown, a lobbyist for the Dump Truck Association, picked up the lunch tab at the 42nd Street Oyster Bar in Raleigh for the bill's primary sponsor, Sen. John A. Garwood, a Republican from North Wilkesboro.

Garwood said the Dump Truck Association asked for his help.

"It wasn't anything that amounted to a whole lot," Garwood said. "They were friends, and I wanted to try to help them. I felt like they were getting fined too much and too often. In other words, what I tried to do is give them the same law that the forestry people got."

### **A change of heart**

Dan DeVane, now a deputy secretary of transportation, opposes legislation that increases truck weights. But as a legislator in 1993, he sponsored one bill relaxing weight limits for trucks and co-sponsored another, just before he resigned his seat in the House and went to work for DOT.

One of his bills cut overweight fines in half for trucks hauling recyclable material. It let them travel fully loaded on some "posted" roads, where most other fully loaded trucks are forbidden.

State highway engineers try to protect some secondary roads from heavy trucks by barring those that weigh more than 13,000 pounds per axle. Other than exceptions approved by legislators, the per-axle maximum on all other roads in North Carolina is 20,000 pounds.

"We post roads when we see roads failing due to heavy loads," said Jon G. Nance, the top state highway official in Wake, Durham and five other counties.

Wake County has 169 miles of posted roads, more than any other county in the state, because it has so much growth, Nance said. Construction generates plenty of trucks carrying bricks, concrete, asphalt and other material to job sites and carrying away debris.

Nance said he looks for major defects in paths made by the wheels, whether it's heavy-duty rutting or cracks in the pavement that parallel the ruts.

"Those are signs of fatigue in the asphalt, or underneath, the subgrade," he said. "One of the things I attributed it to is truck traffic on roads that weren't designed and built to carry those kind of loads."

In 1993, DeVane was working against the wishes of highway engineers. DeVane says he can't remember why he sponsored the bill dealing with recyclable material or who was pushing it.

The other bill allowed trucks hauling agricultural products to increase their gross weight to 88,000 pounds, 10 percent above the interstate maximum, on primary and secondary roads. DeVane noted that he had represented Hoke County, a big cotton- and soybean-farming area.

"Lot of support for that bill, lots of farmers," he said.

The N.C. Farm Bureau Federation, a powerful grass-roots lobbying organization whose members include most farmers in North Carolina, threw its support behind DeVane's bill and several others that, taken together, allowed trucks hauling farm products to carry more weight without a special permit than anyone else.

The Division of Motor Vehicles, which was then responsible for enforcing the overweight truck laws, opposed DeVane's bill. A DMV spokesman warned legislators that if the bill passed, rural highways "would be damaged and require repair more often." The farmers won, 45-0 in the Senate and 88-0 in the House.

DeVane says now that he wouldn't vote for either bill.

"I have seen firsthand what it does to the highways," he said. "Back then I was representing the people back home, you know."

The bills giving truckers exemptions to the weight law cost taxpayers "millions of dollars a year" in additional highway maintenance, DeVane said.

H. Julian Philpott Jr., secretary and general counsel of the N.C. Farm Bureau Federation, said damage to roads caused by heavily loaded farm trucks should be paid for with the fuel tax that farmers pay.

"I will not apologize for ... whatever exemptions we've got," Philpott said. "If it means making one trip instead of two, then yes, we'd be supportive of increased weight limits."

### **Bills pass easily**

The 10 bills allowing heavier trucks on North Carolina roads have passed with overwhelming majorities and with little or no debate.

A prime example was the "Trucking Adjustment Act of 1997." That title sounds as if the bill would have nothing to do with treated sludge -- and when it passed the House and went to the Senate, it didn't. That changed when five members of the 15-member Transportation Committee huddled around Chairman Larry Shaw's desk in the Senate chamber and had a meeting.

Here is what the minutes say:

"Senator Shaw recognized Senator [David] Hoyle to explain HB 1096. Senator Hoyle brought forward his amendment to the bill. Senator Shaw moved for adoption, and the motion carried. Upon a motion by Senator Shaw, HB 1096 was given a favorable report as amended."

