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TRUCKS HAULING FLAM. LIQUIDS

House Bill 4535 with committee
amendment
First Analysis (6-3-93)

Sponsor: Rep. Vincent J. Porreca
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code currently allows a truck, a truck pulling a trailer, or a truck tractor pulling a semitrailer to transport up to 13,400 gallons of flammable liquid at any time anywhere in the state, except in the tri-county Detroit metropolitan area. In these counties (that is, Oakland, Wayne and Macomb), this much flammable liquid may be transported on certain designated routes, but only between midnight and 6 a.m. (up to 9,000 gallons may be transported here at any time). These provisions have governed the hauling of flammable liquids in the state since November of 1990, when so-called "double bottom" tankers--a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers--were banned from transporting flammable liquids anywhere within the state. (The ban on double bottoms hauling flammable liquids was enacted primarily because double bottoms had been shown to be at greater risk of being involved in major accidents than "singles," and thus present a serious roadway hazard as flammable liquid transporters.) The more restrictive provisions that apply to the hauling of up to 13,400 gallons of flammable liquids in the Detroit area were enacted out of concern that if this amount of a flammable liquid were to be permitted to be moved in such a highly-populated area, it should at least be limited to early hours of the day when less traffic is on the road. A study by the University of Michigan Transportation Research Institute, however, shows that not only are the larger single tankers designed to carry up to the maximum legal limit of flammable liquids as safe as the smaller, 9,000-gallon trucks; but restricting those who transport flammable liquids in the Detroit tri-county area to only 9,000 gallons between midnight and 6 a.m., in fact, poses a greater traffic danger as more smaller trucks are needed to make the necessary deliveries. Some who haul flammable liquid also find that having to make more trips to move their product merely raises their costs--most of which usually are

passed on to the consumer. Because of these concerns, legislation has been proposed that would allow up to 13,400 gallons of flammable liquids to be transported in the Detroit tri-county area at any time of the day or night.

THE CONTENT OF THE BILL:

The bill would delete various provisions from the Michigan Vehicle Code that regulate the types of vehicles and vehicle combinations that may be used to transport flammable liquids, the amount that may be transported, and when and where such flammable liquids may be transported. The bill specifies that, notwithstanding other provisions of the act, a truck or a truck tractor pulling a semitrailer could not, until July 1, 1995, transport more than 9,000 gallons of a flammable liquid to retail service stations located within the Detroit tri-county area. Also, specific language pertaining to vehicles that operated from March 1 to October 1 of 1985 (which no longer applies) would be deleted. By making these changes, the bill would permit a truck or truck tractor pulling a semitrailer (essentially, trucks with a single trailer) to transport up to 13,400 gallons of flammable liquid anywhere, and at any time, within the state after July 1, 1995.

MCL 257.722a

FISCAL IMPLICATIONS:

The Department of State Police says the bill would not affect state or local budget expenditures. (6-1-93)

ARGUMENTS:

For:

The bill would make state law regulating the transport of flammable liquids consistent throughout the state. Currently, up to 13,400 gallons of

flammable liquids may be transported at any time anywhere in the state, except that in the Detroit tri-county area that amount may only be moved between midnight and 6 a.m. This Detroit area restriction was imposed as it was feared that allowing so much flammable liquid to be moved during periods of heavy traffic could pose a danger to a greater number of motorists. But a study performed by the University of Michigan Transportation Research Institute has concluded that the prohibition on the larger tankers during early hours of the day in the Detroit area may, in fact, pose a greater traffic hazard because if more smaller tankers are used to haul flammable liquids, they will simply increase the number of potential accidents that could occur along those Detroit-area roadways where they are operating. The institute has determined that 13,400-gallon tankers are inherently just as safe as their smaller counterparts. The restriction merely raises the costs to transport gasoline and other flammable liquids in the Detroit area and, thus, not only imposes a financial burden on haulers but probably increases what consumers of these products pay for them.

For:

The House Transportation Committee adopted an amendment to the bill that would delay its effective date until July 1, 1995. This would allow some smaller flammable liquid haulers who own a number of smaller tankers time to replace their fleets gradually with the larger tankers without having to absorb the financial impact so quickly from this change.

Response:

Several industry representatives have testified that the bill should be allowed to take effect immediately, and that there would be no adverse economic effect by doing so.

SUGGESTED AMENDMENTS:

The Department of State Police suggests amending the bill to delete from the act provisions governing safety equipment that must be used when transporting flammable liquids, as this is governed under the Motor Carrier Safety Act. Also, the bill should include language that would make the current 13,400-gallon limit for transporting flammable liquids that applies to a truck or truck tractor pulling a semitrailer also apply to a "truck pulling a trailer." (6-2-93)

POSITIONS:

Associated Petroleum Industries of Michigan supports the bill. (6-2-93)

The Michigan Trucking Association supports the bill. (6-1-93)

Shell Oil Company supports the bill. (6-2-93)

Liquid Transport of Alma supports the bill. (6-2-93)

Parker Transport Company of Dearborn supports the concept of the bill but feels it should take immediate effect. (6-2-93)

Marathon Oil Company supports the bill's concept, but feels it should take immediate effect. (6-2-93)

The Department of State Police supports the concept of the bill, but suggests amendments (see SUGGESTED AMENDMENTS). (6-1-93)