

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 265

(As amended December 13, 2012)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 722 (MCL 257.722), as amended by 2012 PA 252.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 722. (1) ~~<<The~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
2 **THE>>** maximum axle load shall not exceed the
3 number of pounds designated in the following provisions that
4 prescribe the distance between axles:
5 (a) If the axle spacing is 9 feet or more between axles, the
6 maximum axle load shall not exceed 18,000 pounds for vehicles
7 equipped with high pressure pneumatic or balloon tires.
8 (b) If the axle spacing is less than 9 feet between 2 axles
9 but more than 3-1/2 feet, the maximum axle load shall not exceed
10 13,000 pounds for high pressure pneumatic or balloon tires.
11 (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 is permitted on the designated highways at the gross
14 permissible weight of 16,000 pounds per axle, if there is no
15 other axle within 9 feet of any axle of the assembly, and if no
16 other tandem axle assembly in the combination of vehicles exceeds
17 a gross weight of 13,000 pounds per axle. On a combination of
18 truck tractor and semitrailer having not more than 5 axles, 2
19 consecutive tandem axle assemblies are permitted on the
20 designated highways at a gross permissible weight of 16,000
21 pounds per axle, if there is no other axle within 9 feet of any
22 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 under
12 subsection (8).

13 (5) The seasonal reductions described under subsection (8)
14 to the loading maximums and gross vehicle weight requirement of
15 subsection (12) do not apply to a person hauling agricultural
16 commodities 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 seasonal reductions described under subsection (8)
5 to the loading maximums and gross vehicle weight requirements of
6 subsection (12) do not apply to public utility vehicles under the
7 following circumstances:

8 (a) For emergency public utility work on restricted roads,
9 as follows:

10 (i) If required by the county road commission, the public
11 utility or its subcontractor shall notify the county road
12 commission, as soon as practical, of the location of the
13 emergency public utility work and provide a statement that the
14 vehicles that were used to perform the emergency utility work may
15 have exceeded the loading maximums and gross vehicle weight
16 requirements of subsection (12) as reduced under subsection (8).
17 The notification may be made via facsimile or electronically.

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

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

23 (i) If the county road commission requires, the public
24 utility or its subcontractor shall apply to the county road
25 commission annually for a seasonal truck permit for roads under
26 its authority before seasonal weight restrictions are effective.
27 The county road commission shall issue a seasonal truck permit

1 for each public utility vehicle or vehicle configuration the
2 public utility or subcontractor anticipates will be utilized for
3 nonemergency public utility work. The county road commission may
4 charge a fee for a seasonal truck permit that does not exceed the
5 administrative costs incurred for the permit. The seasonal truck
6 permit shall contain all of the following:

7 (A) The seasonal period requested by the public utility or
8 subcontractor during which the permit is valid.

9 (B) A unique identification number for the vehicle and any
10 vehicle configuration to be covered on the seasonal truck permit
11 requested by the public utility or subcontractor.

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

17 (D) A requirement that in the case of a subcontractor the
18 permit is only valid while the subcontractor vehicle is being
19 operated in the performance of public utility work.

20 (E) A requirement that a subcontractor vehicle or vehicle
21 configuration shall display signage on the outside of the vehicle
22 to identify the vehicle as operating on behalf of the public
23 utility.

24 (ii) If the county road commission requires notification, the
25 county road commission shall provide a notification application
26 for the public utility or its subcontractor to use when
27 requesting access to operate on restricted roads and the public

1 utility or its subcontractor shall provide notification to the
2 county road commission, via facsimile or electronically, not
3 later than 24 hours before the time of the intended travel. A
4 subcontractor using a vehicle on a restricted road shall have a
5 copy of any notification provided to a county road commission in
6 the subcontractor's possession while performing the relevant
7 nonemergency work. Notwithstanding this subsection or an
8 agreement under this subsection, if the county road commission
9 determines that the condition of a particular road under its
10 jurisdiction makes it unusable, the county road commission may
11 deny access to all or any part of that road. The denial shall be
12 made and communicated via facsimile or electronically to the
13 public utility or its subcontractor within 24 hours after
14 receiving notification that the public utility or subcontractors
15 intends to perform nonemergency work that requires use of that
16 road. Any notification that is not disapproved within 24 hours
17 after the notice is received by the county road commission is
18 considered approved. The notification application required under
19 this subparagraph may include all of the following information:

