

TRUCK DRIVERS SEEK TO DEFEAT LOAD LIMITING

Certain truck drivers in Oregon, or claiming to represent the auto-freight transportation association, with George W. Bishop as President and Oscar W. Horn as Secretary, have sued the state highway commission, challenging its right to limit the weight of loads moved over the state highways.

The legislature fixed the maximum weight of loads, including truck and load, permitted upon the public highways at 22,000 pounds, and further provided whenever in the judgment of the Highway Commission with respect to state highways, or the county courts with respect to the county highways, it is necessary in order to protect the highways from undue damage the highway commission or the county court, as the case might be, might further reduce the load limit.

Recently the highway commission reduced the load limit permitted upon that portion of the Columbia River highway lying between the east boundary of Multnomah county and the west city

limits of Hood River. Suit was then brought in Federal court against the commission by R. B. Morris, doing business as Morris & Lother, the John-Day Valley Freight Line, the Bend-Port land Transit and the Portland-Hood River Truck Line company, challenging the right of the highway commission to make such order.

The case has been set for hearing before Federal Judges and one United States Circuit Judge for November 25. The plaintiffs claim that if they are successful in the Federal Court the matter will be taken to the United States Supreme Court for final determination.

The plaintiffs claim that when the Federal Government enacted the Federal Aid Act, by which the Federal Government aids the states under certain conditions, in the construction of roads, and the State of Oregon by legislation agreed to cooperate with the Federal Government, that thereby a contract was entered into between the State and the Government, and that when the State enacted legislation regulating motor vehicles and providing for a license and a license fee, that a contract was effected between the holder of such license and the State of Oregon, and that now the state is under obligation to maintain its public highways for the benefit of traffic, and that the legislature and the Highway Commission is now without authority to change its legislation or limit the weight of loads permitted upon its highways.

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