

# Legislative Analysis



## EXEMPT PUBLIC UTILITY SUBCONTRACTORS FROM SEASONAL WEIGHT RESTRICTIONS

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**House Bill 4999**

**Sponsor: Rep. Jeff Mayes**

**Committee: Energy and Technology**

**Complete to 7-13-09**

### A SUMMARY OF HOUSE BILL 4999 AS INTRODUCED 5-26-09

The Michigan Vehicle Code establishes various vehicle weight limits (e.g., maximum axle loads, maximum wheel loads, and gross vehicle weights) for vehicles driven on Michigan roads. Under Section 722(8) of the Code, maximum allowable axle loads and wheel loads are reduced as specified during the months of March through May, when the spring freeze and thaw cycle makes roads more susceptible to damage from heavy vehicles. The Department of Transportation or local road agencies can modify the dates of seasonal restrictions based on road conditions.

In general, public utilities and persons hauling agricultural commodities are exempted from the seasonally-reduced weight limits if they follow applicable notice and permit rules, and this exemption also applies to vehicles subcontracted by public utilities for performing emergency electrical utility work.

Among other things, House Bill 4999 would expand the public utility exemption to allow either a public utility or *its subcontractor* to perform emergency or non-emergency public utility work, with subcontractors no longer limited to performing electrical emergency work. The bill would also allow either the utility or its subcontractor to provide any required notices or apply for required permits. In addition, the bill would establish certain requirements for subcontractors performing public utility work on restricted roads under seasonal permits, including requiring a subcontractor to display a sign on the outside of the vehicle indicating it was performing work for a public utility and requiring a subcontractor to have in its possession any notice provided to a county road commission.

MCL 257.722

### DETAILED SUMMARY:

Under current law, Section 722(8), which contains seasonal weight restrictions, "does not apply to vehicles transporting agricultural commodities or public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency." This exemption, however, must be read together with Section 722(5), which sets forth the conditions under which agricultural commodity haulers are exempt from seasonal weight restrictions and Section 722(6), which sets forth the conditions under which public utility vehicles are

exempt from the seasonal weight restrictions. The bill would retain the language quoted above found in Section 722(8), but revise the specific sections dealing with application of seasonal weight restrictions to agricultural commodity haulers and public utilities.

Agricultural commodity hauler exception. Section 722(5) currently provides that the exception to seasonal weight restrictions for persons hauling agricultural commodities applies only if the hauler follows certain rules, including notifying the county road commission at least 48 hours before the pickup or delivery. By contrast, under the bill, the "loading maximums and gross vehicle weight requirements of subsection (12) as reduced under subsection (8)" would apply to agricultural commodity haulers only if certain rules were followed. [Note: As drafted, the bill would arguably have the effect, surely unintended, of making weight restrictions apply only to haulers who follow the notice rules.]

Public Utility exception. Under current Section 722(6), a public utility exception to seasonal weight restrictions applies only to public utility vehicles that are owned or operated by public utilities or are subcontracted by public utilities to do electrical emergency public utility work under specified circumstances, including rules about notice to county road commissions. In contrast, under the bill, the loading maximums and gross vehicle weight requirements found in Section 722(12), as reduced under Subsection 8, would apply to public utility vehicles only under specified circumstances. In addition, the language limiting the use of subcontracted vehicles to electrical emergencies would be removed.

[Note: This subsection contains the same drafting issue noted above. As drafted, the subsection no longer specifies the circumstances under which the exception to the seasonal weight restrictions applies; it now sets forth the circumstances under which the seasonal weight restrictions themselves apply.]

In addition, the bill would make the following changes to the public utility exception:

- Any notice required to be given to a county road commission before a public utility or its subcontractor performs emergency public utility work on restricted roads could be provided either by the public utility, as is currently the case, *or by a subcontractor of the public utility.*
- Either the public utility *or its subcontractor* could apply to a county road commission for a seasonal permit to perform nonemergency work on restricted roads.
- A seasonal permit would only allow public utility vehicles or vehicle configurations to travel on restricted roads during weight restrictions when performing "public utility work." (Currently, the provision only says "work.")
- A seasonal permit would be valid as to a subcontractor only while the subcontractor vehicle was being used to perform public utility work.
- A subcontractor vehicle or vehicle configuration would have to display a sign on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility.

- The current requirement that a public utility notify a county road commission by fax or e-mail at least 24 hours before intended travel on restricted roads (if required by the commission) would be amended to allow either the public utility *or its subcontractor* to provide the required notice. If the commission denied the request for access to a road because the road's condition made it unusable, the commission would have to communicate the denial by fax or e-mail to the public utility *or its subcontractor*.
- A subcontractor using a vehicle on a restricted road would need a copy of any notice provided to a county road commission in its possession while performing nonemergency public utility work.
- An application submitted by a subcontractor for access to operate on a restricted road could be required to name the utility on whose behalf the subcontractor was performing service.

Definitions. The bill would add the following definitions:

**"Public utility"** would mean "a public utility under the jurisdiction of the Public Service Commission or a transmission company."

A **"public utility vehicle"** would mean "a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility."

**"Transmission Company"** would mean "either an affiliated transmission company or an independent transmission company as those terms are defined in Section 2 of the Electric Transmission Line Certification Act, 1995 PA 30, MCL 460.562."

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#### **FISCAL IMPACT:**

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.