

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5637

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 722 (MCL 257.722), as amended by 2006 PA 83.

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

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

1 weight of not to exceed 17,000 pounds on any axle of the tandem
2 axles if there is no other axle within 9 feet of any axle of the
3 tandem axles and if the first and last axles of the consecutive
4 sets of tandem axles are not less than 36 feet apart and the
5 gross vehicle weight does not exceed 80,000 pounds to pick up and
6 deliver agricultural commodities between the national truck
7 network or special designated highways and any other highway.
8 This subsection is not subject to the maximum axle loads of
9 subsections (1), (2), and (3). For purposes of this subsection, a
10 "tandem axle" means 2 axles spaced more than 40 inches but not
11 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
12 but less than 9 feet apart. This subsection does not apply during
13 that period when reduced maximum loads are in effect ~~pursuant to~~
14 **UNDER** subsection ~~(7)~~ **(9)**.

15 (5) ~~The exception to the loading maximums and gross vehicle~~
16 ~~weight requirements of subsection (11) under subsection (7)~~
17 **SEASONAL LOAD LIMITS** for a person hauling agricultural
18 commodities ~~or a public utility vehicle applies~~ **APPLY** only if
19 the person who picks up or delivers the agricultural commodity
20 either from a farm or to a farm ~~or the public utility~~ notifies
21 the county road commission for roads under its authority not less
22 than 48 hours before the pickup or delivery of the time and
23 location of the pickup or delivery. The county road commission
24 shall issue a permit to the person ~~or the public utility~~ and
25 charge a fee that does not exceed the administrative costs
26 incurred. The permit shall contain **ALL OF** the following:

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

1 (b) The date and time period requested by the person who
2 picks up or delivers the agricultural commodities ~~or the public~~
3 ~~utility~~ during which the load may be delivered or picked up.

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

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

7 (6) SEASONAL LOAD LIMITS APPLY TO PUBLIC UTILITY VEHICLES
8 THAT ARE OWNED OR OPERATED BY PUBLIC UTILITIES UNDER THE
9 JURISDICTION OF THE MICHIGAN PUBLIC SERVICE COMMISSION ONLY UNDER
10 THE FOLLOWING CIRCUMSTANCES:

11 (A) FOR EMERGENCY PUBLIC UTILITY WORK ON RESTRICTED ROADS,
12 AS FOLLOWS:

13 (i) THE PUBLIC UTILITY SHALL NOTIFY THE COUNTY ROAD
14 COMMISSION, AS SOON AS PRACTICAL, OF THE LOCATION OF THE
15 EMERGENCY PUBLIC UTILITY WORK AND THE DISPATCHED VEHICLES,
16 TRAILERS, OR CONFIGURATIONS INVOLVED WITH THE WORK. THE
17 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 (iii) THE CREW OF EACH AUTHORIZED EMERGENCY VEHICLE THAT IS
22 DISPATCHED TO THE DECLARED EMERGENCY AREA NOTIFIES THE COUNTY
23 ROAD COMMISSION, VIA FACSIMILE OR ELECTRONICALLY, OF THEIR
24 PRESENCE DURING THE EMERGENCY.

25 (B) FOR NONEMERGENCY PUBLIC UTILITY WORK ON RESTRICTED
26 ROADS, AS FOLLOWS:

27 (i) THE PUBLIC UTILITY APPLIES TO THE COUNTY ROAD COMMISSION

1 ANNUALLY FOR A SEASONAL TRUCK PERMIT FOR ROADS UNDER ITS
2 AUTHORITY BEFORE SEASONAL WEIGHT RESTRICTIONS ARE EFFECTIVE. THE
3 COUNTY ROAD COMMISSION SHALL ISSUE A SEASONAL TRUCK PERMIT FOR
4 EACH VEHICLE CONFIGURATION THE PUBLIC UTILITY ANTICIPATES WILL BE
5 UTILIZED FOR NONEMERGENCY PUBLIC UTILITY WORK. THE COUNTY ROAD
6 COMMISSION MAY CHARGE A FEE THAT DOES NOT EXCEED THE
7 ADMINISTRATIVE COSTS INCURRED. THE SEASONAL TRUCK PERMIT SHALL
8 CONTAIN ALL OF THE FOLLOWING:

9 (A) THE SEASONAL PERIOD REQUESTED BY THE PUBLIC UTILITY
10 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.

14 (C) A REQUIREMENT THAT TRAVEL ON RESTRICTED ROADS DURING
15 WEIGHT RESTRICTIONS WILL BE MINIMIZED AND ONLY UTILIZED WHEN
16 NECESSARY TO PERFORM WORK USING THE PUBLIC UTILITY VEHICLE OR
17 VEHICLE CONFIGURATION AND THAT NONRESTRICTED ROADS SHALL BE USED
18 FOR TRAVEL WHEN AVAILABLE AND FOR ROUTINE TRAVEL.

