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House Bill 4999 (Substitute H-1 as passed by the House)
Sponsor: Representative Jeff Mayes
House Committee: Energy and Technology
Senate Committee: Transportation

Date Completed: 9-14-09

CONTENT

The bill would amend the Michigan Vehicle Code to include subcontractors in 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 must be reduced by 25% from the specified maximum load on concrete pavements or pavements with a concrete base, 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 seasonal restrictions for 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, under certain circumstances.

The bill, instead, would make an exception to the seasonal restrictions for public utility vehicles, under the same circumstances.

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

"Public utility" would mean a public utility under the jurisdiction of the MPSC or a transmission company. "Transmission company" would mean either an affiliated transmission company or an independent transmission company as those terms are defined in the Electric Transmission Line Certification Act. (Under that Act, "affiliated transmission company" means a person, partnership, corporation, association, or other legal entity that has satisfied the requirements to join a regional transmission organization, is engaged in the transmission of electricity in the State using facilities it owns that were transferred to it by an electric utility that was engaged in the generation, transmission, and distribution of electricity in this State on December 31, 2000, and is not independent of an electric utility or an affiliate of the utility, generating or distributing electricity to retail customers in the State. "Independent transmission company" means a person, partnership, corporation, association, or other legal entity engaged in the transmission of electricity in the State using facilities it owns that have been divested to it by an electric utility that was engaged in the generation, transmission, and distribution of electricity in this State on December 31, 2000, and is independent of an electric utility or an affiliate of the utility, generating or distributing electricity to retail customers in the State.)

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

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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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.