Hoyle's amendment allowed trucks carrying treated waste to use posted roads and cut their fines in half if they got caught with an overweight load on any road. The bill, with Hoyle's amendment, was approved by the Senate, 40-2. The House concurred, 107-0.

Hoyle said he changed the law to help sludge haulers because they don't have scales and can only guess at the weight of a loaded truck. He said that they needed to be able to exceed weight limits on posted roads in order to do business, and that it was fair to give the sludge haulers the same break given to other businesses.

But, he added, "that's a situation that can be argued both ways, that you ought not do it for anybody."

Ideas for these types of bills usually get brought to legislators from lobbyists. One is Robert W. Slocum Jr. of the N.C. Forestry Association, which represents the logging industry.

Slocum said he had lobbied for a couple of overweight concessions, both involving posted roads.

He said that in 1997, he pushed for legislation to allow wood-chip trucks to exceed weight limits on posted roads going from the woods to a good highway. Another bill allowed those trucks and others to use either of two posted roads to get out. Access to two posted roads was a safety issue, Slocum said. The shortest route, which the law had required, was not always the safest route.

Slocum said a lot of the roads near forests have been posted by the state and, fully loaded, there was no way to get a load of logs out of the woods.

"We've got to have the ability to get out," he said.

Before the law was changed, loggers had a choice: Reduce weight by hauling fewer logs or post a bond to repair roads that they damaged.

Slocum said there's no reason for timber companies to have to pay for roads they tear up. "I think my members would say that's what we pay taxes for," he said.

### **New exemption sought**

The most recent bills that have chipped away at the state's ability to regulate trucks were passed in 1993, 1995, 1997, 1998, 2000, 2002 and 2004. This year, the push comes from the N.C. Home Builders Association, which represents about 16,000 companies associated with the home-building industry.

The association's political action committee contributed \$3,373 to Sen. Jenkins in 2003-04, which put him in its top 15 recipients. The bill he introduced for the association would allow fully loaded trucks carrying supplies, material or equipment to use posted roads to get to construction sites. The bill passed the Senate 48-0. It awaits action in the House.

The home builders' two lobbyists, R. Paul Wilms and Mike Carpenter, have significant clout with lawmakers. The N.C. Center for Public Policy Research's ranking of lobbyists' influence shows that the organization is one of four to have two lobbyists ranked in the top 50: Carpenter at 21 and Wilms at 29.

Wilms, director of government affairs for the association, said his group asked Jenkins to introduce the bill.

"We started hearing complaints from our members who are building in subdivisions, the only access to which currently are these farm-to-market roads, light-duty roads," Wilms said.

He said there were complaints about the state Department of Transportation requiring companies to post bonds to pay for repairs if their trucks tore up the roads. Otherwise, they would have to make more trips with smaller loads. That costs money.

"I didn't quite know if there was a fix," Wilms said. "But when I looked at the law, there were all kinds of exemptions already."

## Part 3: Taxpayers bear cost of damage to highways

Truck taxes don't cover their destruction

By PAT STITH, Staff Writer

Third of four parts

North Carolina's weak laws regulating overweight trucks and poor enforcement by the state Highway Patrol show up every year in a place you might not have considered: Your taxes.

Every day, at least 100,000 medium-sized and big trucks are on the move in North Carolina. One legal truck, weighing 80,000 pounds, does at least as much damage to roads as 5,000 cars, experts say. And damage from heavier trucks -- running illegally or approved by special state laws -- goes up dramatically.

No one can say precisely how much heavier trucks cost taxpayers in additional repairs, but Len A. Sanderson, the state highway administrator, says there's a direct connection.

"More weight, more tearing up, the more maintenance money you need," he said.

How many trucks might be overweight would only be a guess were it not for an obscure unit in the state Department of Transportation that has been gathering data on truck weight for a federal pavement study.

The data include records of about 440,000 tractor-trailers weighed in 2003 by equipment buried in the pavement at 16 locations in 12 counties. According to an analysis by The News & Observer, one truck in 12 weighed more than 80,000 pounds, the interstate maximum.

More significant: In the wee hours of the morning, trucks are three times as likely to be overweight as trucks moving during the day, when weigh stations are more likely to be open and when weight enforcement officers are more likely to be on patrol.

