

# HOUSE BILL No. 4999

May 26, 2009, Introduced by Reps. Mayes, Hansen, Lindberg, Proos, Miller, Tyler, Ebli, Horn, Schuitmaker, Marleau, Byrum, Terry Brown, Scripps, Lahti, Polidori, Crawford, Clemente, Wayne Schmidt, Opsommer, Meadows and Lisa Brown and referred to the Committee on Energy and Technology.

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

1 maximum axle load shall not exceed 9,000 pounds per axle.

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

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

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

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

1 tandem axles and if the first and last axles of the consecutive  
2 sets of tandem axles are not less than 36 feet apart and the  
3 gross vehicle weight does not exceed 80,000 pounds to pick up and  
4 deliver agricultural commodities between the national truck  
5 network or special designated highways and any other highway.

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

13 (5) The ~~exception to the~~ loading maximums and gross vehicle  
14 weight requirements of subsection (12) **AS REDUCED** under  
15 subsection (8) for a person hauling agricultural commodities  
16 applies only if the person who picks up or delivers the  
17 agricultural commodity either from a farm or to a farm notifies  
18 the county road commission for roads under its authority not less  
19 than 48 hours before the pickup or delivery of the time and  
20 location of the pickup or delivery. The county road commission  
21 shall issue a permit to the person and charge a fee that does not  
22 exceed the administrative costs incurred. The permit shall  
23 contain all of the following:

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

25 (b) The date and time period requested by the person who  
26 picks up or delivers the agricultural commodities during which  
27 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) **AS REDUCED** under  
6 subsection (8) applies to public utility vehicles ~~that are owned~~  
7 ~~or operated by public utilities under the jurisdiction of the~~  
8 ~~Michigan public service commission, or are subcontracted by~~  
9 ~~public utilities under the jurisdiction of the Michigan public~~  
10 ~~service commission to perform electrical emergency public utility~~  
11 ~~work,~~ only under the following circumstances:

12 (a) For emergency public utility work on restricted roads,  
13 as follows:

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

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

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

27 (i) If the county road commission requires, the public

1 utility **OR ITS SUBCONTRACTOR** shall apply to the county road  
2 commission annually for a seasonal truck permit for roads under  
3 its authority before seasonal weight restrictions are effective.  
4 The county road commission shall issue a seasonal truck permit  
5 for each **PUBLIC UTILITY** vehicle or vehicle configuration the  
6 public utility **OR SUBCONTRACTOR** anticipates will be utilized for  
7 nonemergency public utility work. The county road commission may  
8 charge a fee for a **SEASONAL TRUCK** permit that does not exceed the  
9 administrative costs incurred for the permit. The seasonal truck  
10 permit shall contain all of the following:

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

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

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

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

24 (E) **A REQUIREMENT THAT A SUBCONTRACTOR VEHICLE OR VEHICLE**  
25 **CONFIGURATION SHALL DISPLAY SIGNAGE ON THE OUTSIDE OF THE VEHICLE**  
26 **TO IDENTIFY THE VEHICLE AS OPERATING ON BEHALF OF THE PUBLIC**  
27 **UTILITY.**

(ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility **OR ITS SUBCONTRACTOR** to use when requesting access to operate on restricted roads and the public utility **OR ITS SUBCONTRACTOR** shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. **A**

**SUBCONTRACTOR USING A VEHICLE ON A RESTRICTED ROAD SHALL HAVE A COPY OF ANY NOTIFICATION PROVIDED TO A COUNTY ROAD COMMISSION IN THE SUBCONTRACTOR'S POSSESSION WHILE PERFORMING THE RELEVANT**

**NONEMERGENCY WORK.** Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility **OR ITS SUBCONTRACTOR** within 24 hours after receiving notification that the public utility **OR SUBCONTRACTORS** intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

(A) The address or location of the nonemergency work.

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

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

(D) The restricted road or roads intended to be traveled

1 upon to the nonemergency work site or sites.

2           **(E) IN THE CASE OF A SUBCONTRACTOR, THE UTILITY ON WHOSE**  
3 **BEHALF THE SUBCONTRACTOR IS PERFORMING SERVICES.**

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

8           (8) Except as provided in this subsection and subsection  
9 (9), during the months of March, April, and May in each year, the  
10 maximum axle load allowable on concrete pavements or pavements  
11 with a concrete base is reduced by 25% from the maximum axle load  
12 as specified in this chapter, and the maximum axle loads  
13 allowable on all other types of roads during these months are  
14 reduced by 35% from the maximum axle loads as specified. The  
15 maximum wheel load shall not exceed 525 pounds per inch of tire  
16 width on concrete and concrete base or 450 pounds per inch of  
17 tire width on all other roads during the period the seasonal road  
18 restrictions are in effect. This subsection does not apply to  
19 vehicles transporting agricultural commodities or public utility  
20 vehicles on a highway, road, or street under the jurisdiction of  
21 a local road agency. The state transportation department and each  
22 local authority with highways and streets under its jurisdiction  
23 to which the seasonal restrictions prescribed under this  
24 subsection apply shall post all of the following information on  
25 the homepage of its website or, if a local authority does not  
26 have a website, then on the website of a statewide road  
27 association of which it is a member:

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

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

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

20 (10) The state transportation department, or a local  
21 authority with respect to highways under its jurisdiction, may  
22 suspend the restrictions imposed by this section when and where  
23 conditions of the highways or the public health, safety, and  
24 welfare warrant suspension, and impose the restricted loading  
25 requirements of this section on designated highways at any other  
26 time that the conditions of the highway require.

27 (11) For the purpose of enforcing this act, the gross



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

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

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

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

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

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

23        (13) As used in this section:

24        (a) "Agricultural commodities" means those plants and  
25 animals useful to human beings produced by agriculture and  
26 includes, but is not limited to, forages and sod crops, grains  
27 and feed crops, field crops, dairy and dairy products, poultry

1 and poultry products, cervidae, livestock, including breeding and  
2 grazing, equine, fish, and other aquacultural products, bees and  
3 bee products, berries, herbs, fruits, vegetables, flowers, seeds,  
4 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,  
5 farming equipment, and fuel for agricultural use. The term does  
6 not include trees or lumber.

7 (b) "Emergency public utility work" means work performed to  
8 restore public utility service or to eliminate a danger to the  
9 public due to a natural disaster, an act of God, or an emergency  
10 situation, whether or not a public official has declared an  
11 emergency.

12 (C) "PUBLIC UTILITY" MEANS A PUBLIC UTILITY UNDER THE  
13 JURISDICTION OF THE PUBLIC SERVICE COMMISSION OR A TRANSMISSION  
14 COMPANY.

15 (D) "PUBLIC UTILITY VEHICLE" MEANS A VEHICLE OWNED OR  
16 OPERATED BY A PUBLIC UTILITY OR OPERATED BY A SUBCONTRACTOR ON  
17 BEHALF OF A PUBLIC UTILITY.

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