

# HOUSE BILL No. 4418

April 14, 2015, Introduced by Reps. Chatfield, Pettalia, Cole, Johnson, Rendon, Barrett, Theis, Aaron Miller, Inman, Hooker, Franz, Bumstead and LaFontaine 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  
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

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

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

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

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

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

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

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

26           
$$W=500 [(LN) / (N-1) + 12N + 36]$$

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  
25 agricultural commodities or raw timber, excluding farm equipment  
26 and fuel, from the place of harvest or farm storage to the first

1 point of delivery on a road in this state. However, the axle  
2 loading maximums as increased under this subsection do not alter  
3 the gross vehicle weight restrictions set forth in this act. This  
4 subsection does not apply to either of 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, **AND MAPLE SAP**.  
19 ~~The term does~~ **AGRICULTURAL COMMODITIES DO** not include trees or  
20 lumber.

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

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

27 (i) An edifice, silo, tank, bin, crib, interstice, or

1 protected enclosed structure, or more than 1 edifice, silo, tank,  
2 bin, crib, interstice, or protected enclosed structure located  
3 contiguous to each other.

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

6 (d) "Public utility" means a public utility under the  
7 jurisdiction of the public service commission or a transmission  
8 company.

9 (e) "Public utility vehicle" means a vehicle owned or  
10 operated by a public utility or operated by a subcontractor on  
11 behalf of a public utility.

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

16 Enacting section 1. This amendatory act takes effect 90 days  
17 after the date it is enacted into law.