

# HOUSE BILL No. 4241

February 12, 2013, Introduced by Reps. Goike, Pscholka, Zorn, Lauwers and Hooker and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 722 (MCL 257.722), as amended by 2012 PA 498.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 722. (1) Except as otherwise provided in this section,  
2       the maximum axle load shall not exceed the number of pounds  
3       designated in the following provisions that prescribe the  
4       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.

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

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

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

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

24 (4) Notwithstanding subsection (3), on a combination of  
25 truck tractor and semitrailer having not more than 5 axles, 2  
26 consecutive sets of tandem axles may carry a gross permissible  
27 weight of not to exceed 17,000 pounds on any axle of the tandem

1 axles if there is no other axle within 9 feet of any axle of the  
2 tandem axles and if the first and last axles of the consecutive  
3 sets of tandem axles are not less than 36 feet apart and the  
4 gross vehicle weight does not exceed 80,000 pounds to pick up and  
5 deliver agricultural commodities between the national truck  
6 network or special designated highways and any other highway.

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

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

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

26 (b) The date and time period requested by the person who  
27 picks up or delivers the agricultural commodities during which

1 the load may be delivered or picked up.

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

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

5 (6) The seasonal reductions described under subsection ~~(8)~~  
6 (9) to the loading maximums and gross vehicle weight requirements  
7 of subsection ~~(12)~~-(13) do not apply to public utility vehicles  
8 under the following circumstances:

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

11 (i) If required by the county road commission, the public  
12 utility or its subcontractor shall notify the county road  
13 commission, as soon as practical, of the location of the  
14 emergency public utility work and provide a statement that the  
15 vehicles that were used to perform the emergency utility work may  
16 have exceeded the loading maximums and gross vehicle weight  
17 requirements of subsection ~~(12)~~-(13) as reduced under subsection  
18 ~~(8)~~-(9). The notification may be made via facsimile or  
19 electronically.

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

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

25 (i) If the county road commission requires, the public  
26 utility or its subcontractor shall apply to the county road  
27 commission annually for a seasonal truck permit for roads under

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

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

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

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

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

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

26 (ii) If the county road commission requires notification, the  
27 county road commission shall provide a notification application

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

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

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

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

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

27 (E) In the case of a subcontractor, the utility on whose

1 behalf the subcontractor is performing services.

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

6 (8) THE SEASONAL REDUCTIONS DESCRIBED UNDER SUBSECTION (9)  
7 TO THE LOADING MAXIMUMS AND GROSS VEHICLE WEIGHT REQUIREMENTS OF  
8 SUBSECTION (13) DO NOT APPLY TO A SEPTAGE WASTE VEHICLE THAT IS  
9 OPERATED BY AN INDIVIDUAL WITH A VALID SEPTAGE WASTE VEHICLE  
10 LICENSE THAT IS PERFORMING EMERGENCY SEPTIC WORK IF THE FOLLOWING  
11 CONDITIONS ARE MET:

12 (A) IF REQUIRED BY THE COUNTY ROAD COMMISSION, AS SOON AS  
13 PRACTICAL, THE INDIVIDUAL SHALL NOTIFY THE COUNTY ROAD COMMISSION  
14 OF THE LOCATION OF THE EMERGENCY SEPTIC WORK AND PROVIDE A  
15 STATEMENT THAT THE VEHICLES THAT WERE USED TO PERFORM THE  
16 EMERGENCY SEPTIC WORK MAY HAVE EXCEEDED THE LOADING MAXIMUMS AND  
17 GROSS VEHICLE WEIGHT REQUIREMENTS OF SUBSECTION (13) AS REDUCED  
18 UNDER SUBSECTION (9). THE NOTIFICATION REQUIRED UNDER THIS  
19 SUBDIVISION MAY BE MADE ELECTRONICALLY OR BY FACSIMILE.

20 (B) THE SEPTAGE WASTE VEHICLE TRAVELS TO AND FROM THE SITE  
21 OF THE EMERGENCY SEPTIC WORK WHILE ON A RESTRICTED ROAD AT A  
22 SPEED NOT GREATER THAN 35 MILES PER HOUR.

