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BILL



ANALYSIS

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Senate Bill 1524 (as reported without amendment)
Sponsor: Senator Jud Gilbert, II
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.

Public utility vehicles, which often carry heavy equipment used to maintain electric lines or water and sewer systems, sometimes exceed the seasonal weight limits. The Code makes an exception for those vehicles under certain circumstances, but some have pointed out that those provisions do not apply to subcontractors, except when they are doing emergency public utility work. Since subcontractors regularly perform maintenance and other work on behalf of utility companies, it has been suggested that the current exemption should apply to subcontractors as well.

CONTENT

The bill would amend the Michigan Vehicle Code to include subcontractors within certain provisions exempting public utility vehicles from seasonal weight limits.

Exception to Weight Limits

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 Code makes an exception to those restrictions for public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency, among other vehicles. The exception applies to public utility vehicles that are owned and operated by public utilities under the jurisdiction of the Michigan Public Service Commission (MPSC), or are subcontracted by public utilities to perform electrical emergency public utility work only under certain circumstances.

The bill would remove the requirement that subcontracted vehicles be subcontracted to perform electrical emergency public utility work.

Under the bill, "public utility vehicle" would mean a vehicle owned and operated by a public utility under the jurisdiction of the MPSC, or operated by a subcontractor on behalf of a public utility under the jurisdiction of the MPSC.

Emergency Utility Work

Currently, for emergency public utility work on restricted roads, if required by the county road commission, the public utility must notify the county road commission of the location of the work and provide a statement that the vehicles used to perform the work may have exceeded the loading maximums and gross vehicle weight requirements reduced by the seasonal restrictions.

Under the bill, the public utility or its subcontractor would have to notify the county road commission.

Nonemergency Work

For nonemergency public utility work on restricted roads, if the county road commission requires, the public utility must apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. Under the bill, that requirement also would apply to the public utility's subcontractor.

The county road commission must issue a seasonal truck permit for each vehicle or vehicle configuration the utility anticipates will be used for nonemergency public utility work. The bill would require the road commission to issue a permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipated would be used.

In addition to meeting the current requirements, a seasonal truck permit would have to include the following:

- A requirement that, in the case of a subcontractor, the permit would be valid only while the subcontractor vehicle was being operated in the performance of public utility work.
- A requirement that a subcontractor vehicle or vehicle configuration display signage on the outside of the vehicle to identify it as operating on behalf of the utility.

Notification of Work

If the county road commission requires notification of nonemergency public utility work on restricted roads, the commission must provide a notification application for

the public utility to use when requesting access to operate on those roads. The public utility must provide notification to the county road commission at least 24 hours before the time of the intended travel.

Under the bill, those provisions also would apply to a subcontractor for a public utility. A subcontractor using a vehicle on a restricted road would have to have a copy of any notification provided to a county road commission in his or her possession while performing the relevant nonemergency work.

The bill would require a notification application to include, in the case of a subcontractor, the utility on whose behalf the subcontractor was performing services.

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

Public utility companies rely on subcontractors to perform a variety of maintenance and repair functions. The use of subcontractors allows the utilities to operate efficiently and reduce costs, by using specialized workers as needed and assigning the appropriate team to a particular job. For instance, utility companies may hire teams that only perform underground work or tree trimming and removal. The flexibility to use subcontractors is essential for utility companies to maintain utility infrastructure and expand and upgrade the system to meet expected demand. Additionally, keeping up with routine maintenance helps reduce the need for emergency response.

Currently, however, vehicles owned by subcontractors are treated differently in the statute than those owned by utility companies. Consequently, utilities are unable to use subcontractors during the spring months, which limits their ability to keep up with crucial maintenance. To correct that discrepancy, the bill would include subcontractors in the current exemptions for utility vehicles. To minimize any damage to the roads and ensure full communication between a subcontractor and

a local road commission, the subcontractor to would have to contact or receive a permit from the road commission before doing work on a restricted road. The road commission then could inspect the road after the utility work had been completed to determine if there had been any damage.

Opposing Argument

Current law already permits subcontractors to respond to emergencies. Expanding the exemption would increase the number of heavy vehicles on the roads during the critical spring months, further degrading the State's roadways. The bill does not specify which party would be liable for any damage to a road if a subcontractor violated the terms of a permit issued under the bill.

The seasonal weight limits are in effect for only about two months each year, and utility companies 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.

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.