

MILK HAULERS: WEIGHT LIMITS

House Bill 4121 (Substitute H-2)
First Analysis (3-16-93)

Sponsor: Rep. John Gernaat
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code imposes limits on the amount of weight that may be transported by trucks over Michigan roadways, based on the distance between axles. Generally, the maximum wheel load on a truck may not exceed 700 pounds per tire-width inch. However, during the months of March through May the maximum allowable axle load is reduced by either 25 or 35 percent, depending on the type of road over which a vehicle is driven. These seasonal weight restrictions soon may pose problems for those who haul milk by truck. People within the milk industry say changes to the federal Pasteurized Milk Ordinance are expected this year that would require milk to be picked up from a farm within 48 hours after it has been drawn from dairy animals. The anticipated change would be part of a larger effort to ensure that milk distributed for sale to the public is safe for consumption. Some within the industry fear that, in the likely event the proposed changes are enacted, Michigan's weight restrictions will prevent haulers from getting as much milk as possible to market within the 48-hour period, which would force dairy farmers and other milk producers to dump supplies over two days old. As such a scenario would be costly to the state's milk producers, it has been suggested that state law be amended to allow county road commissions or the state Department of Transportation to grant milk haulers who request it an exemption from the spring weight restrictions.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to provide that, upon receipt of written application and good cause being shown, the state Department of Transportation and county road commissions--for roads under their respective jurisdictions--could exempt from seasonal weight restrictions vehicles used to transport milk on specified routes when requested. Approval or denial of a request for exemption would have to be given by written notice to the applicant within 30 days after the date the

application was submitted. The written notice would have to state the reason for denial and alternate routes for which the permit could be issued. In addition, an applicant would have the right to appeal to the State Transportation Commission or the county road commission if a request was denied.

The exemptions would not apply on county roads in counties that had negotiated agreements with milk haulers, or haulers of other commodities, during periods of seasonal load limits in years prior to the bill's effective date, nor would it limit the ability of these counties to continue to negotiate such agreements.

MCL 257.722

FISCAL IMPLICATIONS:

The Department of Transportation says the bill would not directly affect state or local budget expenditures. The bill could, however, have indirect costs to both the state and local governments that would depend on the number of exemptions granted under the bill and the effects of them on roads under state or local jurisdiction. (3-11-93)

ARGUMENTS:

For:

As it is expected that changes to the federal Pasteurized Milk Ordinance will be adopted soon, milk producers in Michigan fear seasonal weight restrictions that apply to trucks driven in the state could make it difficult for farmers to get all or most of their milk to market. Under proposed changes to federal law, milk would have to be shipped from the farm to market within 48 hours after it was taken from cows and other animals. In Michigan, the maximum weight that may be moved by truck between March and May each year cannot exceed 450 pounds per tire-width inch on all non-concrete

based roads. This weight restriction apparently does not prevent farmers from being able to get most or all of their milk to market within the time required under current federal law. Michigan Milk producers fear the proposed federal changes will make it difficult for them to get all of their milk shipped in time, which would force them to dump remaining supplies and hurt their already slim profit margins. Although the bill would not require an exemption to be granted, it does provide that if either the transportation department or a county road commission refused to grant one they would have to explain in writing why it was refused and offer alternate routes for which it could be granted. Essentially, the bill ensures that some kind of agreement between milk haulers and road officials would have to be worked out eventually.

Against:

As originally introduced, the bill would make granting of the exemption mandatory, but substitute H-2 as reported by the House Transportation Committee allows, but does not require, that an exemption be granted. Either MDOT or county road commissions currently may grant the exemption. The problem is that some county road commissions have refused to grant an exemption and could continue to do so under the bill. In addition, the provisions that would require them to give a reason for refusing an exemption and offer an alternate route for granting an exemption would merely allow them to delay the matter indefinitely or simply ignore it altogether. Other Midwestern states (as well as Ontario) have either less rigid seasonal weight restrictions on load limits or none at all and Michigan should, too.

Response:

County road commissions do not simply act capriciously in refusing to grant exemptions, but do so keeping in mind how roads might be affected and how this could affect the driving, and tax-paying, public.

Against:

The bill would encourage requests for special exemptions from weight restrictions from other motor carriers. In fact, it could well be argued that haulers of other perishable goods are as deserving of an exemption from the seasonal weight restrictions as are milk haulers. With Michigan roads already in terrible shape, especially in more rural areas of the state where most perishable commodities are produced and shipped from, the bill would make a bad situation worse.

Response:

Other perishable commodities (i.e., eggs, meat, seed potatoes) do not spoil nearly as quickly as milk and can be more easily transported. For example, an entire tank of milk must be moved all at once and in a specially designed vehicle, while other perishable goods may be shipped more conveniently. And as the number of milk haulers that operate in the state varies from county to county, any road damage that might occur under the bill would be limited.

Against:

The bill assumes that changes will be made to federal law. State law should not be amended until changes to federal law actually have been enacted. Further, if the changes proposed in federal law would be harmful to milk producers in some states, their concerns should be raised at the federal level. Michigan cannot afford to ease seasonal weight restrictions that are meant to protect the state's roads during spring thaw.

POSITIONS:

The Department of Agriculture supports the bill. (3-12-93)

The Michigan Milk Haulers Association supports the bill. (3-12-93)

The Michigan County Road Association supports the bill. (3-10-93)

The Michigan Trucking Association has not yet taken a position on the bill. (3-12-93)

The Department of Transportation has no position on the bill. (3-11-93)

The Michigan Farm Bureau opposes the bill. (3-11-93)