

HOUSE BILL No. 5259

October 5, 2005, Introduced by Reps. Casperson, LaJoy, Marleau, Nitz, Moore, Meyer, Gosselin, Gleason, David Law, Wenke, Murphy, Gaffney, Huizenga, Nofs, Mayes, Robertson, Hune, Hildenbrand, Stakoe, Stahl, Pearce, Hoogendyk, Pastor, Vander Veen, Farhat, Baxter, Farrah, Palsrok, Elsenheimer and Accavitti and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) The maximum axle load shall not exceed the
2 number of pounds designated in the following provisions that
3 prescribe the distance between axles:

4 (a) If the axle spacing is 9 feet or more between axles, the
5 maximum axle load shall not exceed 18,000 pounds for vehicles
6 equipped with high pressure pneumatic or balloon tires.

7 (b) If the axle spacing is less than 9 feet between 2 axles
8 but more than 3-1/2 feet, the maximum axle load shall not exceed
9 13,000 pounds for high pressure pneumatic or balloon tires.

1 (c) If the axles are spaced less than 3-1/2 feet apart, the
2 maximum axle load shall not exceed 9,000 pounds per axle.

3 (d) Subdivisions (a), (b), and (c) shall be known as the
4 normal loading maximum.

5 (2) When normal loading is in effect, the state transportation
6 department, or a local authority with respect to highways under its
7 jurisdiction, may designate certain highways, or sections of those
8 highways, where bridges and road surfaces are adequate for heavier
9 loading, and revise a designation as needed, on which the maximum
10 tandem axle assembly loading shall not exceed 16,000 pounds for any
11 axle of the assembly, if there is no other axle within 9 feet of
12 any axle of the assembly.

13 (3) On a legal combination of vehicles, only 1 tandem axle
14 assembly shall be permitted on the designated highways at the gross
15 permissible weight of 16,000 pounds per axle, if there is no other
16 axle within 9 feet of any axle of the assembly, and if no other
17 tandem axle assembly in the combination of vehicles exceeds a gross
18 weight of 13,000 pounds per axle. On a combination of truck tractor
19 and semitrailer having not more than 5 axles, 2 consecutive tandem
20 axle assemblies shall be permitted on the designated highways at a
21 gross permissible weight of 16,000 pounds per axle, if there is no
22 other axle within 9 feet of any axle of the assembly.

23 (4) Notwithstanding subsection (3), on a combination of truck
24 tractor and semitrailer having not more than 5 axles, 2 consecutive
25 sets of tandem axles may carry a gross permissible weight of not to
26 exceed 17,000 pounds on any axle of the tandem axles if there is no
27 other axle within 9 feet of any axle of the tandem axles and if the

1 first and last axles of the consecutive sets of tandem axles are
2 not less than 36 feet apart and the gross vehicle weight does not
3 exceed 80,000 pounds to pick up and deliver agricultural
4 commodities between the national truck network or special
5 designated highways and any other highway. This subsection is not
6 subject to the maximum axle loads of subsections (1), (2), and (3).
7 For purposes of this subsection, a "tandem axle" means 2 axles
8 spaced more than 40 inches but not more than 96 inches apart or 2
9 axles spaced more than 3-1/2 feet but less than 9 feet apart. This
10 subsection does not apply during that period when reduced maximum
11 loads are in effect pursuant to subsection ~~(7)~~ (9). This
12 subsection does not apply after December 31, 2006.

13 (5) The exception to the loading maximums and gross vehicle
14 weight requirements of subsection ~~(11)~~ (13) under subsection ~~(7)~~
15 (9) for a person hauling agricultural commodities ~~or a public~~
16 ~~utility vehicle~~ applies only if the person who picks up or
17 delivers the agricultural commodity either from a farm or to a farm
18 ~~or the public utility~~ notifies the county road commission for
19 roads under its authority not less than 48 hours before the pickup
20 or delivery of the time and location of the pickup or delivery. The
21 county road commission shall issue a permit to the person ~~or the~~
22 ~~public utility~~ and charge a fee that does not exceed the
23 administrative costs incurred. The permit shall contain **ALL OF** the
24 following:

25 (a) The designated route or routes of travel for the load.

26 (b) The date and time period requested by the person who picks
27 up or delivers the agricultural commodities ~~or the public utility~~

1 during which the load may be delivered or picked up.

2 (c) A maximum speed limit of travel, if necessary.

3 (d) Any other specific conditions agreed to between the
4 parties.