- 20 (A) The address or location of the nonemergency work.
- 21 (B) The date or dates of the nonemergency work.
- 22 (C) The route to be taken to the nonemergency work site.
- 23 (D) The restricted road or roads intended to be traveled
24 upon to the nonemergency work site or sites.
- 25 (E) In the case of a subcontractor, the utility on whose
26 behalf the subcontractor is performing services.
- 27 (7) The normal size of tires shall be the rated size as

published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall 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 during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency. **IN ADDITION, THIS SUBSECTION DOES NOT APPLY TO A VEHICLE DELIVERING PROPANE FUEL TO A RESIDENCE IF THE VEHICLE'S PROPANE TANK IS FILLED TO NOT MORE THAN 50% OF ITS CAPACITY AND THE VEHICLE IS TRAVELING AT NOT MORE THAN 35 MILES PER HOUR.** The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it

1 is a member:

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

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

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

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

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

(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:

$$W=500[(LN)/(N-1)+12N+36]$$

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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) The axle loading maximums under subsections (1), (2),
24 (3), and (4) are increased by 10% for vehicles transporting <<a
25 ~~farm product as defined in section 2 of the Michigan right to~~
26 ~~farm act, 1981 PA 93, MCL 286.472, AGRICULTURAL COMMODITIES OR RAW~~
~~TIMBER, EXCLUDING FARM EQUIPMENT AND FUEL,>>~~ from the place of harvest or
27 <<FARM>> storage to the first point of delivery on a road in this state.

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1 However, the axle loading maximums as increased under this
 2 subsection do not alter the gross vehicle weight restrictions set
 3 forth in this act. This subsection does not apply to either of
 4 the following:

5 (a) A vehicle utilizing an interstate highway.

6 (b) A vehicle utilizing a road that is subject to seasonal
 7 weight restrictions under subsection (8) during the time that the
 8 seasonal weight restrictions are in effect.

9 (14) As used in this section:

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

20 (b) "Emergency public utility work" means work performed to
 21 restore public utility service or to eliminate a danger to the
 22 public due to a natural disaster, an act of God, or an emergency
 23 situation, whether or not a public official has declared an
 24 emergency.

<<(C) "FARM STORAGE" MEANS ANY OF THE FOLLOWING:

(i) AN EDIFICE, SILO, TANK, BIN, CRIB, INTERSTICE, OR PROTECTED
 ENCLOSED STRUCTURE, OR MORE THAN 1 EDIFICE, SILO, TANK, BIN, CRIB,
 INTERSTICE, OR PROTECTED ENCLOSED STRUCTURE LOCATED CONTIGUOUS TO EACH
 OTHER.

(ii) AN OPEN ENVIRONMENT USED FOR THE PURPOSE OF TEMPORARILY STORING
 A CROP.

25 (D) ~~(e)~~>> "Public utility" means a public utility under the
 26 jurisdiction of the public service commission or a transmission
 27 company.

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1 <<(E) ~~(d)~~>> "Public utility vehicle" means a vehicle owned or
2 operated by a public utility or operated by a subcontractor on
3 behalf of a public utility.

4 <<(F) ~~(e)~~>> "Transmission company" means either an affiliated
5 transmission company or an independent transmission company as
6 those terms are defined in section 2 of the electric transmission
7 line certification act, 1995 PA 30, MCL 460.562.

8 Enacting section 1. It is the intent of the legislature that
9 the exception to the seasonal weight reductions in subsection (8)
10 of section 722 of the Michigan vehicle code, 1949 PA 300, MCL
11 257.722, as added by this amendatory act, applies only to
12 emergency deliveries of propane. As used in this enacting
13 section, "emergency delivery" means a delivery to a customer
14 whose residential fuel tank is estimated to contain no more than
15 25% of its heating fuel capacity on the date of delivery.