

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING**

**The Federal Surface
Transportation Assistance
Act of 1982**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 9

**COMMONWEALTH OF VIRGINIA
RICHMOND
1985**

MEMBERS OF SUBCOMMITTEE

V. Earl Dickinson, Chairman
J. Granger Macfarlane, Vice Chairman
Robert B. Ball, Sr.
Daniel W. Bird, Jr.
Kenneth B. Rollins
Robert C. Scott
S. Wallace Stieffen
A. Victor Thomas

STAFF

Legal and Research

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BACKGROUND

On January 6, 1983, President Reagan signed into law the Surface Transportation Assistance Act of 1982 (STAA). This Act became best known to Americans for bringing about the nickel-a-gallon increase in federal gasoline taxes that has been largely responsible for the recent "boom" in highway construction, reconstruction, and repair across the country. Most ordinary citizens never found out about the provisions of the STAA which affect the trucking industry.

In order more nearly to standardize width and length limitations imposed on interstate truckers, the Congress required, in the STAA, that the states amend their motor vehicle width and length laws to provide for uniform size limits for trucks using interstate highways and specially designated primary routes. This system of interstate highways and specially designated primary routes has come to be called the "national network." While operating on this "network," combinations of tractors and single semitrailers were to be allowed to be of "unlimited" length, so long as the length of semitrailers did not exceed 48 feet. "Twin trailer" rigs also were to be permitted on the national network, provided that neither trailer unit of the pair of "twins" exceeded 28 feet in length. All trucks and trailers operating on the national network were to be allowed to be up to 102 inches (8 1/2 feet) wide. States not amending their laws accordingly were threatened with the withholding of federal highway aid.

Under pressure of this federal mandate, the Virginia General Assembly made the necessary changes in state law during its 1983 Session (House Bill No. 749, Chapter 515 of the 1983 Acts of Assembly). However, the changes were taken largely to avoid federal sanctions, and little thought was given to the impact which the STAA (and the Virginia reactions to it) would have on Virginia trucking industry, on local economic development efforts, or on the Virginia economy generally.

Mindful of the haste with which Virginia's response to the STAA was enacted in 1983, the Virginia General Assembly, at its 1984 Session, approved House Joint Resolution No. 134. This measure provided for the creation of an 8-member Joint Subcommittee to consider the impact of the STAA on the Commonwealth generally, and its impact on Virginia's trucking in particular. (The text of HJR 134 is included in this report as Appendix II.) This document is a report of that Joint Subcommittee's activities, findings, and recommendations.

ACTIVITIES

Pursuant to House Joint Resolution No. 134, Delegates Robert B. Ball, Sr., V. Earl Dickinson, Kenneth B. Rollins, S. Wallace Stieffen, and A. Victor Thomas were appointed to the study from the House of Delegates Committee on Roads and Internal Navigation; Senators Daniel W. Bird, Jr., J. Granger Macfarlane, and Robert C. Scott were appointed to the study from the Senate Committee on Transportation. At the group's organizational meeting (June 18, 1984, in Richmond), Delegate Dickinson was elected Chairman and Senator Macfarlane was elected Vice Chairman.

The Joint Subcommittee conducted six public hearings (in Wise, Roanoke, Accomac, Harrisonburg, Richmond, and Annandale), at which it received comments from representatives of the general trucking industry, the motor vehicle rental and leasing industry, the lumber industry, the poultry industry, solid waste haulers, the American Automobile Association, citizens groups, local government officials, members of the General Assembly, individual citizens, affected state agencies (most notably the Department of Highways and Transportation), and others concerning problems and opportunities created by the STAA, and possible difficulties with some solutions to these problems. This report will not attempt to present or even summarize all the concerns expressed at these hearings. Those interested in the details of these hearings will find minutes of these hearings on file with the Division of Legislative Services.

