



The Honorable Erika Geiss, Chair  
The Honorable Veronica Klinefelt, Majority Vice Chair  
The Honorable Joseph Bellino, Minority Vice Chair

April 11, 2023

Michigan Senate Transportation and Infrastructure Committee

Re: Opposition to Senate Bill 139

Dear Chair Geiss, Vice-Chair Klinefelt and Vice-Chair Bellino,

Please let this memo serve as indication of the Michigan Chamber of Commerce's opposition to Senate Bill (SB) 139. The concerns with the bill are several and explained in further detail below.

As the Great Lakes State's leading statewide business advocacy organization, the Michigan Chamber of Commerce is on the job every day, standing up for job providers in the legislative, political and legal arenas while working to build a stronger Michigan for all. We are the unified voice of approximately 5,000 member businesses of every size and industry in all 83 counties as well as trade associations and local chambers of commerce, collectively employing over a million Michiganders.

Michigan is proud to be home to a dynamic and resilient business community, which ranges from farm and food production to hospitality and tourism to manufacturers creating everything from cars to pharmaceuticals. All of these sectors rely upon critical supply chains that leverage rail transport to remain cost competitive and efficient. SB 139, which would arbitrarily limit the length of trains to 7,500 feet, would put supply chains in jeopardy and come with significant economic and environmental costs.

First, the bill would put Michigan out of step with regulations in other states. In order to comply, a rail company would need to reconfigure trains and would result in more trains needed to transport the same amount of freight tonnage. This will mean more congestion at railyards, particular in more populous and urban areas, and less efficient movement of goods. This cost will be passed on to consumers, businesses and end-use purchasers alike. This will also mean an increase in the number of locomotives being utilized on our rail infrastructure. The locomotives themselves are significantly heavier and put more wear on the track than normally operating railcars. This will result in the need for greater investment into operation and maintenance.

The bill, if it were to move forward in the legislative process, also faces legal hurdles. Historically, any attempt by an individual state to impose regulations such as this fails under the Interstate Commerce Clause of the Constitution and specifically the Dormant Commerce Clause that implicitly prohibits states from restricting interstate transportation since that power is



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granted to Congress in Article 1 of the Constitution. A recent example of this was a 2019 bill in the state of Washington that attempted to restrict the transportation of crude oil to and through the state. This bill passed in the state but was later reversed after a lawsuit found it conflicted with the Interstate Commerce Clause.

Additionally, moving freight by rail is one of the most environmentally sound modes of transportation today. One analysis found that limiting train length to 7,500 feet could increase U.S. mainline freight train fuel consumption by approximately 13%, or an additional 423 million gallons of fuel annually. This does not include the increase in number of over the road vehicles that may be needed to compensate for the reduction in rail efficiency.

Finally, other solutions can be considered to address congestion from rail that affect vehicle traffic. Addressing road grade separation at high volume crossings would help alleviate some of the bigger pain points, as well as improved traffic signals that can indicate with advanced notice to drivers when a train is crossing ahead. We would be happy to work with you on other solutions to address this problem but feel strongly that SB 139 does not accomplish its intended goal and could very well in fact lead to the unintended opposite effect of increasing rail traffic, and with it, economic and environmental costs.

Thank for your time and consideration. We once again respectfully request that this bill not move forward in the legislative process, given the concerns cited above.

Best,

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