

HOUSE BILL No. 4695

June 9, 2015, Introduced by Rep. Sheppard 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 522.

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

1 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

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

25 (4) Notwithstanding subsection (3), on a combination of
26 truck tractor and semitrailer having not more than 5 axles, 2
27 consecutive sets of tandem axles may carry a gross permissible

weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive 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 under subsection (8).

(5) The 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

1 picks up or delivers the agricultural commodities during which
2 the load may be delivered or picked up.

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

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

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

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

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

7 (9), during the months of March, April, and May in each year, the
8 maximum axle load allowable on concrete pavements or pavements
9 with a concrete base is reduced by 25% from the maximum axle load
10 as specified in this chapter, and the maximum axle loads
11 allowable on all other types of roads during these months are
12 reduced by 35% from the maximum axle loads as specified. The
13 maximum wheel load shall not exceed 525 pounds per inch of tire
14 width on concrete and concrete base or 450 pounds per inch of
15 tire width on all other roads during the period the seasonal road
16 restrictions are in effect. Subject to subsection (5), this
17 subsection does not apply to vehicles transporting agricultural
18 commodities or, subject to subsection (6), public utility
19 vehicles on a highway, road, or street under the jurisdiction of
20 a local road agency. In addition, this subsection does not apply
21 to a vehicle delivering propane fuel to a residence if the
22 vehicle's propane tank is filled to not more than 50% of its
23 capacity and the vehicle is traveling at not more than 35 miles
24 per hour. **THIS SUBSECTION DOES NOT APPLY TO A VEHICLE**
25 **TRANSPORTING POTABLE WATER.** The state transportation department
26 and each local authority with highways and streets under its
27 jurisdiction to which the seasonal restrictions prescribed under

1 this subsection apply shall post all of the following information
2 on 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:

2
$$W=500[(LN)/(N-1)+12N+36]$$

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

25 (13) The axle loading maximums under subsections (1), (2),

(3), and (4) are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this act. This subsection does not apply to either of the following:

(a) A vehicle utilizing an interstate highway.

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

(14) As used in this section:

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

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

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

2 (i) An edifice, silo, tank, bin, crib, interstice, or
3 protected enclosed structure, or more than 1 edifice, silo, tank,
4 bin, crib, interstice, or protected enclosed structure located
5 contiguous to each other.

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

8 (D) "POTABLE WATER" MEANS THAT TERM AS DEFINED IN SECTION
9 31701 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
10 1994 PA 451, MCL 324.31701.

11 (E) ~~(d)~~—"Public utility" means a public utility under the
12 jurisdiction of the public service commission or a transmission
13 company.

14 (F) ~~(e)~~—"Public utility vehicle" means a vehicle owned or
15 operated by a public utility or operated by a subcontractor on
16 behalf of a public utility.

17 (G) ~~(f)~~—"Transmission company" means either an affiliated
18 transmission company or an independent transmission company as
19 those terms are defined in section 2 of the electric transmission
20 line certification act, 1995 PA 30, MCL 460.562.