



**House  
Legislative  
Analysis  
Section**

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**DOUBLE-BOTTOM TANKERS: POSTPONE BAN**

House Bill 5738 with committee amendment  
First Analysis (5-31-90)

Sponsor: Rep. Sidney Ouwinga  
Committee: Transportation

**THE APPARENT PROBLEM:**

At least partially in response to a series of fatal accidents involving tanker trucks hauling flammable liquids, the legislature in 1978 enacted laws that required such vehicles to meet state police safety standards, instituted a state fire marshal inspection and certification program (inspections are now conducted by the state police's Motor Carrier Division), and created a low-interest loan program to aid the trucking industry in complying with the new regulations. Part of the 1978 reforms was the scheduling of prohibition against certain tankers hauling flammable liquids. The prohibition was to apply to a truck or truck tractor pulling a semitrailer with a capacity of over 13,400 gallons, and to double-bottom combinations — that is, trucks pulling trailers, truck tractors pulling two semitrailers, and truck tractor-semitrailer-trailer combinations. Originally scheduled to take effect in 1981, the ban has been postponed several times, first to 1983, then to 1985, and then, under Public Act 141 of 1985, to November 1, 1990. With the approach of the current effective date for the ban, some who have not yet complied with it seek to have it postponed again.

**THE CONTENT OF THE BILL:**

The bill would amend the Michigan Vehicle Code to postpone until November 1, 1993 the ban on the hauling of flammable liquids by double-bottom tankers and tankers of over 13,400 gallons.

MCL 257.722a

**FISCAL IMPLICATIONS:**

With regard to enrolled Senate Bill 397 of the 1983-84 legislative session (which created the last postponement of the double-bottom tanker ban), the Senate Fiscal Agency said that the bill had no fiscal implications. (9-23-85)

**ARGUMENTS:**

**For:**

The improvement in trailer hitches as mandated by the 1978 law, periodic safety inspections by the state police, and various new restrictions placed on transporting flammable liquids have improved the safety record of tanker trucks. Testimony before the House Transportation committee indicated that there have been few, if any, accidents since 1985 involving double-bottom tankers hauling flammable liquids. Though the good record may be due in part to fewer numbers of such vehicles on the road, it nonetheless suggests that adherence to the current effective date for the double-bottom ban is unnecessary. The haulers who still rely on the vehicles to be banned keep them well-maintained, and to have to replace safe and useful vehicles would work a needless hardship on these people. Postponing the ban for three more years would enable them to get more use from their current vehicles and grant

them additional time to find the money for new ones. While some may argue that these truckers should have done so already, the pattern of the past twelve years must have placed them in a difficult position: with the safety record improving and the proposed ban getting repeatedly postponed, business decisions on whether and when to repair or replace vehicles must have been made more complicated.

**Against:**

According to the state police Fire Marshal Division, there have been at least three accidents since 1985 involving double-bottom tankers hauling flammable liquids — two in 1988 and one in 1987. Considering how few double-bottom rigs must be on the road (state police data suggest 34, down from 80 in 1985), it may be that their safety record is not as good as some believe. While state police inspections can help to assure the safety of tankers hauling flammable liquids, funding is lacking; inspection fees fall far short of inspection costs, and without fee increases there is the danger that inspections that should be conducted semi-annually or annually would have to wait longer. In any event, to further postpone the ban would be unfair to responsible truckers who have undergone the expense of buying replacement vehicles that complied with the anticipated restrictions. Those people have been put at a competitive disadvantage not only by the replacement expenses, but also by the continuing disadvantage of using the smaller, less economical vehicles. Truckers have had twelve years to prepare for the double-bottom ban, yet the relatively few who have not yet complied with it are now seeking another postponement. The ban should not be postponed again.

**Against:**

If the safety record of the soon-to-be-proscribed vehicles is as good or better than their single-bottom counterparts, then it makes little sense to ban them. If an examination of accident and registration data supports the assertion that the double-bottom vehicles are comparatively safe, then the bill should do away with the ban altogether, not merely postpone it.

**Against:**

If double-bottom tankers are to be allowed to continue to operate — whether for three more years or indefinitely — some attention should be given to the haulers who have already switched to smaller vehicles in compliance with the anticipated ban. Their competitive disadvantage could be minimized by limiting the quantity of flammable liquid that may be hauled by any rig to 13,400 gallons, the long-expected limit that is to apply to single-bottom tankers.

**POSITIONS:**

The Michigan Trucking Association has no position on the bill. (5-30-90)

The Department of Transportation is reviewing the bill and does not have a formal position at this time. (5-30-90)

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The Michigan Petroleum Association does not support the bill. (5-30-90)

The Fire Marshal Division of the Department of State Police opposes the bill. (5-30-90)

The Motor Carrier Division of the Department of State Police opposes the bill. (5-30-90)

A representative of the Department of State Police testified that the department would oppose the bill without accompanying legislation to increase fees. (5-29-90)