



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 448 (as passed by the Senate)  
Sponsor: Senator Michelle A. McManus  
Committee: Transportation

Date Completed: 10-20-09

**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 all-season roads. Generally speaking, most major highways throughout the State are designated all-season roads while most smaller county roads are subject to the seasonal weight restrictions.

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

**CONTENT**

**The bill would amend the Michigan Vehicle Code to permit 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 must be reduced by 25% from the specified maximum load on concrete pavements or pavements with a concrete base, 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 a county road commission 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, the county road commission 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, 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 the request was denied and alternate routes for which the permit could be issued. A septage hauler whose request for exemption was denied could appeal to 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 nearby waterways. Septage haulers service both residential and commercial customers, and in some cases the potential for environmental harm can be quite severe if immediate action is not taken. The seasonal weight restrictions place a burden on septage haulers by limiting the amount of septage waste that they can carry, slowing their response time. While it is important to prevent damage to the roads, septage haulers should be granted exemptions when the situation warrants immediate action. Under the bill, a county road commission would have the discretion to grant or deny a request based on the circumstances. This would help to protect the roads during the spring thaw but would still allow septage haulers to do their jobs quickly and efficiently.

**Response:** The bill would require the county road commission to respond to a request for an exemption within one day, but would not make allowances for holidays or weekends. (If the request were due to an emergency, the county road commission would have to respond within one business day.) The bill should make it clear that the commission would have one business day to respond to requests.

### **Opposing Argument**

The bill is unnecessary. The Code already allows the seasonal weight limits to be suspended in the interest of public health, safety, and welfare, and it is current practice among county road commissions to grant septage haulers exemptions from seasonal weight restrictions in order to enable them to respond to an emergency. Placing specific provisions in statute, however, would restrict the ability of county road commissions to revise their procedures in response to technological or other changes.

### **Opposing Argument**

The bill could increase the number of heavy vehicles on the roads, potentially causing severe damage to the road surface. The seasonal weight restrictions exist because

the roads are significantly weaker during the spring thaw. While most main highways in the State are built to withstand heavy traffic throughout the year, it would be too expensive and unrealistic to upgrade the 122,000 miles of roads and highways in Michigan to meet that standard. Instead, the seasonal weight restrictions are a low-cost solution to protect the State's investment in its transportation infrastructure. Most northern states and all Canadian provinces have similar seasonal restrictions, because the potential for damage during the spring thaw is widely recognized.

While it is important for septage haulers to be able to respond to events quickly, it is possible for them to do so while abiding by the seasonal weight restrictions. Septage waste is a divisible load, and a septage hauler can simply fill the tank partway to remain under the weight limit. The seasonal weight limits are in effect for only about five to six weeks each year, and septage haulers should respect those limits to the greatest extent possible, rather than requesting additional exemptions, particularly since granting an exemption for one industry could prompt others to seek exemptions. Ultimately, the taxpayers bear the cost of repairing any damage done by heavy vehicles, and local governments have a responsibility to minimize that expense by preventing unnecessary wear on their roads and highways, particularly as transportation budgets fail to keep up with rising construction and maintenance costs.

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

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

Fiscal Analyst: David Zin

A0910\448a

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.