23 (9) ~~(8)~~—Except as provided in this subsection and subsection  
24 ~~(9)~~, ~~(10)~~, during the months of March, April, and May in each  
25 year, the maximum axle load allowable on concrete pavements or  
26 pavements with a concrete base is reduced by 25% from the maximum  
27 axle load as specified in this chapter, and the maximum axle

1 loads allowable on all other types of roads during these months  
2 are reduced by 35% from the maximum axle loads as specified. The  
3 maximum wheel load shall not exceed 525 pounds per inch of tire  
4 width on concrete and concrete base or 450 pounds per inch of  
5 tire width on all other roads during the period the seasonal road  
6 restrictions are in effect. Subject to subsection (5), this  
7 subsection does not apply to vehicles transporting agricultural  
8 commodities or, subject to subsection (6), public utility  
9 vehicles on a highway, road, or street under the jurisdiction of  
10 a local road agency **OR, SUBJECT TO SUBSECTION (8), TO A SEPTAGE**  
11 **WASTE VEHICLE.** In addition, this subsection does not apply to a  
12 vehicle delivering propane fuel to a residence if the vehicle's  
13 propane tank is filled to not more than 50% of its capacity and  
14 the vehicle is traveling at not more than 35 miles per hour. The  
15 state transportation department and each local authority with  
16 highways and streets under its jurisdiction to which the seasonal  
17 restrictions prescribed under this subsection apply shall post  
18 all of the following information on the homepage of its website  
19 or, if a local authority does not have a website, then on the  
20 website of a statewide road association of which it is a member:

21 (a) The dates when the seasonal restrictions are in effect.  
22 (b) The names of the highways and streets and portions of  
23 highways and streets to which the seasonal restrictions apply.

24 **(10) ~~(9)~~**—The state transportation department for roads under  
25 its jurisdiction and a county road commission for roads under its  
26 jurisdiction may grant exemptions from seasonal weight  
27 restrictions for milk on specified routes when requested in



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

13       (11) ~~(10)~~—The state transportation department, or a local  
14 authority with respect to highways under its jurisdiction, may  
15 suspend the restrictions imposed by this section when and where  
16 conditions of the highways or the public health, safety, and  
17 welfare warrant suspension, and impose the restricted loading  
18 requirements of this section on designated highways at any other  
19 time that the conditions of the highway require.

20       (12) ~~(11)~~—For the purpose of enforcing this act, the gross  
21 vehicle weight of a single vehicle and load or a combination of  
22 vehicles and loads shall be determined by weighing individual  
23 axles or groups of axles, and the total weight on all the axles  
24 shall be the gross vehicle weight. In addition, the gross axle  
25 weight shall be determined by weighing individual axles or by  
26 weighing a group of axles and dividing the gross weight of the  
27 group of axles by the number of axles in the group. For purposes

of subsection ~~(12)~~, **(13)**, 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.

**(13)** ~~(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:

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

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all

1 enforcement tolerances. Except for 5 axle truck tractor,  
2 semitrailer combinations having 2 consecutive sets of tandem  
3 axles, vehicles having a gross weight in excess of 80,000 pounds  
4 or in excess of the vehicle gross weight determined by  
5 application of the formula in this subsection are subject to the  
6 maximum axle loads of subsections (1), (2), and (3). As used in  
7 this subsection, "tandem axle weight" means the total weight  
8 transmitted to the road by 2 or more consecutive axles, the  
9 centers of which may be included between parallel transverse  
10 vertical planes spaced more than 40 inches but not more than 96  
11 inches apart, extending across the full width of the vehicle.  
12 Except as otherwise provided in this section, vehicles  
13 transporting agricultural commodities shall have weight load  
14 maximums as set forth in this subsection.

15       (14) ~~(13)~~—The axle loading maximums under subsections (1),  
16 (2), (3), and (4) are increased by 10% for vehicles transporting  
17 agricultural commodities or raw timber, excluding farm equipment  
18 and fuel, from the place of harvest or farm storage to the first  
19 point of delivery on a road in this state. However, the axle  
20 loading maximums as increased under this subsection do not alter  
21 the gross vehicle weight restrictions set forth in this act. This  
22 subsection does not apply to either of the following:

23       (a) A vehicle utilizing an interstate highway.

24       (b) A vehicle utilizing a road that is subject to seasonal  
25 weight restrictions under subsection ~~(8)~~—(9) during the time that  
26 the seasonal weight restrictions are in effect.

27       (15) ~~(14)~~—As used in this section:

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

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

16 (c) "Farm storage" means any of the following:

17 (i) An edifice, silo, tank, bin, crib, interstice, or  
18 protected enclosed structure, or more than 1 edifice, silo, tank,  
19 bin, crib, interstice, or protected enclosed structure located  
20 contiguous to each other.

21 (ii) An open environment used for the purpose of temporarily  
22 storing a crop.

23 (d) "Public utility" means a public utility under the  
24 jurisdiction of the public service commission or a transmission  
25 company.

26 (e) "Public utility vehicle" means a vehicle owned or  
27 operated by a public utility or operated by a subcontractor on

1   behalf of a public utility.

2           (f) "Transmission company" means either an affiliated  
3   transmission company or an independent transmission company as  
4   those terms are defined in section 2 of the electric transmission  
5   line certification act, 1995 PA 30, MCL 460.562.