DOT told the Federal Highway Administration that it would share that data with officers responsible for catching overweight trucks, but it hasn't. Kent L. Taylor, state traffic survey engineer, said the data could generate better decisions on what time of day to have enforcement officers working.

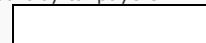
"We just haven't had the staffing to do that," he said about sharing the data.

The state spends about \$615 million a year to maintain its highway system, Sanderson said. It needs to be spending \$1 billion, he said, and part of that can be blamed on overweight trucks.

The money for maintenance and other highway needs comes primarily from the state and federal taxes on fuels. The total tax on a gallon of diesel, which trucks use, is 51.25 cents. The tax on gasoline, used by most



Sections of Green Level Church Road in western Wake County have been patched and repatched. Trucks pound such secondary roads, and repairs are covered in large part by taxpayers.



cars, vans, pickups and SUVs, is 45.25 cents per gallon. Still, a federal study says big trucks don't pay their fair share because of the damage they cause.

Legislators have not raised overweight truck fines in 24 years. Instead, for some of the most frequent violators, they have upped the legal weight limits and cut the penalties in half. In effect, after adjusting for inflation, many overweight trucks are fined a fourth as much as they were in 1981, the last time penalties were raised.

### **Heavy load, high cost**

Judith Corley-Lay, the state's top pavement management engineer, says she has been asked often by legislators how much another increase in weight limits would cost in damage.

"Every single year I get called in to answer some various nuance of the question," she said. "If we increase the load limit to X, what is the dollar cost of that increase? And it's a very frustrating question because it's very complicated technically."

But Corley-Lay has calculated what would happen -- and how much it would cost -- in a hypothetical situation. She said if truck weights were increased 10 percent on interstate highways, pavement designed to have a 20-year life would wear out in seven. And maintenance would increase by \$129 million a year.

But interstates account for only 1,019 miles of the state's 78,615-mile highway system. So the cost of a 10 percent increase on the state's primary and secondary roads would substantially increase Corley-Lay's damage estimate.

Overweight trucks tear up a road much faster than legally loaded trucks because as weight goes up, stress on the road goes up faster. An increase in truck weight of 20 percent, for example, would result in a 73 percent increase in stress on the road.

"The heavy loads really do increase the increment of damage per truck," Corley-Lay said. "There's no question about it."

The damage to a major highway is usually gradual and might not show up for years. A lightly built subdivision road, however, can go to pieces in a few weeks.

"It is not that uncommon for the construction traffic, which is almost all trucks, to [ruin] the road before the first house is ever completed," she said.

Glenn Mersinger has lived on Green Level Church Road since 1984, back when it was out in the country and there was no traffic worth mentioning. Now the road in front of his house, which runs about 6 miles from U.S. 64 near Apex to the Chatham County line, is so heavily traveled he has a hard time getting out of his driveway in the mornings and evenings.

When he does, it's a rough ride. Green Level Church Road's patches have patches. He blames that on dump trucks, sometimes three and four at a time, to and from construction sites.

"Dump trucks will tear a road up in a little bit," Mersinger said.

### **Secondary roads suffer**

Legislators can't increase weight on the interstates. Congress controls weights on those highways, and, so far, it has held the line at 80,000 pounds. Lawmakers here, however, have voted repeatedly to raise weight limits on other roads above the 80,000 pounds allowed on interstates; the top weight allowed is 90,000 pounds for farm trucks.

Lyndo Tippet, state secretary of transportation, didn't know what the weight limits are on secondary roads. He was incredulous last month when he was told by The News & Observer that legislators had passed numerous bills allowing trucks on secondary roads that are so heavy they aren't allowed on interstates.

"Think about it," he argued. "Secondary roads carrying as much weight as an interstate? Secondary roads just have a little coating of asphalt.

"I can't comprehend that sort of legislation being advocated considering the billions of dollars we've got invested in the highway infrastructure. It's been my focus for the last four years to maintain, spend money on maintenance, trying to get the roads back in condition."

The weight laws have passed since Tippet has been a member of the Board of Transportation or transportation secretary.