19 (ii) IF THE COUNTY ROAD COMMISSION REQUIRES NOTIFICATION, THE
20 COUNTY ROAD COMMISSION SHALL PROVIDE A NOTIFICATION APPLICATION
21 FOR THE PUBLIC UTILITY TO USE WHEN REQUESTING ACCESS TO OPERATE
22 ON RESTRICTED ROADS AND THE PUBLIC UTILITY SHALL PROVIDE
23 NOTIFICATION TO THE COUNTY ROAD COMMISSION, VIA FACSIMILE OR
24 ELECTRONICALLY, NOT LATER THAN 24 HOURS BEFORE THE TIME OF THE
25 INTENDED TRAVEL. NOTWITHSTANDING THIS SUBSECTION OR AN AGREEMENT
26 UNDER THIS SUBSECTION, IF THE COUNTY ROAD COMMISSION DETERMINES
27 THAT THE CONDITION OF A PARTICULAR ROAD UNDER ITS JURISDICTION

1 MAKES IT UNUSABLE, THE COUNTY ROAD COMMISSION MAY DENY ACCESS TO
2 ALL OR ANY PART OF THAT ROAD. THE DENIAL SHALL BE MADE AND
3 COMMUNICATED VIA FACSIMILE OR ELECTRONICALLY TO THE PUBLIC
4 UTILITY WITHIN 24 HOURS AFTER RECEIVING NOTIFICATION THAT THE
5 PUBLIC UTILITY INTENDS TO PERFORM NONEMERGENCY WORK THAT REQUIRES
6 USE OF THAT ROAD. ANY NOTIFICATION THAT IS NOT DISAPPROVED WITHIN
7 24 HOURS AFTER THE NOTICE IS RECEIVED BY THE COUNTY ROAD
8 COMMISSION IS CONSIDERED APPROVED. THE NOTIFICATION APPLICATION
9 REQUIRED UNDER THIS SUBPARAGRAPH SHALL INCLUDE, BUT IS NOT
10 REQUIRED TO BE LIMITED TO, ALL OF THE FOLLOWING INFORMATION:

11 (A) THE ADDRESS OR LOCATION OF THE NONEMERGENCY WORK.
12 (B) THE DATE OR DATES OF THE NONEMERGENCY WORK.
13 (C) THE MAXIMUM SPEED LIMIT FOR TRAVEL.
14 (D) THE ROUTE TO BE TAKEN TO THE NONEMERGENCY WORK SITE.
15 (E) ANY OTHER SPECIFIC CONDITIONS AGREED TO BY THE COUNTY
16 ROAD COMMISSION AND THE PUBLIC UTILITY.

17 (7) HEATING FUEL TRANSPORT AND DELIVERY VEHICLES ARE EXEMPT
18 FROM SEASONAL LOAD LIMITS ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

19 (A) FOR EMERGENCY HEATING FUEL TRANSPORT AND DELIVERY, THE
20 HEATING FUEL TRANSPORT AND DELIVERY VEHICLE TRAVELS TO AND FROM
21 THE SITE OF THE EMERGENCY HEATING FUEL DELIVERY AT A SPEED NOT
22 GREATER THAN 35 MILES PER HOUR. AS USED IN THIS SUBSECTION,
23 "EMERGENCY" MEANS THAT A CONSUMER IS OUT OF HEATING FUEL OR
24 EXPECTS TO BE OUT OF HEATING FUEL WITHIN 48 HOURS OR THAT THE
25 CONSUMER SUSPECTS A FUEL LEAK.

26 (B) FOR OTHER THAN EMERGENCY HEATING FUEL TRANSPORT AND
27 DELIVERY, THE HEATING FUEL TRANSPORT AND DELIVERY COMPANY APPLIES

1 TO THE COUNTY ROAD COMMISSION ANNUALLY FOR ROADS UNDER ITS
2 AUTHORITY BEFORE THE HEATING FUEL TRANSPORT AND DELIVERY VEHICLE
3 TRAVELS TO AND FROM THE SITE OF THE NONEMERGENCY HEATING FUEL
4 DELIVERY. WHEN THE HEATING FUEL TRANSPORT AND DELIVERY COMPANY
5 PROVIDES NOTICE, THE COUNTY ROAD COMMISSION SHALL ISSUE A BLANKET
6 PERMIT TO THE HEATING FUEL TRANSPORT AND DELIVERY COMPANY FOR
7 NONEMERGENCY HEATING FUEL TRANSPORT AND DELIVERY. THE COUNTY ROAD
8 COMMISSION MAY CHARGE A FEE OF NOT MORE THAN \$100.00 PER HEATING
9 FUEL TRANSPORT AND DELIVERY VEHICLE FOR THE ACTUAL AND REASONABLE
10 COST OF ISSUING THE PERMIT PER YEAR. THE PERMIT SHALL CONTAIN ALL
11 OF THE FOLLOWING:

12 (i) THE ANNUAL PERIOD REQUESTED BY THE HEATING FUEL TRANSPORT
13 AND DELIVERY COMPANY DURING WHICH THE PERMIT IS VALID.