5 (6) THE EXCEPTION TO THE LOADING MAXIMUMS AND GROSS VEHICLE
6 WEIGHT REQUIREMENTS OF SUBSECTION (13) UNDER SUBSECTION (9) APPLIES
7 TO PUBLIC UTILITY VEHICLES ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

8 (A) FOR EMERGENCY PUBLIC UTILITY WORK, THE PUBLIC UTILITY
9 VEHICLE TRAVELS TO AND FROM THE SITE OF EMERGENCY PUBLIC UTILITY
10 WORK AT A SPEED NOT GREATER THAN 35 MILES PER HOUR.

11 (B) FOR NONEMERGENCY PUBLIC UTILITY WORK, THE PUBLIC UTILITY
12 NOTIFIES THE COUNTY ROAD COMMISSION FOR ROADS UNDER ITS AUTHORITY
13 NOT LESS THAN 48 HOURS BEFORE THE PUBLIC UTILITY VEHICLE TRAVELS TO
14 AND FROM THE SITE OF NONEMERGENCY PUBLIC UTILITY WORK OF THE TIME
15 AND LOCATION OF THE NONEMERGENCY PUBLIC UTILITY WORK. IF THE PUBLIC
16 UTILITY PROVIDES THE REQUIRED NOTICE, THE COUNTY ROAD COMMISSION
17 SHALL ISSUE A PERMIT TO THE PUBLIC UTILITY FOR THAT NONEMERGENCY
18 PUBLIC UTILITY WORK. THE COUNTY ROAD COMMISSION MAY CHARGE A FEE
19 FOR ISSUING THE PERMIT THAT DOES NOT EXCEED THE ADMINISTRATIVE
20 COSTS INCURRED. THE PERMIT SHALL CONTAIN ALL OF THE FOLLOWING:

21 (i) THE DESIGNATED ROUTE OR ROUTES OF TRAVEL FOR THE
22 NONEMERGENCY PUBLIC UTILITY WORK.

23 (ii) THE DATE AND TIME PERIOD REQUESTED BY THE PUBLIC UTILITY
24 DURING WHICH THE SCHEDULED NONEMERGENCY UTILITY WORK IS TO BE
25 PERFORMED.

26 (iii) THE MAXIMUM SPEED LIMIT OF TRAVEL, IF NECESSARY.

27 (iv) ANY OTHER SPECIFIC CONDITIONS AGREED TO BETWEEN THE PUBLIC

1 UTILITY AND THE COUNTY ROAD COMMISSION.

2 (7) A PUBLIC UTILITY MAY COMMENCE OR COMPLETE NONEMERGENCY
3 UTILITY WORK AFTER THE DATE AND TIME SPECIFIED ON A PERMIT ISSUED
4 PURSUANT TO SUBSECTION (6)(B) IF, DUE TO UNFORESEEN CIRCUMSTANCES,
5 THE PUBLIC UTILITY IS UNABLE TO COMMENCE OR COMPLETE THE WORK
6 DURING THAT SPECIFIED TIME.

7 (8) ~~(6)~~ The normal size of tires shall be the rated size as
8 published by the manufacturers, and the maximum wheel load
9 permissible for any wheel shall not exceed 700 pounds per inch of
10 width of tire.

11 (9) ~~(7)~~ Except as provided in this subsection and subsection
12 ~~(8)~~ (10), during the months of March, April, and May in each year,
13 the maximum axle load allowable on concrete pavements or pavements
14 with a concrete base ~~shall be~~ **ARE** reduced by 25% from the maximum
15 axle load as specified in this chapter, and the maximum axle loads
16 allowable on all other types of roads during these months ~~shall be~~
17 **ARE** reduced by 35% from the maximum axle loads as specified. The
18 maximum wheel load shall not exceed 525 pounds per inch of tire
19 width on concrete and concrete base or 450 pounds per inch of tire
20 width on all other roads during the period the seasonal road
21 restrictions are in effect. This subsection does not apply to
22 vehicles transporting agricultural commodities or public utility
23 vehicles on a highway, road, or street under the jurisdiction of a
24 local road agency.

25 (10) ~~(8)~~ The state transportation department for roads under
26 its jurisdiction and a county road commission for roads under its
27 jurisdiction may grant exemptions from seasonal weight restrictions

1 for milk on specified routes when requested in writing. Approval or
2 denial of a request for an exemption shall be given by written
3 notice to the applicant within 30 days after the date of submission
4 of the application. If a request is denied, the written notice
5 shall state the reason for denial and alternate routes for which
6 the permit may be issued. The applicant ~~shall have~~ **HAS** the right
7 to appeal to the state transportation commission or the county road
8 commission. These exemptions ~~shall~~ **DO** not apply on county roads
9 in counties that have negotiated agreements with milk haulers or
10 haulers of other commodities during periods of seasonal load limits
11 before April 14, 1993. This subsection does not limit the ability
12 of these counties to continue to negotiate such agreements.

