

SENATE BILL No. 46

February 5, 1991, Introduced by Senators VAN REGENMORTER, EHLERS, KOIVISTO and ARTHURHULTZ and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to enhance the environmental quality of this state and the safety of the roads and highways of this state; to reduce or eliminate the use of salt on the roads and highways of this state under certain conditions; to require studies of the environmental impact of salt and certain replacements, including alternative techniques, for salt; to reduce the deterioration of roads, highways, and bridges of this state and the vehicles operating on, and structures located near, the roads, highways, and bridges of this state; to prescribe certain powers and duties of certain state departments and agencies; to limit the liability of governmental agencies under certain circumstances; and to create a temporary commission and prescribe its powers and duties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "environmental road safety act".

1 Sec. 2. (1) As used in this act, "salt" means any of the
2 following:

3 (a) Sodium chloride.

4 (b) Calcium chloride.

5 (c) Potassium chloride.

6 (d) Magnesium chloride.

7 (e) Sodium sulphate.

8 (f) Calcium sulphate.

9 (g) Potassium sulphate.

10 (h) Magnesium sulphate.

11 (2) Beginning August 1, 1993, the use of salt for the
12 removal of snow and ice from the roads and highways of this state
13 shall be partially or completely prohibited if a replacement
14 would provide safety and long-term cost effectiveness as deter-
15 mined by the recommendations made by the commission pursuant to
16 section 4.

17 Sec. 3. (1) Replacements or alternative techniques shall be
18 considered in the studies required to be completed under subsec-
19 tion (2) as supersedents for the use of salt. The following
20 studies shall be made within the times prescribed by subsection
21 (2) with respect to the use of replacements versus salt:

22 (a) The commission on environmental road safety created in
23 section 4, in conjunction with the department of natural
24 resources, shall conduct a study of the short- and long-term
25 environmental impact of implementing the use of replacements or
26 alternative techniques versus the continued use of salt on the
27 roads and highways of this state. In the study, the commission

1 shall also consider any environmental impact, such as groundwater
2 contamination, associated with the storage of salt versus the
3 storage of replacements for salt or the use of alternative tech-
4 niques instead of salt.

5 (b) The department of commerce shall conduct a study of the
6 potential for production of replacements, including the use of
7 alternative techniques to salt, by Michigan businesses and
8 whether economic incentives to encourage production are necessary
9 and desirable.

10 (c) The state transportation department shall conduct a
11 study of the safety and effectiveness of replacements, including
12 the use of alternative techniques to salt, on the roads and high-
13 ways of this state. In the study, the state transportation
14 department shall also consider the effect of salt, alternative
15 techniques to salt, and other replacements with respect to corro-
16 sion or deterioration of the roads, highways, and bridges of this
17 state, and the vehicles operating on, and structures located
18 near, those roads, highways, and bridges.

19 (d) The department of management and budget shall conduct a
20 study of the long-term cost effectiveness of using replacements
21 or alternative techniques instead of salt on the roads and high-
22 ways of this state. That department shall estimate the total
23 cost or savings over a period of 25 years of the environmental
24 impact, corrosion, and economic potential reflected by the
25 studies conducted pursuant to subdivisions (a) to (c). These
26 estimated costs or savings shall be incorporated into an annual
27 cost per Michigan registered vehicle comparing salt, alternative

1 techniques to salt, and other replacements. In the study, the
2 department of management and budget shall also consider the
3 financial impact on, and investigate and recommend ways to avert
4 the impact of expenses on, local units of government for using
5 replacements, including alternative techniques, for salt. If the
6 state would realize long-term savings by the replacement of salt,
7 the state shall be responsible for reimbursing local units for
8 those costs that are the direct result of replacing salt which
9 costs are not offset by savings to local units. The state trans-
10 portation department, in conjunction with the department of man-
11 agement and budget study, shall prepare an estimate of the poten-
12 tial savings that would be realized by the federal government as
13 a direct result of the use of replacements, including alternative
14 techniques, for salt.

15 (2) The studies required under subsection (1)(a), (b), and
16 (c) shall be completed, with copies to the department of manage-
17 ment and budget and the commission for environmental road safety,
18 by May 1, 1992. The study required under subsection (1)(d) shall
19 be completed, with a copy to the commission for environmental
20 road safety, by September 30, 1992.

21 Sec. 4. (1) The commission for environmental road safety
22 shall be created for the specific purpose of evaluating the
23 studies submitted to it pursuant to section 3 and to make recom-
24 mendations in the form of a report to the legislature based on
25 those studies relative to the use of replacements for salt on the
26 roads and highways of this state.

1 (2) The commission shall include in this report its
2 recommendations regarding the following:

3 (a) Application amounts and methods of road salt devices.

4 (b) Whether salt should be banned from usage on part or all
5 of the roads and highways of this state.

6 (c) Whether salt should be used in conjunction with other
7 materials.

8 (d) If salt should be banned, what type of substitute or
9 substitutes should be used as a replacement.

10 (e) If there should be a transition from salt to other type
11 or types of materials, what should the phase-in periods be for
12 the transition.

13 (f) A ranking of salt sensitive areas within the state.

14 (3) The commission shall complete its evaluation and make
15 its report to the legislature by January 1, 1993.

16 (4) The commission shall consist of 12 members appointed by
17 the governor within 90 days after the effective date of this act
18 with the advice and consent of the senate for terms of 2 years
19 from the following areas:

20 (a) One member shall represent local units of government who
21 shall not be a member of the road agency in a local unit.

22 (b) One member shall represent the boards of county road
23 commissioners.

24 (c) One member shall represent the road interests of cities
25 and villages.

26 (d) One member shall be an economist.

1 (e) One member shall represent environmental interests
2 pertaining to surface water.

3 (f) One member shall represent environmental interests per-
4 taining to ground or lake water.

5 (g) One member shall represent forestry interests.

6 (h) One member who shall be an agronomist and a soil scien-
7 tist shall represent agricultural interests.

8 (i) One member shall represent the business community other
9 than from the deicing industry.

10 (j) One member shall be a highway engineer.

11 (k) One member shall represent public health interests.

12 (l) One member shall represent the general public.

13 Sec. 5. (1) This act shall not be construed to impose
14 liability on a governmental agency for the natural accumulation
15 of ice and snow.

16 (2) The use of replacements or alternative techniques for
17 salt by a governmental agency shall not be considered a highway
18 defect under section 2 of Act No. 170 of the Public Acts of 1964,
19 being section 691.1402 of the Michigan Compiled Laws, if the
20 replacement or alternative technique would provide safety and
21 long-term cost effectiveness as determined in the recommendations
22 made by the commission pursuant to section 4.

23 (3) As used in this section, "governmental agency" means
24 that term as defined in section 1 of Act No. 170 of the Public
25 Acts of 1964, being section 691.1401 of the Michigan Compiled
26 Laws.