FINDINGS

1. THE OPERATION OF THE FEDERAL "BRIDGE FORMULA" IS HAVING THE EFFECT OF REDUCING THE WEIGHT OF CARGOES WHICH COULD OTHERWISE BE LEGALLY CARRIED BY SOME TRUCKS. Under Virginia law, truck weights are subject not only to an absolute gross weight limit, but also to an often considerably lower gross weight limit which varies according to the distances between vehicles' axles. The formula expressing the relationship between weight limit and axle spacing is the "bridge formula." Given the present maximum overall length limit (55 feet plus a 12 inch-tolerance) in effect on highways not included in the national network, the axle-spacing limitations of the bridge formula have caused a downward shifting of maximum weights which would otherwise be allowable.

2. THE CREATION OF THE NATIONAL NETWORK HAS CAUSED THE DEVELOPMENT OF A DE FACTO DOUBLE STANDARD OF TRUCK SIZES AND WEIGHTS. While trailers up to 48 feet long and 102 inches wide are permitted "on-system," Virginia law restricts "off-system" equipment to a maximum width of 96 inches and a maximum over-all length of 56 feet (55 feet plus a 12-inch tolerance). Tractor-trailers operating on the national network are allowed to use longer and wider equipment than permitted on other roads in Virginia. Even when using the most compact cab-over-engine tractor, and allowing absolutely minimal spacing between the cab and the semitrailer, it is impossible for a trucker to operate even a 45-foot trailer and still attain an overall length of 56 feet or less. Truckers serving Virginia clients located off-system, must either operate with shorter and narrower equipment (and thus sacrifice the economics inherent in using longer and wider equipment), or must maintain two sets of equipment (shorter, narrower equipment for use off-system, and longer, wider equipment for use on-system).

3. THE DOUBLE STANDARD OF WIDTHS AND LENGTHS CAUSES INEFFICIENCY IN TRUCKING OPERATIONS. When truckers are faced with a choice of operating either smaller equipment both on- and off-system or operating two kinds of equipment and shifting cargoes from one kind to the other for on- or off-system trips, efficiency is bound to decline. Smaller equipment is less efficient, and shifting of cargoes is both time consuming and expensive.

4. USE OF SMALLER EQUIPMENT MAY NOT REMAIN AN OPTION FOR LONG. Even those truckers who would prefer to use the shorter and narrower equipment they were using before the passage of the STAA may not be able to do so much longer. Manufacturers are producing decreasing numbers of shorter and narrower trailers. As demand falls, production follows suit in a continuing cycle. In a very few years, only a minimal number of smaller trailers are likely to be available—even as used equipment.

5. INCREASING THE TRUCK LENGTH LIMIT BY 10 FEET WOULD ALLOW USE OF 48-FOOT SEMITRAILERS OFF-SYSTEM WITHOUT ALLOWING TWIN TRAILERS TO OPERATE OFF-SYSTEM. Allowing a minimum of 2 feet between the trailers and another 2 feet between the front trailer and the cab, it would be impossible for two "twin trailers," each 28 feet long, to operate within a 65-foot limit, even allowing a 12-inch tolerance. The trailers and spacings alone (not including the length of the cab) would total 60 feet.

6. FAILURE OF VIRGINIA TO ALLOW TRUCKERS TO OPERATE LARGER EQUIPMENT OFF-SYSTEM ENCOURAGES TRUCKERS AND INDUSTRY TO LEAVE THE STATE. If truckers are required to operate at less than full efficiency, they will be at a competitive disadvantage as compared to truckers in other states. Similarly, industries served by these truckers will find that inefficiency in transportation of their products and raw materials contributes to higher product cost. In some instances this product cost differential may be sufficient to keep new industries from locating in Virginia. In other instances, plants already located here may find it in their economic best interest to move.

7. LOCALITIES NOT ON THE NATIONAL NETWORK ARE PLACED AT AN ECONOMIC DISADVANTAGE. When businesses consider opening new facilities in, or relocating to, a Virginia locality, they necessarily take into consideration the availability and cost of transportation. Insofar as there presently exists a "dual standard" of truck transportation in Virginia, this has tended to benefit localities with ready access to the national network, and penalize more remote areas. Increasing the economic efficiency of trucking is thus desirable, not only for the trucking industry and its clients, but also for all the localities of the Commonwealth.