Tippet didn't know the law, but he was right about the weakness of secondary roads.

A typical two-lane secondary road is likely to have a thin layer of asphalt -- maybe 2.5 inches -- spread over 6 inches of stone, at a cost of \$54 per linear foot of highway. A four-lane interstate highway might have 15.5 inches of asphalt over 10 inches of stone over 6 to 7 inches of soil mixed with lime or cement and compacted. The cost would be about \$470 per foot.

"If the [secondary] road is not built to the standard to take care of truck traffic and you get a big subdivision in there, several hundred homes, that road's gonna crumble like an alligator's hide," said Dan DeVane, one of Tippet's deputies.

### **Truck taxes fall short**

Associations representing business interests have successfully lobbied the legislature to allow fully loaded trucks to use roads posted with lower weight limits by DOT engineers.

The maximum weight normally allowed on a posted secondary road is 13,000 pounds per axle. The legislature, however, has passed laws to allow trucks hauling some commodities, such as wood chips, to use posted roads with axle weights of 20,000 pounds.

There are 2,305 miles of posted roads in North Carolina, nearly enough to reach from Raleigh to Los Angeles; Wake County has 169 miles, the most in the state.

To prevent "undue" damage, DOT has the authority to stop the trucks given special permission by the legislature from driving on posted roads. But Sanderson, the highway administrator, said he didn't think that had ever been done.

Spokesmen for the farm and forest industry lobbies say their industries shouldn't have to pay for the damage they do because they already pay so much in taxes. The average for all tractor-trailers in North Carolina is \$6,107 a year, according to the American Transportation Research Institute.

Trucks are taxed more heavily than cars, experts say, because they do most of the damage.

"Cars are almost inconsequential," Corley-Lay said.

Here's how trucks pay more:

\* They pay the slightly higher tax on diesel fuel. And since big trucks only get about 5.7 miles to the gallon, they pay about four times as much tax per mile.

\* Truck owners must buy tags for all the states they work in, which could cost up to \$1,500 a year; most car owners pay \$20 for a North Carolina tag, and they can go anywhere.

\* If a truck's registered weight is 55,000 pounds or more, the owner must pay an annual federal "heavy vehicle" use tax of up to \$550. There is no similar tax on cars.

But a federal study says those heavier taxes aren't enough for fully loaded tractor-trailers.

A study in 2000 by the U.S. Department of Transportation indicates that car, van and pickup owners are paying more than their share of highway construction and maintenance costs.

Many trucks are, too, but that changes as weight increases.

Fully loaded trucks in the 75,000- to 80,000-pound range pay 91 percent of their fair share of highway costs, according to the study. Trucks weighing 80,000 to 100,000 pounds pay 57 percent; trucks weighing more than 100,000 pounds pay 50 percent.

Besides doing far more damage, trucks have one key advantage in taxes: In North Carolina, the 3 percent one-time highway use tax paid when the vehicle is purchased is limited to \$1,000 for trucks. There is no ceiling for cars.

Fines for truckers are another source of revenue, but they've been getting smaller. Consider the penalties levied in March when driver Troy Lee Williams, hauling wood chips, was stopped by enforcement officer Ricky K. Phillips.

Williams' truck weighed 85,200 pounds -- overweight by 5,200. The drive axles had too much weight on them, too. The legislature has given wood-chip trucks a 4,000-pound tolerance on gross weight, but when a truck exceeds that tolerance, the maximum weight reverts to 80,000 pounds.

The penalty for exceeding 80,000 pounds is 2 cents a pound for the first 2,000 pounds, 4 cents for the next 3,000 pounds and 10 cents a pound for everything over 5,000 pounds, or a total of \$180 for Williams' truck that day. That's then cut in half because legislators have voted to give chip trucks a 50 percent break on fines.

For being 1,950 pounds overweight on each of two drive axles, the fine was 4 cents a pound for the first 1,000 pounds and 6 cents for the next 950, or \$194, also divided in half. Total fine: \$187.

## Costly fixes get stuck

Requests for weigh stations, officers low on budget list



Trucks enter a weigh station just outside Charlotte on southbound Interstate 85, at top, while other trucks pass by. When truck traffic turning in to the station gets backed up on the interstate, a weigh station officer turns on a 'CLOSED' sign.

