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## INCREASE AGRICULTURAL LOAD WEIGHTS; PERMIT PROCESS

### Senate Bill 46 (Substitute H-3) First Analysis (12-2-99)

**Sponsor: Sen. Leon Stille**  
**House Committee: Transportation**  
**Senate Committee: Farming, Agribusiness  
and Food Systems**

#### ***THE APPARENT PROBLEM:***

Generally, the standard weight restriction for agricultural loads that are hauled on the national network of roads (sometimes called the NTN, or national truck network) between and within many states is 80,000 pounds. In a few Michigan counties, however, the standard load restriction is lower: 73,280 pounds. The weight restrictions are put in place to reduce the damage to the roads, and most especially the damage done to roadways during the spring months when frost destabilizes the roadbed and road surfaces. The difference in the load weight standards from county to county makes the transport of agricultural goods between counties impossible without incurring financial penalties.

More specifically, the Michigan Vehicle Code sets maximum weights for vehicle combinations (e.g., trucks hauling freight), but allows the state transportation department and local authorities to designate certain highways, or sections of a highway, for heavier loading. Weight limits on other roadways are restricted by specific county regulations. The code also imposes seasonal limits on the amount of weight that may be transported by trucks over Michigan roadways. Other agricultural states, reportedly, have either less rigid weight restrictions on local roadways or no seasonal restrictions at all.

Some have argued that Michigan's restrictions impose an undue burden on farmers and agribusinesses. They have suggested that the code be amended to allow the transport of heavier agricultural loads.

#### ***THE CONTENT OF THE BILL:***

Senate Bill 46 (H-3) would amend the Michigan Vehicle Code's provisions on vehicle wheel and axle loads to specify that an exception to the loading maximums and gross vehicle weight requirements for

a person hauling agricultural commodities would apply only if the hauler who picks up or delivers the commodity (either from or to a farm) notifies the appropriate county road commission, not less than 48 hours before the pickup or delivery, of the time and location of the pickup or delivery. Under the bill, the county road commission would then be required to issue a permit to the hauler, and to charge a fee that does not exceed the administrative costs incurred. The permit would contain: a) the designated route or routes of travel for the load; b) the date and time period during which the load could be delivered or picked up; c) a maximum speed limit of travel, if necessary; and, d) any other specific considerations agreed to between the parties. This provision would sunset April 1, 2002.

Further, during March, April, and May, the vehicle code currently requires that the maximum axle load allowed on concrete pavements or pavements with a concrete base be reduced by 25 percent from the maximum axle load specified in the code and by 35 percent for other types of roads. The code also specifies the maximum wheel load on these roads when seasonal road restrictions are in effect. Under the bill and until April 1, 2002, these provisions would not apply to vehicles transporting agricultural commodities on a highway, road, or street under the jurisdiction of a local road agency.

In addition, the vehicle code specifies gross weight restrictions for vehicle combinations based on pounds per axle, but makes an exception for vehicles on interstate highways and highways designated by the Department of Transportation, or a local authority, for roads under its jurisdiction. This exception allows the operation of vehicles having a gross vehicle weight of up to 80,000 pounds that are subject to certain load maximums, based on the distance between the axles. The bill specifies that these weight load restrictions

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would apply to vehicles transporting agricultural commodities, except as otherwise provided under the bill.

Finally, the bill would define “agricultural commodities” to mean those plants and animals useful to human beings produced by agriculture including, but not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae (e.g., deer), livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. This provision also would sunset on April 1, 2002.

MCL 257.722

### ***HOUSE COMMITTEE ACTION:***

The House Transportation Committee adopted a substitute for the bill, Substitute H-3. Under Substitute H-3, the provisions would be automatically repealed on April 1, 2002.

Further, the House committee substitute would establish a local permit process that allows overweight loads when agricultural commodities are transported. The permit process would be administered by local road agencies, and would require the agencies to charge a fee to commodity haulers (a fee customarily assessed by requiring a bond against which any costs for road damage are assessed). Under the permit system, the haulers would be required to notify the local road agencies of their transport plans, including their routes, dates, time, maximum speed (if necessary), and other conditions agreed to between the parties.

The Senate-passed version of the bill would have required notice, but instead of a permit to allow an overweight load, the bill would have established load weight exemptions in certain designated transport areas. Specifically, under rules published by the U.S. Department of Transportation, states are required to allow reasonable truck access within one mile of the National Truck Network (NTN). The rules also permit states and local governments to expand the truck access to five miles on state highways adjacent to the NTN. The Department of Transportation has expanded the one-mile reasonable access availability to five miles on state highways adjacent to the NTN, and one local road agency, the Monroe County Road Commission, has established a five-mile reasonable availability of access on county roads adjacent to the network. Under the

Monroe County access rules, reasonable access for trucks is defined as travel with trucks of a size up to and including those allowed on the NTN by the state transportation department for a number of purposes, including the delivery and pickup of all agricultural products, including fertilizer and other necessities for farming for all farms in Monroe County.

The Senate-passed version of the bill’s five-mile exemption would have been consistent with truck access rules established by the state and at least one local government, and would have applied throughout the state.

The House committee substitute also changed the definition of “agricultural commodities,” to include in the definition breeding and grazing of livestock, other aquacultural products, bees and bee products, berries, herbs, fruits, and livestock bedding. The committee removed from the definition of “agricultural commodities” reference to trees and tree products, and also the language which specified any other similar products or any product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

Currently, agricultural products haulers have to follow state and specific county weight limits when hauling agricultural commodities. If the haulers abide by the regulations, they have to stop on designated highways and interstate highways to unload excess products because weight limits vary from county to county. The bill would remove this inconvenience by extending heavier weight allowances five miles from a designated highway or interstate highway.

#### ***For:***

According to committee testimony, many small agricultural products companies are moving their business out of Michigan because the hauling weight limits are too restrictive and costly. The bill would give agricultural products haulers the same consideration similar companies receive in other states, thus keeping Michigan economically competitive in the agricultural industry. Local control of roadways should not interfere with agricultural business since agriculture is a vital part of the state’s economy. Furthermore, the

vehicle code already provides for a local authority to issue a special permit for nonconforming vehicles, such as those with a weight or load that exceeds the maximums specified in the code, as well as for certain traction engines or tractors and farm machinery that otherwise are prohibited under the code.

***Against:***

Michigan's roads were not built to handle increased loads, especially during the spring thaw, when excess weight could cause a large amount of damage to unprepared roads. The state's seasonal vehicle load restrictions were established so that heavy loads would not break up roadways softened by repeated freezing and thawing.

***Against:***

According to committee testimony, the state of Iowa eliminated its weight load restrictions for the transport of agricultural commodities. Damage to local rural roads was so excessive after only one season that citizens throughout farming communities have asked the state legislature to reinstate the weight load restrictions.

***Response:***

Under the bill, a county road commission could regulate routes, and require lower speed limits for portions of a highway that are likely to incur excessive damage. Further, these provisions would be repealed on April 1, 2002, which will allow the legislature to evaluate the effectiveness of the new permit process.

***POSITIONS:***

The Michigan Agribusiness Association supports the bill. (12-1-99)

The County Road Association of Michigan does not oppose the bill. (12-1-99)

The Department of Transportation does not oppose the bill. (12-1-99)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.