8. OPERATION OF VEHICLES IN EXCESS OF 96 INCHES IN WIDTH IS NOT UNPRECEDENTED. Though trucks exceeding widths of 96 inches were not permitted in Virginia prior to the STAA and the Virginia Code changes made (in 1983) pursuant to it, other vehicles have been, and continue to be permitted to operate – even off-system with greater widths. Passenger buses up to 102 inches wide have been allowed on city and town streets since 1952 (see Chapter 403 of the 1952 Acts of Assembly). School buses up to 100 inches wide have been provided for since 1979 (see Chapter 70 of the 1979 Acts of Assembly).

9. VIRGINIA'S 55-FOOT LENGTH LIMIT WAS AMONG THE SHORTEST IN THE COUNTRY EVEN BEFORE THE STAA'S PASSAGE. In May of 1982 Virginia was one of only 6 other states (Florida, Kentucky, Maryland, Missouri, New Jersey, and North Carolina) and the District of Columbia to set tractor-trailer lengths at 55 feet. No state had a shorter length limit. At the same time, 18 states (Alaska, Arizona, Colorado, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming) allowed tractor-trailers of 65 feet or longer. The longest limit (Wyoming's) was 85 feet. Since that time, a number of states have either increased their length limits or are considering doing so.

10. THE PRESENT LIMIT OF 10 FEET ON THE LENGTH OF DRAWBARS (DEVICES BY WHICH TOWING VEHICLES ARE COUPLED TO THE VEHICLES THEY ARE TOWING) IS CAUSING PROBLEMS IN INTERSTATE TOWING AND HAULING OPERATIONS. The maximum length of such drawbars was first set in Virginia in 1932 at 15 feet (see Chapter 342, 1932 Acts of Assembly), but changed to 10 feet in 1934 (see Chapter 265, 1934 Acts of Assembly). The limit has remained 10 feet ever since. The reason behind the change can no longer be determined. Whatever the reason, the 10-foot limit has been causing friction with haulers from neighboring states, where length limits are often longer – usually 15 feet. The 10-foot limit has also been a burden for Virginia operators who haul small trailers or wheeled generators and similar equipment, in which the trailer and drawbar are all made in one piece, and the drawbar of which is longer than 10 feet. A return to the 15-foot limit would eliminate unnecessary friction with neighboring states and end an annoyance to Virginia business operators. No objection to this change has been raised by any affected state agency.

RECOMMENDATIONS

The Joint Subcommittee recommends that the General Assembly consider amending the Code of Virginia to provide for:

- 1. An increase of permissible motor vehicle length from the present 55-foot limit (plus a 12-inch tolerance) to a 65-foot limit (plus a 12-inch tolerance);
- 2. An increase of permissible motor vehicle width from the present 96-inch limit to a 102-inch limit; and
- 3. An increase of permissible drawbar lengths from the present 10-foot limit to a 15-foot limit.

Draft legislation incorporating these recommendations is attached to this report as Appendix I.

Respectfully submitted,

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V. Earl Dickinson, Chairman

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J. Granger Macfarlane, Vice Chairman

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Robert B. Ball, Sr.

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Daniel W. Bird, Jr.

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Kenneth B. Rollins

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Robert C. Scott

(See dissenting remarks, Appendix III.)