**Staff Photos by Sher Stoneman**

By PAT STITH, Staff Writer

Last of four parts

North Carolina's weigh stations, the first line of defense against overweight trucks, are worn out and overwhelmed by the sheer volume that forces some stations to close every few minutes. Cost to modernize: \$97 million.

The Highway Patrol doesn't have enough officers to staff the weigh stations and to patrol other roads with portable scales. To attract applicants, training and salaries of current officers must be upgraded. Cost: \$6 million during the next two years.

Fines collected from overweight trucks last year were down by more than half compared with 2000, and the General Assembly has cut fines for trucks hauling some items while raising weight limits for all trucks. Cost to continue these policies: Many millions in damage to the roads, and a few million more in reduced fines.

But fixing these problems isn't high on state officials' priority lists:

\* Key lawmakers have recommended providing a bit over half of the \$6 million the Highway Patrol says it needs for salaries and training of weigh officers.

\* The Senate budget proposal does not contain any increase in fines for overweight trucks, penalties that haven't been increased since 1981. But the budget includes \$158.8 million in new fees for all drivers, including an increase in the fee for truck licenses.

\* State lawmakers, who have allowed all trucks to run heavier on state primary and secondary roads than they can on federally controlled interstates, are now considering a special exemption for home builders. The construction industry wants to drive fully loaded trucks on fragile roads that can't hold up to the pounding.

Ran Coble, executive director of the nonpartisan N.C. Center for Public Policy Research, said the state can't afford the additional maintenance costs created by overweight trucks.

"We're making a bad problem worse," Coble said. He noted that the state has suffered repeated budget shortfalls. "That's when you really want to be smart with your state's assets."

## **Aging weigh stations**

The weigh station on Interstate 85 west of Charlotte is the state's busiest, and that's part of the problem. So many trucks pass by that station that officers can't weigh them fast enough with the station's outdated equipment.

To keep trucks from backing up onto the interstate, officers are forced to close the station every few minutes, to the delight of truckers approaching the station. Time spent waiting in line is money out of their pockets, because many are paid by the mile.

The weigh station -- truckers call them "chicken coops" -- and the weight enforcement officers -- "bears" -- are the No. 1 topic on nearby truckers' CB radios.

An officer, sitting in his cruiser, monitors the exchanges:

First trucker: "Southbound scales just locked up."

Second trucker: "That was perfect timing for me."

Third trucker: "Oh, yeah!"

After a short pause, another trucker announces: "Northbound's locked up!"

Seven of the eight interstate weigh stations were built in the 1970s. They are often shut down for repairs, sometimes for months at a time. The volume of traffic forces officers to often turn on the "CLOSED" sign. Or they shut down because there are not enough officers to keep them open.

On weekdays, about 55 percent of the trucks drive by without having to stop and be weighed, according to a study paid for by DOT. On weekends, almost all trucks get a pass, because the stations are usually closed Saturday and Sunday.

DOT, which owns the weigh stations, has scheduled \$22 million in improvements that had been postponed pending completion of a study earlier this year by a consulting firm. But nothing is scheduled to be done for at least a couple of years, even though DOT has a highway budget of \$2.2 billion.

"We don't have the money," said Lyndo Tippet, secretary of transportation.

Truck traffic in North Carolina increased almost 2 percent a year from 1996 to 2003, according to the study. It estimates that the number of trucks will increase by 2.5 percent a year from 2003 to 2023.

"We're told there is going to be a substantial increase in truck traffic in the next few years," Tippet said. "The problem is going to increase, not decrease, so we've got to have these technology advances. So it's not a choice of spending \$100 million. We've got to spend it."

More money may be available two years from now, he said, when the next long-term state plan for transportation is put together. That's money that would otherwise go toward building and maintaining roads and bridges.

To help pay for the weigh station improvements, Tippet said, the department needs an income it can rely on -- fines collected from truck owners or the companies that hire them. The weight enforcement program is now run by the Highway Patrol, which is not a part of DOT.

