

SENATE BILL No. 1392

June 16, 2010, Introduced by Senators KUIPERS, McMANUS, GILBERT, RICHARDVILLE, NOFS, GLEASON, BARCIA, OLSHOVE and BROWN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2009 PA 146.

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.

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

14 (5) The seasonal reductions described under subsection (8)
15 to the loading maximums and gross vehicle weight requirement of
16 subsection (12) do not apply to a person hauling agricultural
17 commodities if the person who picks up or delivers the
18 agricultural commodity either from a farm or to a farm notifies
19 the county road commission for roads under its authority not less
20 than 48 hours before the pickup or delivery of the time and
21 location of the pickup or delivery. The county road commission
22 shall issue a permit to the person and charge a fee that does not
23 exceed the administrative costs incurred. The permit shall
24 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 to the loading maximums and gross vehicle weight requirements of
7 subsection (12) do not apply to public utility vehicles under the
8 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) as reduced under subsection (8).
18 The notification may be made via facsimile or electronically.

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

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

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

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

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

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

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

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

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

25 (ii) If the county road commission requires notification, the
26 county road commission shall provide a notification application
27 for the public utility or its subcontractor to use when

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

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

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

5 (8) Except as provided in this subsection and subsection
6 (9), during the months of March, April, and May in each year, the
7 maximum axle load allowable on concrete pavements or pavements
8 with a concrete base is reduced by 25% from the maximum axle load
9 as specified in this chapter, and the maximum axle loads
10 allowable on all other types of roads during these months are
11 reduced by 35% from the maximum axle loads as specified. The
12 maximum wheel load shall not exceed 525 pounds per inch of tire
13 width on concrete and concrete base or 450 pounds per inch of
14 tire width on all other roads during the period the seasonal road
15 restrictions are in effect. Subject to subsection (5), this
16 subsection does not apply to vehicles transporting agricultural
17 commodities, **HEATING FUEL**, or, subject to subsection (6), public
18 utility vehicles on a highway, road, or street under the
19 jurisdiction of a local road agency. The state transportation
20 department and each local authority with highways and streets
21 under its jurisdiction to which the seasonal restrictions
22 prescribed under this subsection apply shall post all of the
23 following information on the homepage of its website or, if a
24 local authority does not have a website, then on the website of a
25 statewide road association of which it is a member:

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

27 (b) The names of the highways and streets and portions of

1 highways and streets to which the seasonal restrictions apply.

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

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

25 (11) For the purpose of enforcing this act, the gross
26 vehicle weight of a single vehicle and load or a combination of
27 vehicles and loads shall be determined by weighing individual

1 axles or groups of axles, and the total weight on all the axles
 2 shall be the gross vehicle weight. In addition, the gross axle
 3 weight shall be determined by weighing individual axles or by
 4 weighing a group of axles and dividing the gross weight of the
 5 group of axles by the number of axles in the group. For purposes
 6 of subsection (12), the overall gross weight on a group of 2 or
 7 more axles shall be determined by weighing individual axles or
 8 several axles, and the total weight of all the axles in the group
 9 shall be the overall gross weight of the group.

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

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

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

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

$$23 \quad W = 500 \frac{\sqrt{LN + 12N + 36}}{\sqrt{N-1}} \\ 24$$

25 where W = overall gross weight on a group of 2 or more

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

22 (13) As used in this section:

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

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

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

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

14 (d) "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 (e) "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.