

SUBSTITUTE FOR
HOUSE BILL NO. 4999

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 722 (MCL 257.722), as amended by 2008 PA 579.

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.

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

12 (d) Subdivisions (a), (b), and (c) shall be known as the

1 normal loading maximum.

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

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

21 (4) Notwithstanding subsection (3), on a combination of
22 truck tractor and semitrailer having not more than 5 axles, 2
23 consecutive sets of tandem axles may carry a gross permissible
24 weight of not to exceed 17,000 pounds on any axle of the tandem
25 axles if there is no other axle within 9 feet of any axle of the
26 tandem axles and if the first and last axles of the consecutive
27 sets of tandem axles are not less than 36 feet apart and the

gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway.

This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect pursuant to **UNDER** subsection (8).

~~(5) The exception to the loading maximums and gross vehicle weight requirements of subsection (12) under subsection (8) for a person hauling agricultural commodities applies only~~ **SEASONAL REDUCTIONS DESCRIBED UNDER SUBSECTION (8) TO THE LOADING MAXIMUMS AND GROSS VEHICLE WEIGHT REQUIREMENT OF SUBSECTION (12) DO NOT APPLY TO A PERSON HAULING AGRICULTURAL COMMODITIES** if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following:

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

(b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.

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

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

4 (6) ~~The exception to the loading maximums and gross vehicle~~
5 ~~weight requirements of subsection (12) under subsection (8)~~
6 ~~applies to public utility vehicles that are owned or operated by~~
7 ~~public utilities under the jurisdiction of the Michigan public~~
8 ~~service commission, or are subcontracted by public utilities~~
9 ~~under the jurisdiction of the Michigan public service commission~~
10 ~~to perform electrical emergency public utility work, only~~

11 **SEASONAL REDUCTIONS DESCRIBED UNDER SUBSECTION (8) TO THE LOADING**
12 **MAXIMUMS AND GROSS VEHICLE WEIGHT REQUIREMENTS OF SUBSECTION (12)**
13 **DO NOT APPLY TO PUBLIC UTILITY VEHICLES** under the following
14 circumstances:

15 (a) For emergency public utility work on restricted roads,
16 as follows:

17 (i) If required by the county road commission, the public
18 utility **OR ITS SUBCONTRACTOR** shall notify the county road
19 commission, as soon as practical, of the location of the
20 emergency public utility work and provide a statement that the
21 vehicles that were used to perform the emergency utility work may
22 have exceeded the loading maximums and gross vehicle weight
23 requirements of subsection (12) **AS REDUCED** under subsection (8).
24 The notification may be made via facsimile or electronically.

25 (ii) The public utility vehicle travels to and from the site
26 of the emergency public utility work while on a restricted road
27 at a speed not greater than 35 miles per hour.

(b) For nonemergency public utility work on restricted roads, as follows:

(i) If the county road commission requires, the public utility **OR ITS SUBCONTRACTOR** shall apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each **PUBLIC UTILITY** vehicle or vehicle configuration the public utility **OR SUBCONTRACTOR** anticipates will be utilized for nonemergency public utility work. The county road commission may charge a fee for a **SEASONAL TRUCK** permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

(A) The seasonal period requested by the public utility **OR SUBCONTRACTOR** during which the permit is valid.

(B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility **OR SUBCONTRACTOR**.

(C) A requirement that travel on restricted roads during weight restrictions will be minimized and only utilized when necessary to perform **PUBLIC UTILITY** work using the public utility vehicle or vehicle configuration and that nonrestricted roads shall be used for travel when available and for routine travel.

(D) **A REQUIREMENT THAT IN THE CASE OF A SUBCONTRACTOR THE PERMIT IS ONLY VALID WHILE THE SUBCONTRACTOR VEHICLE IS BEING OPERATED IN THE PERFORMANCE OF PUBLIC UTILITY WORK.**

(E) **A REQUIREMENT THAT A SUBCONTRACTOR VEHICLE OR VEHICLE**

1 CONFIGURATION SHALL DISPLAY SIGNAGE ON THE OUTSIDE OF THE VEHICLE
2 TO IDENTIFY THE VEHICLE AS OPERATING ON BEHALF OF THE PUBLIC
3 UTILITY.