"We're anxious to see the Highway Patrol get their program refined and get the money coming back," Tippet said.

Overweight fines levied by the patrol last year totaled \$3.5 million, down from \$8.1 million (adjusted for inflation) in 2000. If fines had been tied to inflation in 1981 and weight laws enforced at the 2000 level, the state could bring in more than \$15 million a year.

Col. W. Fletcher Clay, who took over command of the patrol in July, said that if the General Assembly gives him the money he has asked for, it's just a matter of time before he will be able to bring the patrol's motor carrier enforcement section to full strength.

### **A messy makeover**

In 2002, the legislature transferred the weight enforcement officers -- who had been part of DOT's Division of Motor Vehicles -- to the patrol. But lawmakers did not provide the money to upgrade their training or pay. The patrol, meanwhile, required that new weight officers attend a trooper school and couldn't find recruits to go to the school without being able to provide the extra pay.

Forty-eight of the weight enforcement jobs were vacant when the patrol took over, but that number later soared above 100.

There were some hard feelings, even about uniforms issued to weight officers, said Bryan E. Beatty, secretary of Crime Control & Public Safety, which supervises the patrol. Some officers didn't want to wear the trooper uniform, and some troopers didn't think the weight officers had earned the right to wear it.

Clay's solution is to fully integrate the officers into the patrol by requiring them to attend a transition school -- eight weeks of boot camp and classes and two weeks of on-the-road training -- and paying them the same as troopers when they graduate.

"When I came up here in July, it was pretty clear to me without intervention, without some strategy to correct this, this whole program was going to self-destruct," Clay said. "This is the next step that we need to take ... to truly become one organization."

Two "transition" classes, totaling 42 officers, have graduated this spring. If the legislature provides the money for raises and training, all the officers can go through transition school in about 18 months.

"If we were to be unsuccessful in this session of the General Assembly, then we would be faced with having to move at a snail's pace and use whatever available funds we can," Clay said.

Clay's plan, however, would cost \$2.2 million in the next fiscal year and \$3.8 million in 2006-07. This has the support of Gov. Mike Easley, who appoints the heads of DOT and the Highway Patrol. This would reverse a recent trend; adjusted for inflation, the weight enforcement budget declined 35 percent, from \$17.8 million in 2000 to \$11.5 million in 2003, the most recent year for which numbers are available, DOT says.

Two key legislators, however, say the patrol is asking for too much.

### **Taking another look**

Sen. Clark Jenkins, a Tarboro Democrat, and Rep. Nelson Cole, a Reidsville Democrat, are co-chairmen of the Joint Transportation Oversight Committee and also lead the appropriation subcommittees on transportation in the Senate and House. Their committees control the patrol's budget.

The Senate budget provides nearly \$1.56 million for 2005-06 and \$1.64 million for the following year, a little more than half of what the Easley administration requested. It also directs the patrol not to fill any positions that are now vacant.

What the administration has in mind -- identical uniforms, identical cars and identical pay -- is not what Jenkins thinks the legislature envisioned when it went along with Easley and transferred the weight officers.

"I don't think it was the intent to make the DMV group on a parallel with the Highway Patrol state troopers," Jenkins said. "I don't know that it [the transfer] needs to be undone. I would say this: I think that the legislature and the oversight committees ... need to take a long, hard look at it. Has it happened the way the architects of it envisioned it to happen?"

Jenkins said a legislative staff person had told legislators that state law required all patrol cars to be painted the same way. But he said that law can be changed.

Cole said he was surprised when he saw that the blue DMV enforcement cars had been painted black and silver, but not surprised that the overweight fines were down by half.

"I suspected that all along," Cole said. "I think what we've got to determine is, 'Has this move been a good move for all concerned?' ... Your numbers indicate that it wasn't a very good move."

The Department of Transportation did not put up much of a fight when legislators voted to change the laws 10 times during the past 12 years to give weight breaks to loggers, farm trucks, aggregate haulers and others.

During that time, Tippet was a member of the state Board of Transportation for eight years and secretary of the department for the last four. He said he did not recall board members ever discussing any of the bills that allow heavier trucks on state roads.