13 (11) ~~(9)~~ The state transportation department, or a local
14 authority with respect to highways under its jurisdiction, may ~~in~~
15 ~~its discretion~~ suspend the restrictions imposed by this section
16 when and where conditions of the highways or the public health,
17 safety, and welfare warrant suspension, and impose the restricted
18 loading requirements of this section on designated highways at any
19 other time that the conditions of the highway require.

20 (12) ~~(10)~~ For the purpose of ~~enforcement of~~ **ENFORCING** this
21 act, the gross vehicle weight of a single vehicle and load or a
22 combination of vehicles and loads, shall be determined by weighing
23 individual axles or groups of axles, and the total weight on all
24 the axles shall be the gross vehicle weight. In addition, the gross
25 axle weight shall be determined by weighing individual axles or by
26 weighing a group of axles and dividing the gross weight of the
27 group of axles by the number of axles in the group. ~~Pursuant to~~

1 **FOR PURPOSES OF** subsection ~~-(11)-~~ **(13)**, the overall gross weight on
 2 a group of 2 or more axles shall be determined by weighing
 3 individual axles or several axles, and the total weight of all the
 4 axles in the group shall be the overall gross weight of the group.

5 **(13)** ~~-(11)-~~ The loading maximum in this subsection applies to
 6 interstate highways, and the state transportation department, or a
 7 local authority with respect to highways under its jurisdiction,
 8 may designate a highway, or a section of a highway, for the
 9 operation of vehicles having a gross vehicle weight of not more
 10 than 80,000 pounds that are subject to the following load maximums:

11 (a) Twenty thousand pounds on any 1 axle, including all
 12 enforcement tolerances.

13 (b) A tandem axle weight of 34,000 pounds, including all
 14 enforcement tolerances.

15 (c) An overall gross weight on a group of 2 or more
 16 consecutive axles equaling:

$$17 \quad W = 500 \frac{LN}{N-1} + 12N + 36 \frac{L}{N-1}$$

19 where W = overall gross weight on a group of 2 or more consecutive
 20 axles to the nearest 500 pounds, L = distance in feet between the
 21 extreme of a group of 2 or more consecutive axles, and N = number
 22 of axles in the group under consideration; except that 2
 23 consecutive sets of tandem axles may carry a gross load of 34,000
 24 pounds each if the first and last axles of the consecutive sets of
 25 tandem axles are not less than 36 feet apart. The gross vehicle
 26 weight shall not exceed 80,000 pounds including all enforcement

1 tolerances. Except for 5 axle truck tractor, semitrailer
 2 combinations having 2 consecutive sets of tandem axles, vehicles
 3 having a gross weight in excess of 80,000 pounds or in excess of
 4 the vehicle gross weight determined by application of the formula
 5 in this subsection ~~shall be~~ **ARE** subject to the maximum axle loads
 6 of subsections (1), (2), and (3). As used in this subsection,
 7 "tandem axle weight" means the total weight transmitted to the road
 8 by 2 or more consecutive axles, the centers of which may be
 9 included between parallel transverse vertical planes spaced more
 10 than 40 inches but not more than 96 inches apart, extending across
 11 the full width of the vehicle. Except as otherwise provided in this
 12 section, vehicles transporting agricultural commodities ~~shall~~
 13 have weight load maximums as ~~defined~~ **SET FORTH** in this
 14 subsection.

15 (14) ~~(12)~~ As used in this section: ~~—, "agricultural~~
 16 ~~commodities"~~

17 (A) **"AGRICULTURAL COMMODITIES"** means those plants and animals
 18 useful to human beings produced by agriculture and includes, but is
 19 not limited to, forages and sod crops, grains and feed crops, field
 20 crops, dairy and dairy products, poultry and poultry products,
 21 cervidae, livestock, including breeding and grazing, equine, fish,
 22 and other aquacultural products, bees and bee products, berries,
 23 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,
 24 mushrooms, fertilizer, livestock bedding, farming equipment, and
 25 fuel for agricultural use. The term ~~"agricultural commodities"~~
 26 ~~shall~~ **DOES** not include trees ~~and~~ **OR** lumber.

27 (B) **"EMERGENCY PUBLIC UTILITY WORK" MEANS WORK PERFORMED TO**

1 RESTORE PUBLIC UTILITY SERVICE OR TO ELIMINATE A DANGER TO THE
2 PUBLIC DUE TO AN UNFORESEEN CIRCUMSTANCE, A NATURAL DISASTER, OR AN
3 ACT OF GOD, WHETHER OR NOT A PUBLIC OFFICIAL HAS DECLARED AN
4 EMERGENCY.