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TRANSPORT OF CERT. PRODUCTS

House Bill 4850 (Substitute H-1)
First Analysis (9-26-95)

Sponsor: Rep. John Gernaat
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code currently allows semitrailers up to 53 feet long, including the load, on tractor-semitrailer combinations to be operated on designated Michigan roadways. The act also allows a truck and semitrailer or trailer combination up to 70 feet in length, with load, to haul certain wood products. However, some haulers have attempted to haul both longer and shorter saw logs and tree length poles simultaneously using the tractor-semitrailer combination where the load is arranged with shorter logs on the bottom and longer ones stacked on top. This "staggered" stacking process helps to stabilize the load but results in a portion of the logs overhanging the semitrailer more than the allowable length for this vehicle combination (i.e., 53 feet). Truckers arrange logs in this manner apparently because it enables them to carry a wider range of log lengths at less cost, but have been ticketed by state police for exceeding the size limit for the tractor-semitrailer combination. To accommodate these haulers, legislation has been drafted by the Motor Carrier Division of the Department of State Police that would allow up to six feet of overhang on a fifty-foot semitrailer when such wood products were hauled.

In a related issue, the act requires someone who operates a vehicle transporting agricultural commodities "in the normal operation of a farm" to ensure that the contents of the vehicle cannot escape from the vehicle while in transport, although a person is exempt from a requirement that his or her vehicle either be covered or that the contents be securely fastened to the vehicle. Recently, some farmers apparently have been stopped while transporting sand, gravel, or dirt without being covered even though the substances were being moved for purposes strictly related to farming operations and not for commercial purposes. An amendment has been requested that would exempt from the tarp/tie-down requirement the transport of

sand, gravel, and dirt by someone operating a farm-related vehicle as long as the driver ensured the substances did not escape while in transport. Also, cleanup language is needed to clarify application of the act's tarp/tie-down provisions as they relate to vehicles carrying logs or tubular products.

THE CONTENT OF THE BILL:

The Michigan Vehicle Code currently restricts the total length of a semitrailer operating in a truck tractor and semitrailer combination to no more than 53 feet, including the load. The bill would authorize a person to operate a vehicle combination of this type that was designed to haul saw logs, pulpwood, and tree-length wooden poles with a load overhang to the rear of the semitrailer not exceeding six feet as long as the semitrailer did not exceed 50 feet in length. (In other words, the vehicle and its load could not exceed 56 feet in length.)

The bill also would amend the act to exempt a person who operated a farm-licensed truck or implement of husbandry that transported sand, gravel, and dirt necessary in the normal operation of a farm from the requirement to cover/tie-down such loads while in transport. However, the driver would have to ensure these substances were loaded so that they could not escape from a vehicle during transport. Someone who violated this provision would be guilty of a misdemeanor punishable by up to a \$500 fine, 90 days in jail, or both.

And finally, the bill would delete language that exempts a person operating a vehicle carrying logs or tubular products from a provision requiring him or her to ensure the vehicle was loaded in such a way to prevent the contents from escaping the vehicle.

MCL 257.719 and 257.720

House Bill 4850 (9-26-95)

FISCAL IMPLICATIONS:

The Department of State Police says the bill would not affect state or local budget expenditures. (9-22-95)

ARGUMENTS:

For:

The bill would allow persons to haul tree-length logs using a truck tractor and semitrailer combination with a semitrailer no longer than 50 feet, but would allow the logs to overhang the semitrailer by up to six feet. This vehicle combination apparently has been used by a handful of truckers to haul logs (where truckers stack the logs in a staggered formation that enables them to carry a wider variety of log lengths more efficiently) but is in violation of the vehicle code's 53-foot total length restriction for this type of vehicle. To accommodate these haulers without compromising safety, language was drafted by the Motor Carrier Division of the state police that essentially would expand the total length allowed for this vehicle combination an extra three feet, but would limit this provision only to the hauling of saw logs, pulpwood, and tree-length wooden poles.

For:

Farmers often transport dirt, sand, or gravel over roadways in the normal course of their work but are technically required by the vehicle code to cover a truck hauling these substances over the road. As these substances are routinely moved by farmers during any given day, they must continually cover and uncover their trucks even though they drive in areas less frequented by other traffic and at speeds too slow to cause these substances to escape. The bill would allow them to haul these substances without having to cover their trucks, but would still hold them responsible for ensuring no dirt, sand, or gravel escaped from their vehicle during transport.

For:

The bill includes a technical amendment that would delete language which appears to exempt log haulers from the requirement that they tie down their loads. This language reportedly was cited by a court in the Upper Peninsula as permitting truckers to allow logs to fall off their truck beds while in transport.

POSITIONS:

The Department of State Police supports the bill. (9-22-95)

The Michigan Farm Bureau supports the bill. (9-25-95)