



**House
Legislative
Analysis
Section**

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TRUCK SAFETY PACKAGE

House Bill 5683 as passed by the House
Second Analysis (9-6-88)

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Sponsor: Rep. Vincent J. Porreca
Committee: Transportation

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THE APPARENT PROBLEM:

Truck accidents have increased tremendously within the past decade. There have been several changes within the industry and within the economic environment that can be cited as contributing factors including deregulation of the truck industry, the recent downsizing of cars, and an increase in the number of trucks traveling the state's highways. The federal government recently enacted legislation to address many of the most pressing truck safety problems. The House Standing Committee on Transportation and the House Subcommittee on Truck Safety have taken testimony from interested parties in order to identify areas of major concern relating to truck safety in Michigan, and has recommended a package of legislation to address truck safety issues and to comply with new federal rules and regulations regarding truck safety.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code in the following ways.

A motor bus or limousine would be required to comply with the rules promulgated by the Department of Transportation under the Motor Bus Transportation Act.

Currently, a vehicle carrying explosive substances or flammable liquids is required to stop not less than ten feet from the nearest rail. Under the bill, a vehicle that was carrying hazardous materials upon which a placard was required to be posted would be required to stop not less than fifteen feet from the nearest rail.

Under the Michigan Vehicle Code buses and trucks are required to maintain certain equipment. The bill would specify that three identification lamps would have to be maintained on buses and trucks. The lamps would be mounted on the vertical centerline of a bus or a truck, or the lamps would be mounted on the vertical centerline of the cab of a vehicle. A single lamp at the center of the cab would be considered to comply with the requirements of the bill in situations where the cab of a vehicle was not more than 42 inches wide at the front roofline. The identification lamps or their mounts would not extend below the top of a vehicle's windshield.

The code requires certain types of vehicles, such as buses and trucks, to be equipped with reflectors that are mounted at least 20 inches above the ground. If the highest part of the permanent structure of a vehicle is less than 20 inches, reflectors are mounted as high as that part of the permanent structure would permit. Under the bill, reflectors would be mounted not less than 15 inches above the ground, and reflectors would be mounted as high as the permanent structure would permit if the permanent structure was less than 15 inches from the ground.

Trucks with a gross weight over 10,000 pounds, all trucks carrying hazardous materials on which a placard was required to be posted according to federal rule, truck

tractors, and buses that had a windshield would have to be equipped with not less than two automatically operating windshield wiper blades. One blade would have to be on each side of the centerline of the windshield for cleaning rain, snow, or other moisture from the windshield. The blades would be in such condition as to provide clear vision for the driver unless one blade was able to clean an area of the windshield extending to within one inch of the limit of vision through the windshield at each side. However, in driveway-towaway operations, the requirement would apply only to the driven vehicle. In addition, one windshield wiper blade would suffice when the driven vehicle in a driveway-towaway operation constituted part or all of the property being transported and had no provision for two blades. A truck and truck tractor manufactured after June 30, 1953 that depended upon vacuum to operate the windshield wipers would have to be constructed so that the operation of the wipers was not materially impaired by change in the intake manifold pressure.

Under the code, a licensed commercial vehicle cannot be operated on the highways at any time from December 15 to March 15 unless it has certain equipment, such as a hot air windshield defroster. Under the bill, trucks carrying hazardous materials on which a placard was required to be posted according to federal rule, trucks with a gross weight over 10,000 pounds, truck tractors, and buses could not operate on the highways at any time unless they were equipped with a hot air windshield defroster, an electrically heated windshield, or some other device that would keep the windshield heated and maintained in operable condition at all times.

The code prohibits the operation of a truck with a gross weight over 10,000 pounds, a truck tractor, and all buses outside the corporate limits of municipalities at any time between half hour after sunset to a half hour before sunrise unless the vehicle carries certain equipment, such as flares and fuses. The bill would amend the act to add trucks carrying hazardous materials on which a placard was required to be posted according to federal rules to the list of vehicles regulated under the act. The bill would delete the sunset to sunrise provision and add fire extinguishers to the list of equipment required to be carried in the vehicles. All fire extinguishers required under the bill would have to be properly filled, securely mounted on the vehicle and readily accessible for use. The fire extinguishers would be designed, constructed and maintained to permit a determination of whether they were fully charged and in proper operating condition. All fire extinguishers would have an extinguishing agent that did not need protection from freezing. In addition, the extinguishers could not use a vaporizing liquid that gave off vapors more toxic than those produced by the substances shown as having a toxicity rating of five or six in the Underwriters Publication entitled "Classification of Comparative Life Hazard of Gases and Vapors." Fire extinguishers would have to be inspected and maintained in accordance with provisions of the National Fire Protection Association Pamphlet No.

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10, 1974 edition. Motor vehicles that were required to be marked or placarded according to federal rules and that were used to transport hazardous materials would be equipped with a fire extinguisher that had an Underwriters Laboratories rating of 10 B:C or more. Fire extinguishers carried in vehicles that were transporting hazardous wastes would have to be labeled or marked with the proper underwriters laboratories rating. A vehicle that was not used to transport hazardous materials would be equipped with either a fire extinguisher with an underwriters laboratories rating of five B:C or more, or two fire extinguishers with each having an underwriters laboratories rating of four B:C or more.