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S. Wallace Stieffen

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A. Victor Thomas

APPENDIX I

Recommended Legislation

A BILL to amend and reenact §§ 46.1-328, 46.1-330, 46.1-331, 46.1-335, and 46.1-336 of the Code of Virginia, relating to maximum widths and lengths of motor vehicles and combinations of vehicles.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-328, 46.1-330, 46.1-331, 46.1-335, and 46.1-336 of the Code of Virginia are amended and reenacted as follows:

§ 46.1-328. Width of vehicles; generally; exceptions as to size.—(a) No vehicle, including any load thereon, but excluding the mirror required by § 46.1-289, shall exceed a total outside width as follows: (1) Repealed; (2) passenger bus operated in an incorporated city or town when authorized under § 46.1-180 - 102 inches; (2a) a tractor truck semitrailer drawing a trailer or a tractor truck semitrailer ; ~~shall not exceed - 102 inches in width when operating on any federal interstate and defense highway or on any qualifying federal-aid primary highway as designated by the State Highway and Transportation Commission. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for carriers of household goods~~ ; (3) other vehicles - 96 inches; and (4) school buses - 100 inches wide while in motion and 118 inches wide when stopped to pick up or discharge students.

(b) Upon application by the governing body of any county having a population of more than 5,000 inhabitants per square mile the State Highway and Transportation Commission may by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses in excess of 96 inches but not exceeding 102 inches on certain highways or parts thereof designated by the Commission in such county.

(c) Upon application by the governing body of any county contiguous to an incorporated city or town or which is contiguous to a county having a population of more than 5,000 inhabitants per square mile, the State Highway and Transportation Commission may by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses of a total outside width in excess of 96 inches but not exceeding 102 inches, which passenger buses have been authorized for operation within such city or town in the manner provided in subsection (a) (2) of this section or within such county in the manner provided in subsection (b) of this section, on certain highways or parts thereof designated by the Commission in such contiguous county and within 10 miles of the corporate limits of the aforesaid city, town or county.

(d) In the event federal law and regulations thereunder permit the operation of passenger buses of widths in excess of 96 inches on the system of interstate and defense highways, the State Highway and Transportation Commission may, by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses of a total outside width, excluding the mirror required by § 46.1-289, in excess of 96 inches, but not exceeding 102 inches, on federal interstate and defense highways or any other four-lane divided highways under the jurisdiction of the State Highway and Transportation Commission, or parts thereof, which shall be designated in such order. The use of any other state highways between the aforesaid highways and the passenger bus terminals may be permitted upon application to the State Highway and Transportation Commission by the governing body of any county, city or town in which such other highways are located, and the Commission's general or special order for such use of such highways may be amended or rescinded from time to time. Any such increase in width of passenger buses or designation of highways to be used by them shall not in any way exceed the federal law or regulations thereunder, which may hereafter be adopted, or jeopardize the State's allotment of or qualification for federal aid highway funds. The Commissioner of the Division of Motor Vehicles is hereby authorized to register and license such buses.

§ 46.1-330. Length of vehicles; generally; special permits; tractor truck semitrailer combinations, etc., operating on certain highways; emergency towing; buses with safety bumpers.—

No motor vehicle exceeding a length of forty feet shall be operated upon a highway of this Commonwealth. The actual length of any combination of vehicles coupled together including any load thereon shall not exceed a total of ~~fifty-five~~ *sixty-five* feet; and no tolerance shall be allowed that exceeds twelve inches. However, the State Highway and Transportation Commission when good cause is shown, may issue a special permit for combinations in excess of ~~fifty-five~~ *sixty-five* feet including any load thereon where the object or objects to be carried cannot be moved otherwise. However, no overall length restrictions shall be imposed on any tractor truck semitrailer drawing one trailer or any tractor truck semitrailer combinations when operated on any federal interstate and defense highways or on any qualifying federal-aid primary highway as designated by the State Highway and Transportation Commission, but no one semitrailer or trailer being drawn in a tractor truck semitrailer or trailer combination shall exceed twenty-eight feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed forty-eight feet in length. The length limitations of such semitrailers and trailers shall be exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber dock guards, flexible fender extensions, mudflaps, refrigeration units and air compressors. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for carriers of household goods. Passenger buses in excess of thirty-five feet, but not exceeding forty feet, may be operated on the streets of incorporated cities and towns when authorized pursuant to § 46.1-180. Vehicles designed and used exclusively for the transportation of motor vehicles may have an additional load overhang not to exceed five feet. In an emergency as defined in § 46.1-339.1 the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed ~~fifty-five~~ *sixty-five* feet in length shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than fifty miles from the point such vehicle was disabled. Passenger buses may exceed the forty-foot limitation when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one foot in the front and one foot in the rear. "Safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated or manufactured so it absorbs energy upon impact.