4 (ii) If the county road commission requires notification, the
5 county road commission shall provide a notification application
6 for the public utility **OR ITS SUBCONTRACTOR** to use when
7 requesting access to operate on restricted roads and the public
8 utility **OR ITS SUBCONTRACTOR** shall provide notification to the
9 county road commission, via facsimile or electronically, not
10 later than 24 hours before the time of the intended travel. **A**
11 **SUBCONTRACTOR USING A VEHICLE ON A RESTRICTED ROAD SHALL HAVE A**
12 **COPY OF ANY NOTIFICATION PROVIDED TO A COUNTY ROAD COMMISSION IN**
13 **THE SUBCONTRACTOR'S POSSESSION WHILE PERFORMING THE RELEVANT**
14 **NONEMERGENCY WORK.** Notwithstanding this subsection or an
15 agreement under this subsection, if the county road commission
16 determines that the condition of a particular road under its
17 jurisdiction makes it unusable, the county road commission may
18 deny access to all or any part of that road. The denial shall be
19 made and communicated via facsimile or electronically to the
20 public utility **OR ITS SUBCONTRACTOR** within 24 hours after
21 receiving notification that the public utility **OR SUBCONTRACTORS**
22 intends to perform nonemergency work that requires use of that
23 road. Any notification that is not disapproved within 24 hours
24 after the notice is received by the county road commission is
25 considered approved. The notification application required under
26 this subparagraph may include all of the following information:
27 (A) The address or location of the nonemergency work.

1 (B) The date or dates of the nonemergency work.

2 (C) The route to be taken to the nonemergency work site.

3 (D) The restricted road or roads intended to be traveled
4 upon to the nonemergency work site or sites.

5 (E) IN THE CASE OF A SUBCONTRACTOR, THE UTILITY ON WHOSE
6 BEHALF THE SUBCONTRACTOR IS PERFORMING SERVICES.

7 (7) 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 (8) Except as provided in this subsection and subsection
12 (9), during the months of March, April, and May in each year, the
13 maximum axle load allowable on concrete pavements or pavements
14 with a concrete base is reduced by 25% from the maximum axle load
15 as specified in this chapter, and the maximum axle loads
16 allowable on all other types of roads during these months are
17 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
20 tire width on all other roads during the period the seasonal road
21 restrictions are in effect. ~~This~~**SUBJECT TO SUBSECTION (5), THIS**
22 subsection does not apply to vehicles transporting agricultural
23 commodities or, **SUBJECT TO SUBSECTION (6),** public utility
24 vehicles on a highway, road, or street under the jurisdiction of
25 a local road agency. The state transportation department and each
26 local authority with highways and streets under its jurisdiction
27 to which the seasonal restrictions prescribed under this

1 subsection apply shall post all of the following information on
2 the homepage of its website or, if a local authority does not
3 have a website, then on the website of a statewide road
4 association of which it is a member:

5 (a) The dates when the seasonal restrictions are in effect.

6 (b) The names of the highways and streets and portions of
7 highways and streets to which the seasonal restrictions apply.

8 (9) The state transportation department for roads under its
9 jurisdiction and a county road commission for roads under its
10 jurisdiction may grant exemptions from seasonal weight
11 restrictions for milk on specified routes when requested in
12 writing. Approval or denial of a request for an exemption shall
13 be given by written notice to the applicant within 30 days after
14 the date of submission of the application. If a request is
15 denied, the written notice shall state the reason for denial and
16 alternate routes for which the permit may be issued. The
17 applicant may appeal to the state transportation commission or
18 the county road commission. These exemptions do not apply on
19 county roads in counties that have negotiated agreements with
20 milk haulers or haulers of other commodities during periods of
21 seasonal load limits before April 14, 1993. This subsection does
22 not limit the ability of these counties to continue to negotiate
23 such agreements.

24 (10) The state transportation department, or a local
25 authority with respect to highways under its jurisdiction, may
26 suspend the restrictions imposed by this section when and where
27 conditions of the highways or the public health, safety, and

1 welfare warrant suspension, and impose the restricted loading
2 requirements of this section on designated highways at any other
3 time that the conditions of the highway require.

