

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 46 (Substitute S-2 as reported)
Sponsor: Senator Leon Stille
Committee: Farming, Agribusiness and Food Systems

Date Completed: 4-26-99

RATIONALE

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 people believe that Michigan's restrictions impose an undue burden on farmers. It has been suggested that the Code be amended to increase the scope of the heavier weight allowances on designated highways and require authorities to grant agricultural products haulers an exemption from seasonal weight restrictions.

CONTENT

The bill would amend the Michigan Vehicle Code's provisions on vehicle wheel and axle loads to do the following:

- **Provide that for the pickup or delivery of an agricultural commodity, the Code's load maximums and gross vehicle weight requirements would apply for up to five miles from a designated highway under a local authority's jurisdiction, notwithstanding seasonal weight restrictions.**
- **Permit a local authority to require lower speed limits for portions of a highway within the five-mile exemption, but only while seasonal weight restrictions were in effect.**
- **Require a person who picked up or delivered an agricultural commodity to notify a county road commission of the time and location of a pickup or delivery, in order for the five-mile exemption to apply.**
- **Specify that the reduction in maximum axle**

loads required during March, April, and May would not apply to a portion of a highway within the five-mile exemption.

Currently, the 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 State 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. Under the bill, if a person who picked up or delivered an agricultural commodity complied with the bill's notification requirements, the Code's loading maximums and gross vehicle weight requirements would apply for a distance of up to five miles from a designated highway or interstate highway that was under the jurisdiction of a local authority for the purpose of pickup or delivery of an agricultural commodity, notwithstanding the Code's seasonal weight restrictions. The local authority, with respect to highways falling within the five-mile exemption, could require lower speed limits for that portion of a highway falling with the five-mile exemption. The local authority, however, could lower speed limits only when the seasonal weight restrictions were in effect.

The five-mile exemption would apply only if a person who picked up or delivered an agricultural commodity notified the county road commission for roads under its authority of one or both of the following: the times and locations of the pickups or deliveries at least one week before the schedule began, if the pickups or deliveries would occur at regularly scheduled intervals of not more than one month; and/or, the time and location of the pickup or delivery at least 24 hours before the pickup or delivery, if it would not occur at regular intervals of one month or less.

During March, April, and May, the Code requires that the maximum axle load allowed on concrete

pavements or pavements with a concrete base be reduced by 25% from the maximum axle load specified in the Code and by 35% 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, these provisions would not apply to the portion of a highway falling within the five-mile exemption.

Under the Code, upon receiving a written application and for a good cause shown, the State Department of Transportation and county road commissions may permit exemptions from seasonal weight restrictions for hauling milk on specified routes. Under the bill, the State Department of Transportation, for roads under its jurisdiction, and a county road commission, for roads under its jurisdiction, other than roads falling within the five-mile exemption, could grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing.

The bill would define "agricultural commodities" to mean "farm products" as defined in Section 2 of the Michigan Right to Farm Act (MCL 286.472), i.e., "those plants and animals useful to human beings produced by agriculture", including forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae (e.g., deer), livestock, equine, fish, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, "and other similar products, or any product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture". Agricultural commodities also would include fertilizer, farming equipment, and fuel, but would not include trees and timber.

MCL 257.722

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

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.

Supporting Argument

Evidently, 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 other companies receive in other states, thus keeping Michigan economically competitive in the agricultural industry.

Supporting Argument

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 State Department of Transportation has expanded the one-mile reasonable access availability to five miles on State highways adjacent to the NTN, and 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 bill's five-mile exemption would be consistent with truck access rules established by the State and at least one local government, and would apply throughout the State.

Opposing Argument

The bill would supersede local control of roadways and would ignore township and county issues. A mandatory weight allowance of up to 80,000 pounds for all roadways that are within five miles of a designated highway or interstate highway for pickup or delivery of an agricultural commodity, would have a severe impact on county and rural roads. To help county road officials regulate heavy load truck traffic, an agricultural commodity hauler who wanted to haul large loads should be required to obtain from a county road commission a permit that would designate a route and time of travel. The bill merely would require a hauler to notify a county road commission.

Response: Local control of roadways should not interfere with agricultural business since agriculture remains a vital economy in this State. Furthermore, the 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. Requiring farmers to apply for a permit to haul large loads of commodities would subject them to a permit process that already exists, and that evidently is not a satisfactory solution to the problem faced by agricultural haulers.

Opposing Argument

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.

Response: Under the bill, when seasonal weight restrictions were in effect, a county road commission could require lower speed limits for portions of a highway that fell within the five-mile exemption, which would help to reduce damage done to a road as a result of the increased load weight.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Alderfer

A9900\46a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.