§ 46.1-331. Same; mobile homes or house trailers.—The actual length of any combination of a towing vehicle and any mobile home or house trailer, coupled together, shall not exceed a total length of ~~fifty-five~~ *sixty-five* feet, including coupling.

§ 46.1-335. Vehicles having more than one trailer, etc., attached thereto; exceptions.—Except as provided in this section and § 46.1-335.1, no motor vehicle shall be driven upon a highway drawing or having attached thereto more than one motor vehicle, trailer or semitrailer unless such vehicle is being operated under a special permit from the State Highway and Transportation Commission, but this limitation shall not apply between sunrise and sunset to such farm trailers or semitrailers being moved from one farm to another farm owned or operated by the same person within a radius of ten miles, provided that this limitation shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service from factory to dealer when not more than two saddle mounts are used or when three saddle mounts are used not exceeding sixty feet in length when such motor vehicle is being operated on the interstate system of highways or is en route from its point of departure to the interstate system of highways, and such use is in conformity with safety regulations adopted by the Superintendent of State Police. In an emergency as defined in § 46.1-339.1, the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed ~~fifty-five~~ *sixty-five* feet in length shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than fifty miles from the point such vehicle became disabled. However, in the cities of this Commonwealth, the councils may, in their discretion, by general ordinance, permit motor vehicles to be driven upon streets of their respective cities drawing or having attached thereto more than one other vehicle, trailer or semitrailer.

§ 46.1-336. Connection between vehicles.—A. The connection between any two vehicles one of which is towing or drawing the other on a highway shall consist of a fifth wheel, drawbar or other similar device not to exceed ~~ten~~ *fifteen* feet in length from one vehicle to the other and such two vehicles shall in addition to such drawbar or other similar device be equipped at all times when so operated on the highway with an emergency chain.

B. The provisions of subsection A of this section shall not apply to any farm tractor, as defined in subsection (7) of § 46.1-1, when such farm tractor is towing any farm implement or farm machinery by means of a drawbar coupled with a safety hitch pin or manufacturer's coupling device.

APPENDIX II

HOUSE JOINT RESOLUTION NO. 134

Offered January 24, 1984

Requesting the House Committee on Roads and Internal Navigation and the Senate Committee on Transportation to form a joint subcommittee to study the federal Surface Transportation Act of 1982, changes in Virginia law enacted in response to that Act, the bridge formula used by the Virginia Department of Highways and Transportation, the use of tri-axle weights in establishing maximum allowable truck weights, and tolerances allowed to certain trucks.

Patrons—Dickinson, Ball, Jennings, Bloxom, Wilson, and Green

WHEREAS, in recent years, no single act of the federal government has had a more profound impact upon transportation in the Commonwealth than the Surface Transportation Act of 1982; and

WHEREAS, though the avowed purpose of that Act was the removal of obstacles to interstate commerce, the rehabilitation of the nation's highway network, and improvement of the efficiency of America's surfact transportation systems, many of the results of the Act, and the results of state laws adopted under the Act, have been interpreted to be contrary to these intentions; and

WHEREAS, both the federal Surface Transportation Act of 1982 and the changes in Virginia law undertaken in response to that Act were enacted in haste, with only the very minimum of reflection, research, and deliberation; and

WHEREAS, many of the provisions of the federal Act and Virginia's response to it have had a serious impact on Virginia's transportation system, particularly its trucking industry; and

WHEREAS, it is highly desirable that any adverse effects of the federal Surface Transportation Act of 1982 be held to an absolute minimum; and

