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BILL



ANALYSIS

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Senate Bill 265 (Substitute S-1 as reported)
Sponsor: Senator Tom Casperson
Committee: Transportation

(as passed by the Senate)

Date Completed: 4-13-11

RATIONALE

The Michigan Vehicle Code aims to prevent damage to the State's roads by establishing restrictions on gross vehicle weight and axle load. During the spring thaw months of March, April, and May, the maximum allowable axle load and wheel load are reduced on certain types of roads. (The seasonal restrictions are known as the "frost law".) Evidently, the seasonal loading restrictions are problematic for vehicles that transport heating fuel to residential customers. The Code authorizes a county road commission to suspend the restrictions when warranted by highway conditions or public health, safety, and welfare. Reportedly, some road commissions demonstrate more flexibility than others with regard to suspensions for heating fuel deliveries. Due to the essential nature of heating fuel, it has been suggested that vehicles making residential heating fuel deliveries should be exempt from the frost law.

CONTENT

The bill would amend the Michigan Vehicle Code to create an exception to seasonal weight restrictions for vehicles transporting heating fuel.

The Code prescribes maximum axle loads and gross vehicle weights for various configurations of vehicles. During the months of March, April, and May, the maximum axle load allowable on concrete pavements or pavements with a concrete base must be reduced by 25% from the specified maximum load, and by 35% on all other types of roads. Additionally, the maximum wheel load may not exceed 525 pounds per inch of tire width on concrete

and concrete base or 450 pounds per inch of tire width on all other roads while the seasonal road restrictions are in effect.

The Code contains exceptions to the seasonal restrictions for vehicles transporting agricultural commodities and, under certain circumstances, public utility vehicles. The bill also would exempt vehicles delivering heating fuel to a residence.

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

Many Michiganders rely on liquid fuels, particularly propane, to heat their homes. The seasonal loading restrictions on certain types of roads present an obstacle to the efficient delivery of an essential commodity. During reduced loading periods, fuel haulers must make multiple trips to service their customers. Reportedly, propane providers make approximately 12,000 extra trips while the frost law is in effect. This causes more road damage than one heavier load would, increases costs to fuel providers, and hinders timely delivery. Fuel delivery vehicles can be outfitted with additional lift axles to comply with the load restrictions; at \$10,000 per axle, however, this option results in a sizable burden to heating fuel businesses. Ultimately, the extra costs associated with frost law compliance are passed on to residential customers, who already are paying high fuel prices.

In some counties, road commissions work cooperatively with fuel providers to facilitate the timely delivery of heating fuel to customers in emergencies. This practice, however, is not consistent across the State, and in some counties, some fuel businesses reportedly are given preferential treatment over others. A statewide exemption from the frost law would create uniformity, helping heating fuel providers to address emergency situations and prevent them from occurring in the first place.

Opposing Argument

The seasonal weight restrictions were implemented for a reason: to reduce wear and tear on Michigan's roads during the spring thaw. A blanket exemption for heating fuel vehicles would impede the authority of local road commissions and set a poor precedent, opening the door for other industries that would like special consideration.

The weight restrictions do not prevent deliveries; as mentioned above, heating fuel businesses can make lighter trips or install additional axles on their vehicles. To avoid load reductions and multiple trips, a fuel provider can service its customers on all-season roads first to lighten the load, and then deliver to homes on roads under seasonal weight restrictions. In addition, the Code already contains an exemption for emergencies, and road commissions consider these situations on a case-by-case basis. The exemption should not be expanded to accommodate nonemergency situations.

Allowing fully laden heating fuel vehicles to use roads that are not designated for all seasons would cause further damage to infrastructure that is already deteriorating due to funding issues. In addition, the vehicles could damage residential driveways, which generally are not built to all-season standards. The added costs associated with repairing damage from these vehicles could be significant for county road commissions and residents alike.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government related to future damage to roads.

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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.

Fiscal Analyst: Bill Bowerman