

Legislative Analysis



FORESTRY VEHICLES AND EQUIPMENT

Senate Bill 396 (S-6) as passed by the Senate
Sponsor: Sen. Thomas Casperson
House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 12-10-18

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would amend the Michigan Vehicle Code to do all of the following:

- Allow a person to operate a pneumatic tired forestry vehicle or special mobile equipment with pneumatic tires used in silvicultural operations for a distance of up to 20 miles on a public highway under the jurisdiction of a county road commission if that vehicle were equipped with a slow-moving vehicle emblem and a flashing, rotating, or oscillating amber light, and if the vehicle or equipment were unladen. The operator would have to provide notice to the county road commission, including the designated route of travel.
- Specify that the county road commission could recover damages from the owner of the vehicle or special equipment for injuries to a public highway or adjacent structure caused by operation of that vehicle or equipment, and that the commission would be held harmless for a collision between the vehicle or special equipment and another registered vehicle while operating on or within the right-of-way of a public highway.
- Create an exception to seasonal load restrictions for the vehicle or special equipment on an unpaved road if the owner of the vehicle or equipment obtained a bond, cash deposit, or irrevocable letter of credit in an amount of not more than \$5,000 for each mile of unpaved road under the jurisdiction of a county road commission or other local authority. If there were at least one full-time resident along that road, the vehicle owner would have to immediately cease all hauling, notify the county road commission, and repair the road if any portion of it became impassable for two-wheel drive traffic.
- Extend existing provisions regarding the designation of certain highways for heavier loading by certain authorities and specific axle assembly operating limitations to a vehicle or special equipment on a paved or unpaved public highway in Michigan.
- Specify that seasonal weight reductions would apply to a paved highway.
- Specify that a log rack mounted on a straight truck that extended not more than six inches beyond the total outside body width of certain vehicles would not violate a provision prohibiting certain vehicles from having a total outside body that exceeds 102 inches.

The bill would take effect 90 days after being enacted into law.

MCL 257.717 and MCL 257.722

BACKGROUND INFORMATION AND BRIEF DISCUSSION:

Sections 716 through 726c within Chapter VI of the Michigan Vehicle Code govern the size, weight, and load of vehicles and vehicle combinations operating on public highways. In general, these sections establish standard or “normal” size, weight, and load maximums, provide specific exceptions to the standard or normal maximums, and provide for the enforcement of the size, weight, and load maximums, including penalties for violations.

Senate Bill 396 would amend two sections (Sections 717 and 722) within Chapter VI of the Michigan Vehicle Code and add a new section (Section 719d) to that chapter.

Amendment to Section 717

Section 717 establishes vehicle width maximums. Under current law, the normal width maximum for a vehicle or load on a vehicle is 96 inches. Section 717 currently provides exceptions to the normal maximum width under specific conditions or for specific vehicles. Section 717(5) authorizes a vehicle width of up to 102 inches for a school bus, a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home. Section 717(5) also allows an appurtenance of a school bus, a trailer coach, a truck camper, or a motor home to extend not more than 6 inches beyond the total outside [102-inch] body width.

Senate Bill 396 would amend Section 717(5) to also indicate that “a log rack mounted on a straight truck... that extends not more than 6 inches beyond the total outside body width” does not violate Section 717. The term “straight truck” is not defined in the Vehicle Code.

Amendment to Section 722

Section 722 of the Vehicle Code establishes weight or load maximums.¹ Specifically, subsection (1) establishes *normal* weight or load maximums; other subsections within Section 722 provide exceptions to normal weight or load maximums. Subsection (2) authorizes road agencies to *designate* certain highways, or sections of highways, where bridges and road surfaces are adequate for heavier loading. Subsection (3) authorizes certain vehicle combinations to operate at specific higher loading limits on designated highways.

Senate Bill 396 would add a new subsection specifically indicating that “subsections (2) and (3) apply to a vehicle transporting forest products or special mobile equipment used in silvicultural [forestry] operations on a paved or unpaved public highway in this state.” (The term “silvicultural” is not defined in the Vehicle Code.)

Section 722(8) currently provides for lower maximum axle load limits during the months of March, April, and May of each year. These lower limits are referred to as the “frost law.”

Senate Bill 396 would exempt from these lower seasonal loading limits vehicles transporting forest products or special mobile equipment used in silvicultural operations on an unpaved road

¹ With some limited exceptions, Michigan law does not establish gross weight limits for vehicles or vehicle combinations. Instead, Michigan law establishes axle weight limits. As a result, there are *de facto* gross vehicle weight limits based on those axle weight limits, as well as the number, function, and spacing of axles. In some instances, a vehicle could be within *de facto* weight limits for a specific vehicle combination, but exceed Michigan weight limits through the distribution of the load across axles; i.e., the load on some axles could exceed legal limits. Michigan law limits the number of axles in any vehicle combination to 11. As a result, the *de facto* gross vehicle weight limit under Michigan law, based on a specific 11-axle truck tractor, semi-trailer, and trailer configuration, is 164,000 pounds.

under the jurisdiction of a county road commission or other local authority with jurisdiction over the unpaved road. The bill would establish specific criteria and conditions.

New Section 719d

Senate Bill 396 would add a new Section 719d that would authorize the operation of a “pneumatic tired forestry vehicle” and “special mobile equipment with pneumatic tires used in silvicultural operations” on roads under the jurisdiction of county road commissions. The term “forestry vehicle” is not defined in the Vehicle Code.

The term “special mobile equipment” is a defined term in Section 62 of the Code.² Section 216 of the Code currently establishes registration provisions for special mobile equipment.³ Section 802 currently provides for a registration fee for special mobile equipment.⁴

It is our understanding that special mobile equipment with pneumatic tires used in silvicultural operations refers to certain types of logging equipment not normally licensed for operation on public roads and highways.

FISCAL IMPACT:

The vehicle size, weight, and load provisions of Chapter VI of the Michigan Vehicle Code are intended to protect the motoring public from potential traffic hazards; protect highway surfaces, structures, and private property; and provide for normal flow of traffic with a minimum of interference. In a number instances, the Michigan Vehicle Code provides normal size and load limits as well as specific exceptions to those limits. The Code also provides criteria and conditions that apply to those specific exceptions.

Senate Bill 396 would provide new exceptions to current size and load limits for vehicles transporting forest products and to special mobile equipment used in silvicultural operations. The bill would also provide specific criteria and conditions applicable to those exceptions.

We cannot readily determine whether the new exceptions would have a negative impact on local road agency highway surfaces or structures, or the extent to which the conditions and restrictions established in the bill would mitigate those impacts.

As a result, the fiscal impact on local road agencies cannot be readily determined at this time.

The bill would have no apparent impact on state government.

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

²<http://legislature.mi.gov/doc.aspx?mcl-257-62>

³<http://legislature.mi.gov/doc.aspx?mcl-257-216>

⁴<http://legislature.mi.gov/doc.aspx?mcl-257-802>