Under the act, trucks with a gross weight over 10,000 pounds, truck tractors, trailers, semitrailers, pole trailers, and buses must display certain warning devices when disabled upon a highway outside of a municipality at a time when lighted lamps are required. The bill would amend the act to require drivers of trucks carrying hazardous materials on which a placard was required to be posted according to federal rules, trucks with a gross weight in excess of 10,000 pounds, truck tractors, trailers, semitrailers, pole trailers, and buses that were stopped upon a highway to immediately flash the two front and two rear turn signals simultaneously as a vehicular traffic hazard warning. A vehicle would continue the flashing until the driver placed the warning devices required under the bill in use upon the highway. The flashing signals would be used during the time the warning devices were picked up for storage before movement of the vehicle. The flashing lights could be used at other times while a vehicle was stopped in addition to the following warning devices:

- three emergency reflective triangles;
- three electric emergency lanterns;
- three liquid-burning emergency flares; or
- three red emergency reflectors.

The bill would require drivers to place warning devices on a highway within ten minutes after their vehicles had stopped. Under the bill, one device would be placed within ten feet of the front or rear of the vehicle. One device would be placed approximately 100 feet from the rear of the stopped vehicle or load, in the center of the traffic lane or shoulder occupied by the vehicle, and facing traffic from the rear of the vehicle. One device would be placed approximately 100 feet from the front of the stopped vehicle, in the center of the traffic lane or shoulder occupied by the vehicle, and facing oncoming traffic in the opposite lane. Special rules would apply to the placement of some warning devices. For instance, in to business and residential districts, during the period when lighted lamps were not required, three emergency triangles would have to be placed as detailed above, or two red flags would be placed facing traffic approaching the rear of the vehicle and facing oncoming traffic in the opposite lane. Under the bill, placement of warning devices would not be required within a business or residential district of a municipality, except during the time lighted lamps were required and when street or highway lighting was insufficient to make a vehicle clearly discernible to persons on the highway at a distance of 500 feet. The bill would provide for the special placement of devices when a vehicle was stopped within 500 feet of a curve or if a vehicle was stopped upon the traveled portion of the shoulder of a divided or one-way highway. If gasoline or any other flammable liquid, combustible liquid, or gas seeped or leaked from a fuel container or a vehicle stopped upon a highway, an emergency warning signal

producing a flame would not be lighted or placed upon the highway unless it was lighted or placed at a distance from the liquid or gas which assured that a fire or explosion would not occur.

The bill would add a section applying to systems for containing and supplying fuel for the operation of a truck over 10,000 pounds, truck tractor, road tractor, or bus for the operation of auxiliary equipment installed on, or used in connection with any of the vehicles. The bill would require fuel systems to be located on a vehicle so that:

- no part of the system extended beyond the widest part of the vehicle;
- no part of the fuel tank was forward of the front axle of a power unit;
- fuel spilled vertically from a fuel tank while it was being filled would not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly;
- fill pipe openings were located outside the vehicle's passenger compartment and its cargo compartment; and
- a fuel line would not extend between a towed vehicle and the vehicle that was towing it while the combination of vehicles was in motion.

The bill would require a fuel tank to be securely attached to a vehicle in a "workmanlike" manner. A fuel system could not supply fuel by gravity or syphon feed directly to the carburetor or injector. If a fuel system included a selection control valve which was operable by the driver to regulate the flow of fuel from two or more fuel tanks, the valve would be installed so that the driver could operate it while watching the roadway and without leaving the driving position or the driver would stop the vehicle and leave the driver seat in order to operate the valve. A fuel line that was not completely enclosed in a protective housing could not extend more than two inches below the fuel tank or its sump. Diesel fuel crossover, return, and withdrawal lines which extended below the bottom of the tank or sump would be protected against damage from impact under the bill. A fuel line would be long enough and flexible enough to accommodate normal movements of the parts to which it was attached without incurring damage, and a fuel line would be secured against chafing, kinking, or other causes of mechanical damage. When pressure devices were used to force fuel from a fuel tank, a device that prevented the flow of fuel from the fuel tank if the fuel feed line was broken would be installed in the fuel system.

MCL 257.669 et al

FISCAL IMPLICATIONS:

According to the Department of State Police, the fiscal implications of the bill to the state cannot be determined at this time. (9-6-88)

ARGUMENTS:

For:

The U.S. Congress recently passed the Commercial Motor Vehicle Safety Act to address a number of truck safety issues. The act requires state compliance or possible loss of federal highway funds. According to the U.S. Department of Transportation, Michigan is currently 85 to 90 percent in compliance with the intent of the federal laws. However, changes are necessary to meet other compliance deadlines over the next few years. The bill

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would make changes necessary to comply with the federal legislation and would bring state law into compliance with the federal act in regard to vehicle safety standards. In addition, the bill would address other truck safety issues discussed in truck safety committee meetings, such as the lack of proper illumination of trucks and other hazardous situations.

POSITIONS:

The Department of State Police supports the bill. (9-6-88)