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REVISE HIGHWAY WEIGHT RESTRICTIONS

House Bill 5337 (Substitute H-2) First Analysis (12-13-01)

Sponsor: Rep. Judson Gilbert
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code sets maximum weights for vehicle combinations (e.g., trucks hauling freight), but allows the state transportation department and local road authorities to designate certain highways, or sections of a highway, for heavier loading. The discretion granted to the state and local road authorities to raise maximum weights is in part a function of Michigan's vehicle weight limit of 73,280 pounds for agricultural haulers, a standard that is lower than 48 other states.

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 most states is 80,000 pounds. That 80,000 pound gross weight limit must be configured in an axle design that complies with federal regulations. According to committee testimony, there are two states--Michigan and Illinois--that retained a lower weight limit of 73,280 pounds, a limit that most states lifted in 1980s. At that time, the federal government introduced a formula to allow 80,000 pound transports on the national truck network in an effort to impose a uniform standard throughout the system, in order to facilitate interstate commerce for agricultural products.

In addition to the weight limit variation between Michigan and other states, there also is variation among the counties within the state. Unlike most states, Michigan has 89,000 miles of roadway in its county road system, the sixth or seventh largest local road system in the country, according to the County Road Association of Michigan. The weight limits for the vehicles that travel on county roads is lower than 80,000 pounds. The limits vary, depending upon road construction methods and materials, and these are customarily functions of the county's population density and its geographic location in relation to the freeze-thaw cycle of the frost belt. Generally, however, county roads are not built to withstand heavy transports, although most have a permitting

system that allows agricultural haulers to make periodic transports with heavier loads, the result of Public Act 6 of 2000. See *BACKGROUND INFORMATION* below.

In addition to year-round vehicle weight restrictions, the Michigan Vehicle Code also imposes seasonal weight restrictions during the spring months when frost destabilizes the roadbed and road surfaces. The law requires that during March, April, and May the maximum allowable vehicle weight be reduced by 25 percent for concrete-base roads, and by 35 percent for other types of roads.

Farm operations often require periodic transport of heavy supplies such as fertilizer or seed, equipment, produce or product, and livestock. Generally farms are located on local roads in the county road system--the roads that are not built to withstand regular heavy shipments without substantial deterioration. In addition, public utility vehicles hauling fuel products must deliver heavy loads to their customers.

Other agricultural states, reportedly, have less rigid overall vehicle weight restrictions on local roadways, and no seasonal weight restrictions at all. Some have argued that Michigan's restrictions impose an undue burden on farmers, agribusinesses, and utility companies. They have suggested that the code be amended to allow the transport of heavier agricultural loads and fuel shipments on the county road system, pointing out that these transports are not regular, but weekly, monthly, or annual. In addition, they have argued that agricultural haulers and public utility vehicles should be exempt from the reduced maximum weight restrictions imposed by the "frost laws."

THE CONTENT OF THE BILL:

House Bill 5337 (H-2) would amend the Michigan Vehicle Code to revise the weight restrictions on highways for some trucks.

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Currently under the law, when the maximum gross weight of a combination of vehicles with load does not exceed 73,280 pounds, two tandem axle assemblies are permitted on certain highways, at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly. House Bill 5337 would eliminate the maximum weight of 73,280 pounds and specify instead, that "on a combination of truck tractor and semi-trailer having not more than five axles, two consecutive" tandem axle assemblies would be permitted on highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within nine feet of any axle of the assembly.

Further, the bill specifies that notwithstanding this provision, on a combination of truck tractor and semi-trailer having five or fewer axles, two consecutive sets of tandem axles would be allowed to carry a gross permissible weight not to exceed 17,000 pounds on any axle of the tandem axles, if there were no other axle within nine feet, and if the first and last axles were not less than 36 feet apart, and the gross vehicle weight did not exceed 80,000 pounds. This provision would apply in order to pick up and deliver agricultural commodities between the National Truck Network, or special designated highways and any other highway. This provision would not be subject to the maximum axle loads under the code. However, this provision would not apply during the period when reduced maximum loads were in effect. (Under Michigan law, during the months of March, April, and May of each year, axle loads must be reduced either 25 percent or 35 percent, depending on the road surface, a provision in the code commonly called the "frost law"). What is more, this provision of the bill would "sunset" on December 31, 2006.

The bill would delete references to the current April 1, 2002 exemption "sunset" that is found in three provisions under this section of the code. More specifically, during the last legislative session, Public Act 6 of 2000 (Senate Bill 46) was enacted to exempt from local seasonal weight restrictions an agricultural commodity hauler who notified the appropriate county road commission of a pick-up or delivery, and who obtained a permit that included a designated route of travel for the load, the date and time of the delivery or pick up, a maximum speed limit of travel, and other considerations agreed to between the hauler and county road commission. These provisions in the law are scheduled to "sunset" on April 1, 2002. House Bill 5337 would eliminate the expiration date so that the exemption would continue in effect. Further, the bill would extend the frost law weight

exemption and permit process to public utility vehicles.

For purposes of the bill, a "tandem axle" is defined to mean two axles spaced more than 40 inches but not more than 96 inches apart, or two axles spaced more than 3½ feet but less than 9 feet apart.

MCL 257.722

BACKGROUND INFORMATION:

In 2000, the legislature enacted Public Act 6 to exempt vehicles hauling agricultural products from seasonal weight restrictions, under certain circumstances. The act requires the hauler to notify the applicable road commission within 48 hours of pick-up or delivery of the product. The act allows the road commission, through a permit process, to set the route of travel, the date and time of travel, the maximum speed, and "any other specific conditions agreed to by the parties." The restrictions were intended to mitigate potential road damage from vehicles exceeding normal weight limits. The act limited road commission permit fees to administrative costs. The weight limit exemptions created by Public Act 6 of 2000 for those who haul agricultural products will sunset on April 1, 2002 (a sunset that would be eliminated by this legislation).

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that to the extent the bill would allow heavier vehicles on local roads it could increase damage to local roads and thus increase local costs. There appear to be no fiscal impacts on state or local revenue, or state costs. The bill's effect on local costs cannot be determined at this time. (11-8-01)

ARGUMENTS:

For:

Currently, agricultural products haulers and public utility vehicles have to follow state and specific county weight limits when hauling agricultural commodities, or fuel. 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 within the road system and from county to county. The bill would remove this inconvenience by allowing heavier gross weight limits on local roads in the county road system. In addition, the bill would create an exemption for those who pick up and deliver

agricultural commodities and fuel during the three-month reduced weight period governed by the "frost laws."

Against:

Local road systems cannot withstand the heavier loads this bill would allow, without substantial deterioration to the road system. Already local road agencies are burdened by funding cuts imposed by the Executive Order reductions in transportation funding and in revenue sharing. They are financially strapped and unable to make the extensive road repairs that will be necessary if this legislation is adopted.

POSITIONS:

The Michigan Farm Bureau supports the bill. (12-13-01)

The Michigan Agribusiness Association supports the bill. (12-13-01)

A representative of Consumer's Energy testified in support of the bill. (12-12-01)

A representative of the Michigan Trucking Association testified in support of the bill. (12-12-01)

The County Road Association of Michigan supports the bill with amendments. (12-13-01)

The Michigan Municipal League supports the bill. (12-13-01)

Analyst: J. Hunault

■ 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.