WHEREAS, in recent years, the Virginia General Assembly has enacted several other measures which have had a serious impact upon Virginia's trucking industry; and

WHEREAS, it has been alleged that changes in the federal bridge formula used by the Department of Highways and Transportation could be made to benefit the trucking industry without posing any danger to Virginia's roads or bridges; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the House Committee on Roads and Internal Navigation and the Senate Committee on Transportation are requested to form a joint subcommittee to study the federal Surface Transportation Act of 1982, its consequences in and for Virginia, the bridge formula used by the Virginia Department of Highways and Transportation, the use of tri-axle weights in establishing maximum permissible truck weights, and the system of tolerances allowed for truckers who "pay" for them. The joint subcommittee shall consist of eight members: five shall be members of the House Committee on Roads and Internal Navigation, appointed by its Chairman; three shall be members of the Senate Committee on Transportation, appointed by the Senate Committee on Privileges and Elections.

The joint subcommittee shall consider what, if any, changes in the federal Act, in state law adopted in response to the Act, or in other state laws affecting the trucking industry are necessary, desirable, and feasible. The joint subcommittee shall lay any legislative

recommendations it feels appropriate before the 1985 Session of the General Assembly.

All direct and indirect costs of this study are estimated to be \$19,875.

COMMONWEALTH OF VIRGINIA



SENATE

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COMMITTEE ASSIGNMENTS:
COMMERCE AND LABOR
GENERAL LAWS
REHABILITATION AND SOCIAL SERVICES
TRANSPORTATION

December 20, 1984

Delegate V. Earl Dickinson
Chairman, Joint Subcommittee Studying the
Federal Surface Transportation Act of 1982
State Capital
Richmond, VA 23219

Dear Earl:

Under your chairmanship, the Subcommittee Studying the Federal Surface Transportation Act of 1982 provided an excellent opportunity for all interested parties to be heard. You were fair to all concerned and, consequently, a significant amount of information was presented to the subcommittee for our consideration.

This letter is written to explain my negative vote when the Recommendations of the subcommittee were adopted during our meeting in Annandale.

I agree with all of the Findings in the report which outline the urgency to the trucking industry of increasing the permissible motor vehicle length and width on Virginia's highways. There are, however, three concerns that I do not believe were adequately addressed by the subcommittee:

1. Significant questions of highway safety were raised, particularly regarding the use of wider trucks on smaller roads. The Recommendations of the subcommittee, for instance, approve the use of 8½-foot wide trucks on some 16-foot roads. Furthermore, the subcommittee did not receive much evidence on the effect of curves, although occasional references were made to the effect that some curvatures might result in a truck being unable to fit on certain roads even using both lanes.

2. Comments were made that some of the older roads are not designed to withstand the heavier trucks, and increasing permissible weights may therefore create severe maintenance problems, particularly around the edges of the 16-foot roads. The subcommittee received no evidence of the fiscal impact, if any, on highway maintenance if the permissible lengths and widths of trucks were increased.

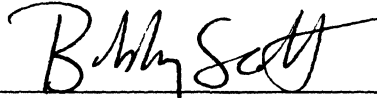
Delegate V. Earl Dickinson
December 20, 1984
page 2

3. The Federal Act provides "reasonable access" of trucks to and from the "national network"; the precise interpretation of "reasonable access", however, is apparently the subject of significant controversy in Virginia and in other states. Nonetheless, the subcommittee did not fully explore the possibility of using the "reasonable access" clause to accommodate the legitimate concerns of the trucking industry, but instead adopted Recommendations which open all Virginia highways to longer and heavier trucks.

It is significant to note that the Findings of the subcommittee fail to respond to any of these concerns, and until they are fully examined and satisfied, I feel that the Recommendations are premature.

For the reasons stated above, I am not willing to endorse the Recommendations at this time, and I must therefore respectfully dissent from the majority report.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bob Scott", written over a horizontal line.

Senator Robert C. Scott

RCS/mds