He said he would bring to the board's attention a bill pushed by the N.C. Home Builders Association that would allow developers to drive fully loaded on roads that state engineers say are too weak for such loads. When the board met earlier this month, he didn't do that. Tippet did direct a DOT staffer to speak against the bill in a Senate committee.

The bill has passed the Senate, 48-0. It is pending in the House.

# Leaders rethink truck weights

Officials consider road-harm reports

By PAT STITH, Staff Writer

State leaders made the first moves Wednesday toward toughening the government's oversight of overweight trucks.

Legislators and state officials responded to a News & Observer series showing that vacancies among weight enforcement officers had increased, fines and citations had dropped by more than half in five years, and lawmakers had approved 10 laws in 12 years making it easier for fully loaded trucks to rumble along roads not built to take the pounding.

The damage to roads is costly, outpacing taxes paid by truckers.

On Wednesday:

\* State Highway Administrator Len A. Sanderson said the Department of Transportation will consider overriding laws that allow some fully loaded trucks to use fragile secondary roads.

\* Marc Basnight, leader of the state Senate, said he would consider separating weight enforcement officers from Highway Patrol troopers, allowing weight officers to be hired cheaper and more quickly.

\* Rep. Nelson Cole, co-chairman of the House Appropriations Subcommittee on Transportation, said legislators should review all the laws that allow trucks to run at higher weights.

None of the activity Wednesday means that anything specific will change. But at the DOT, Sanderson said his department will review its power to stop fully loaded trucks -- including those permitted by the legislature -- from using "posted" roads.

On roads that are posted, trucks are limited to a maximum single-axle weight of 13,000 pounds instead of the normal 20,000 pounds.

The legislature allows trucks with full loads of garbage, seafood, logs, wood chips, sludge, Christmas trees, crops and other materials to use some posted roads. But the legislature also gave the DOT the authority to override those exemptions road by road.

"To my knowledge, we have not utilized that particular provision," Sanderson said, "and I think that as a department, we need to look more closely at that."

He said the DOT will also review the way it monitors secondary roads to make sure it posts them promptly when they are threatened by heavy truck traffic.

## 'Posting' criteria

There are 2,305 miles of posted roads in North Carolina, but the criteria for posting roads in the state's 14 highway divisions do not appear to be the same. The 12th Division, which includes six counties in the western part of the state, has no posted roads, while the 5th Division -- Wake, Durham, Franklin, Person, Warren, Granville and Vance counties -- has 767 miles of posted roads, according to the DOT.

Meanwhile, legislative leaders said they will reconsider their decision to transfer weight enforcement officers to the state Highway Patrol. Legislators approved the plan in 2002 but are having second thoughts because the Easley administration is requiring weight officers to attend a "transition" school to become troopers, then raising their pay accordingly.

Basnight, a Manteo Democrat, said Wednesday that it's a waste of money to spend several million dollars a year to provide additional training and raise weight enforcement officers' pay about 25 percent to equal the troopers' salaries.

"I don't know how this happened," he said.

Basnight favors a proposal floated in the House appropriations subcommittee on transportation last week that would separate weight enforcement officers from the patrol. They would remain in the Department of Crime Control & Public Safety in a separate division.

### **Build roads stronger?**

Basnight said he read with "concern and interest" about 10 laws the General Assembly has passed in the last 12 years allowing heavier trucks on state roads. But he thinks the roads should be built stronger -- and he supported a bill pushed by the N.C. Home Builders Association, which passed the Senate 48-0 this month.

The bill would allow fully loaded construction trucks to use posted roads, the same break now enjoyed by many other haulers.

"If you take a half a load of concrete in to a house, you're going to run up the cost of the house and you're going to cause more expense," he said.

Better roads cost more, too. The difference between the cost of a two-lane secondary road and a two-lane primary road is roughly \$225,000 a mile.

Cole, a Reidsville Democrat, said the legislature should review all the laws that apply to overweight trucks.

"I think we need to look at every one of them, and make decisions that would apply to everyone," he said.

Cole said he isn't sure what will happen with a bill pushed by the home builders. "We'll just have to wait and see what happens," he said. "There is a lot of talk as a result of your many articles. ..."