4 (11) For the purpose of enforcing this act, the gross
5 vehicle weight of a single vehicle and load or a combination of
6 vehicles and loads shall be determined by weighing individual
7 axles or groups of axles, and the total weight on all the axles
8 shall be the gross vehicle weight. In addition, the gross axle
9 weight shall be determined by weighing individual axles or by
10 weighing a group of axles and dividing the gross weight of the
11 group of axles by the number of axles in the group. For purposes
12 of subsection (12), the overall gross weight on a group of 2 or
13 more axles shall be determined by weighing individual axles or
14 several axles, and the total weight of all the axles in the group
15 shall be the overall gross weight of the group.

16 (12) The loading maximum in this subsection applies to
17 interstate highways, and the state transportation department, or
18 a local authority with respect to highways under its
19 jurisdiction, may designate a highway, or a section of a highway,
20 for the operation of vehicles having a gross vehicle weight of
21 not more than 80,000 pounds that are subject to the following
22 load maximums:

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

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

27 (c) An overall gross weight on a group of 2 or more

1 consecutive axles equaling:

$$\begin{array}{l}
 2 \quad W = 500 \quad / \underline{LN} + 12N + 36 \backslash \\
 3 \quad \quad \quad \backslash N-1 \quad \quad \quad /
 \end{array}$$

4 where W = overall gross weight on a group of 2 or more
 5 consecutive axles to the nearest 500 pounds, L = distance in feet
 6 between the extreme of a group of 2 or more consecutive axles,
 7 and N = number of axles in the group under consideration; except
 8 that 2 consecutive sets of tandem axles may carry a gross load of
 9 34,000 pounds each if the first and last axles of the consecutive
 10 sets of tandem axles are not less than 36 feet apart. The gross
 11 vehicle weight shall not exceed 80,000 pounds including all
 12 enforcement tolerances. Except for 5 axle truck tractor,
 13 semitrailer combinations having 2 consecutive sets of tandem
 14 axles, vehicles having a gross weight in excess of 80,000 pounds
 15 or in excess of the vehicle gross weight determined by
 16 application of the formula in this subsection are subject to the
 17 maximum axle loads of subsections (1), (2), and (3). As used in
 18 this subsection, "tandem axle weight" means the total weight
 19 transmitted to the road by 2 or more consecutive axles, the
 20 centers of which may be included between parallel transverse
 21 vertical planes spaced more than 40 inches but not more than 96
 22 inches apart, extending across the full width of the vehicle.
 23 Except as otherwise provided in this section, vehicles
 24 transporting agricultural commodities shall have weight load
 25 maximums as set forth in this subsection.

1 (13) As used in this section:

2 (a) "Agricultural commodities" means those plants and
3 animals useful to human beings produced by agriculture and
4 includes, but is not limited to, forages and sod crops, grains
5 and feed crops, field crops, dairy and dairy products, poultry
6 and poultry products, cervidae, livestock, including breeding and
7 grazing, equine, fish, and other aquacultural products, bees and
8 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
9 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
10 farming equipment, and fuel for agricultural use. The term does
11 not include trees or lumber.

12 (b) "Emergency public utility work" means work performed to
13 restore public utility service or to eliminate a danger to the
14 public due to a natural disaster, an act of God, or an emergency
15 situation, whether or not a public official has declared an
16 emergency.

17 (C) "PUBLIC UTILITY" MEANS A PUBLIC UTILITY UNDER THE
18 JURISDICTION OF THE PUBLIC SERVICE COMMISSION OR A TRANSMISSION
19 COMPANY.

20 (D) "PUBLIC UTILITY VEHICLE" MEANS A VEHICLE OWNED OR
21 OPERATED BY A PUBLIC UTILITY OR OPERATED BY A SUBCONTRACTOR ON
22 BEHALF OF A PUBLIC UTILITY.

23 (E) "TRANSMISSION COMPANY" MEANS EITHER AN AFFILIATED
24 TRANSMISSION COMPANY OR AN INDEPENDENT TRANSMISSION COMPANY AS
25 THOSE TERMS ARE DEFINED IN SECTION 2 OF THE ELECTRIC TRANSMISSION
26 LINE CERTIFICATION ACT, 1995 PA 30, MCL 460.562.