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House Bill 4154 (as reported without amendment)
Sponsor: Representative Tom Casperson
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 5-19-03

RATIONALE

When logs are transported from the forest to a mill, they usually are stacked crosswise of the vehicle carrying them and secured by chains. When loaded in this manner, the logs can shift during transport and fall from the truck, posing a safety hazard to drivers. Several years ago, such an incident occurred in the Upper Peninsula and a woman and her two-year-old daughter were killed. In response to the danger posed by hauling logs crosswise, some in the logging industry have designed a new truck for hauling logs called a crib vehicle. In this new vehicle, the logs are loaded lengthwise. The sides of the truck are staked and the truck is fitted with headboards and bulkheads at the front and back of the trailer, forming a cage-like structure that holds the logs in place.

Under current State and Federal laws, the maximum allowable length for a truck and semi-trailer or trailer used to transport saw logs is 70 feet. Once a trailer is outfitted with a crib, however, it can be up to 75 feet long. Three years ago, the United States Department of Transportation granted a waiver to allow the experimental operation of two crib vehicles on Michigan roads, in excess of the allowable length. The waiver will remain in place until the Michigan Department of Transportation (MDOT) signs off on a study being undertaken to determine the safety of the new design. (According to an MDOT spokesperson, it is unknown when the study will be completed.) It was suggested that the State's maximum length should be extended for log-hauling crib vehicles and that tie-down requirements should be revised for loads being hauled lengthwise in a crib, once Federal law is amended to allow for hauling logs in this manner.

CONTENT

The bill would amend the Michigan Vehicle Code to require certain loading and tie-down procedures for, and extend the allowable length of, log-hauling crib vehicles, if allowed by Federal law.

Currently, any single vehicle over 40 feet long may not be operated on a Michigan highway. Under the bill, a crib vehicle on which logs were loaded lengthwise of the vehicle could be up to 42.5 feet in length. The bill specifies that this provision would apply only if Section 127(d) of Title 23 of the United States Code were amended to allow crib vehicles to carry logs loaded in this manner. (Section 127(d) governs the operation of a "longer combination vehicle", which is any combination of a truck tractor and two or more trailers or semitrailers that operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.)

Under the Code, the maximum allowable length for truck and semitrailer or trailer combinations is 65 feet. If a truck and semitrailer or trailer combination is used to transport saw logs, pulpwood, and tree length poles, the maximum allowable length is 70 feet. The bill would set a maximum length of 75 feet for a crib vehicle and semitrailer or trailer designed and used to transport saw logs. If the vehicle were a crib vehicle and the logs were loaded lengthwise, the logs would have to be loaded and secured as follows:

-- The vehicle would have to have sides, sideboards, or stakes; a front headboard, bulkhead, or frontgate; and a rear headboard, bulkhead, or endgate, each of which was strong enough and high enough to assure that the load would not shift upon or fall from the vehicle.

- The sides, sideboards, headboard, bulkhead, or front- or rear-end gate that was in direct contact with the ends of the logs could not have an aperture large enough to permit logs to pass through it.
- A minimum of two stakes on each side of the vehicle per tier of logs would be required.
- For vehicles with steel stakes and pockets, cross chains would be required for each tier if the load extended more than five feet above the loading surface.
- Cross chains would not be required for vehicles with permanent steel gusseted bunks.
- Three additional lights would be required on the upper rear of the vehicle.
- Vehicles over 102 inches wide would be required to have lights placed at each stake along the longitudinal length of the vehicle.
- Not more than half of the diameter of the top logs could extend higher than the stake tops when loaded.

The bill specifies that tie-downs would not be required if the following loading procedures were used:

- The distance between a tier of logs and a headboard, bulkhead, front- or rear-end gate, or another tier of logs did not allow a log to lose contact with a side stake if a log were to shift forward or backward.
- Each tier of logs would have to be loaded to the same height from the stake tops to prevent movement.

If these conditions were not met, one tie-down assembly that met the requirements of the Code and Federal regulations would be required for each tier of logs.

The loading and tie-down requirements would not apply unless Section 127(d) of Title 23 of the United States Code, were amended to allow crib vehicles carrying logs to be loaded in this manner.

MCL 257.719 & 257.720

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

It would be much safer to transport logs on a crib vehicle than on a tractor trailer, where the logs can shift during transport and fall from the truck. Security is built into a crib vehicle and would help minimize the potential for danger due to human error. Under current length restrictions, however, the logs do not fit lengthwise on the vehicle. According to Committee testimony, if the maximum length is not extended and loggers cannot carry the same amount of wood they currently do, the logging industry could lose one-third of its revenue. It is unfair to expect loggers, who are vital to the State's economy, to experience such a loss in order to make their vehicles safer when an alternative is available. Further, the bill would increase safety because timbermen would not have to walk or climb over the load to secure it, which would reduce injuries due to slips and falls. The railroad industry is switching to lengthwise loading because it is much safer than crosswise loading, and the logging industry should do so as well.

Supporting Argument

On a crib vehicle, the existing tie-down requirements are excessive because only two chains are needed to secure the load. Current law, however, requires that log loads be tied down with six chains. The bill would change the tie-down requirements for crib vehicles to make them more practical.

Opposing Argument

Many trucks already are too large. They contribute to the deterioration of Michigan's roads and have trouble getting around corners.

Response: Many trucks, such as car haulers, are longer than the 75 feet the bill would allow, and do not require a State permit to operate. Additionally, a crib generally follows the path of the truck towing it; a tractor-trailer, on the other hand, tends to drag to the side when going around corners. Not only does a crib vehicle handle standard corners better than many other large trucks on the road today, it is ideal in the logging industry because it is easily navigated around sharp angles and stumps in the forest. While regular drivers would have to share the road with some additional larger trucks, these vehicles would be much safer than others already on the road.

Opposing Argument

Despite the bill's references to amendments to Section 127(d) of Title 23, there are still some questions within MDOT as to whether the bill actually would be in compliance with Federal law. If the State were in violation of Federal length requirements, it could face millions of dollars in sanctions.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on the State or local government. Under current provisions of Title 23 of the Code of Federal Regulations, the State is required annually to certify compliance with Federal truck length regulations. The State is subject to Federal sanctions for noncompliance, including the withholding of Federal highway funds. The provisions allowing an increase in the permitted length of certain trucks and truck-trailer combinations designed to transport logs would apply only if Section 127(d) of Title 23 of the United States Code, 23 USC 127, were amended to allow crib vehicles carrying logs to exceed the permitted length. Therefore, the State would not be subject to Federal sanctions, including the possible withholding of Federal highway funds, for noncompliance with truck length regulations.

Fiscal Analyst: Craig Thiel

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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.