



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

BILL



ANALYSIS

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

Senate Bill 491 (as reported without amendment)
Sponsor: Senator Michelle A. McManus
Committee: Transportation

Date Completed: 10-7-08

RATIONALE

Michigan's climate puts significant stress on the State's roads and highways, particularly during the freeze and thaw cycle in the spring. During that period, the ground beneath the road softens as the frost subsides, and roads are more susceptible to damage from heavy vehicles. To help reduce the damage done while the roads are in that weak state, the Michigan Vehicle Code provides for reduced vehicle weight limits during the months of March, April, and May. The dates when the restrictions apply are subject to modification by the Michigan Department of Transportation or a local road agency, which may suspend the limits and impose them at other times based on road conditions. Also, the seasonal weight restrictions do not apply on some designated roads that are built with deep gravel bases to withstand heavy vehicle loads during the spring thaw.

Septage trucks, when loaded, can exceed the reduced weight limits, restricting their ability to respond to emergencies or remove septage quickly. To address this, it has been suggested that local governments should have the option to exempt septage haulers from the limits as needed.

CONTENT

The bill would amend the Michigan Vehicle Code to permit the Michigan Department of Transportation (MDOT) or a county road commission to grant exemptions from seasonal weight restrictions for septage haulers.

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 bill would permit MDOT for roads under its jurisdiction, and a county road commission for roads under its jurisdiction, to grant exemptions from seasonal weight restrictions for septage haulers on a case-by-case basis when requested by electronic, telephonic, or any other means. Except as provided below, MDOT or the county road commission, as applicable, would have to grant or deny a request for exemption within one day.

If, in requesting an exemption, the septage hauler indicated that the exemption was requested in order to respond to an emergency, MDOT or the county road commission would have to respond to the emergency request within one business day by electronic, telephonic, or any other means.

A denial of a request for an exemption would have to be accompanied by a statement of the reason for denial and alternate routes for which the permit could be issued. A

septage hauler whose request for exemption was denied could appeal to the State Transportation Commission or the county road commission.

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

When septic systems fail, an immediate response can prevent the release of raw sewage, which otherwise might contaminate the surrounding land and any nearby waterways. In order to respond as quickly as possible to an emergency, septage haulers sometimes must fill their tanks to the point where they may exceed the seasonal weight limits. The bill would establish procedures that would allow septage haulers to seek an exemption from those limits in the case of an emergency.

Opposing Argument

It is already current practice among county road commissions to permit septage haulers to exceed seasonal weight restrictions in order to respond to an emergency. Placing those provisions in statute, however, would restrict the ability of county road commissions to revise their procedures in response to technological or other changes, requiring additional legislation rather than a simple revision of the county policies.

Opposing Argument

The bill could increase the number of heavy vehicles on the road, if significant numbers of septage haulers sought and received exemptions. Even in an emergency situation, a septage hauler can take steps to avoid exceeding the weight limits, by not filling its truck completely. While the reduced weight limits may represent some inconvenience for septage haulers, they serve to protect the integrity of the State's roads and highways during the spring thaw. The seasonal weight limits are in effect for only about two months each year, and septage haulers should respect those limits to the greatest extent possible, rather than requesting additional exemptions. Ultimately, the taxpayers bear the cost of repairing any damage done by heavy vehicles, and local governments have a

responsibility to minimize those costs by preventing unnecessary wear on their roads and highways, particularly as transportation budgets fail to keep up with rising construction and maintenance costs.

Response: Under the bill, a local authority would have the option to deny a request for an exemption. That provision would allow the authority to protect the integrity of the roads while allowing exemptions in cases where they are warranted.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

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

Fiscal Analyst: Debra Hollon

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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.