14 (ii) A LIST OF VEHICLES TO BE COVERED ON THE BLANKET PERMIT
15 REQUESTED BY THE HEATING FUEL TRANSPORT AND DELIVERY COMPANY.

16 (iii) A REQUIREMENT THAT TRAVEL ON RESTRICTED ROADS WILL BE
17 MINIMIZED AND ONLY UTILIZED WHEN NECESSARY TO PERFORM WORK BY THE
18 HEATING FUEL TRANSPORT AND DELIVERY VEHICLE. NONRESTRICTED ROADS
19 MUST BE USED WHERE AVAILABLE OR FOR ROUTINE TRAVEL.

20 (iv) IF THE COUNTY ROAD COMMISSION REQUIRES, THE MAXIMUM
21 SPEED LIMIT OF TRAVEL.

22 (v) IF THE COUNTY ROAD COMMISSION REQUIRES, A STATEMENT THAT
23 TRAVEL ON RESTRICTED ROADS WILL REQUIRE NOTIFICATION TO THE
24 COUNTY ROAD COMMISSION, VIA FACSIMILE OR ELECTRONICALLY, THE DAY
25 BEFORE THE INTENDED TRAVEL OR THE DAY FOLLOWING THE ACTUAL
26 TRAVEL.

27 (8) ~~—(6)—~~ The normal size of tires shall be the rated size

1 as 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 (9) ~~-(7)-~~ Except as provided in this subsection and
5 subsection ~~-(8)-~~ (10), during the months of March, April, and May
6 in each year, the maximum axle load allowable on concrete
7 pavements or pavements with a concrete base ~~shall be~~ **IS** reduced
8 by 25% from the maximum axle load as specified in this chapter,
9 and the maximum axle loads allowable on all other types of roads
10 during these months ~~shall be~~ **ARE** reduced by 35% from the
11 maximum axle loads as specified. The maximum wheel load shall not
12 exceed 525 pounds per inch of tire width on concrete and concrete
13 base or 450 pounds per inch of tire width on all other roads
14 during the period the seasonal ~~road restrictions~~ **LOAD LIMITS**
15 are in effect. This subsection does not apply to vehicles
16 transporting agricultural commodities, **HEATING FUEL TRANSPORT AND**
17 **DELIVERY VEHICLES**, or public utility vehicles on a highway, road,
18 or street under the jurisdiction of a local road agency.

19 (10) ~~-(8)-~~ The state transportation department for roads
20 under its jurisdiction and a county road commission for roads
21 under its jurisdiction may grant exemptions from seasonal ~~weight~~
22 ~~restrictions~~ **LOAD LIMITS** for milk on specified routes when
23 requested in writing. Approval or denial of a request for an
24 exemption shall be given by written notice to the applicant
25 within 30 days after the date of submission of the application.
26 If a request is denied, the written notice shall state the reason
27 for denial and alternate routes for which the permit may be

1 issued. The applicant may appeal to the state transportation
2 commission or the county road commission. These exemptions do not
3 apply on county roads in counties that have negotiated agreements
4 with milk haulers or haulers of other commodities during periods
5 of seasonal load limits before April 14, 1993. This subsection
6 does not limit the ability of these counties to continue to
7 negotiate such agreements.

8 (11) ~~—(9)—~~ The state transportation department, or a local
9 authority with respect to highways under its jurisdiction, may
10 suspend the restrictions imposed by this section when and where
11 conditions of the highways or the public health, safety, and
12 welfare warrant suspension, and impose the restricted loading
13 requirements of this section on designated highways at any other
14 time that the conditions of the highway require.

15 (12) ~~—(10)—~~ For the purpose of ~~enforcement of~~ **ENFORCING**
16 this act, the gross vehicle weight of a single vehicle and load
17 or a combination of vehicles and loads, shall be determined by
18 weighing individual axles or groups of axles, and the total
19 weight on all the axles shall be the gross vehicle weight. In
20 addition, the gross axle weight shall be determined by weighing
21 individual axles or by weighing a group of axles and dividing the
22 gross weight of the group of axles by the number of axles in the
23 group. ~~Pursuant to~~ **FOR PURPOSES OF** subsection ~~—(11)—~~ **(13)**, the
24 overall gross weight on a group of 2 or more axles shall be
25 determined by weighing individual axles or several axles, and the
26 total weight of all the axles in the group shall be the overall
27 gross weight of the group.

1 (13) ~~(11)~~ The loading maximum in this subsection applies
 2 to interstate highways, and the state transportation department,
 3 or a local authority with respect to highways under its
 4 jurisdiction, may designate a highway, or a section of a highway,
 5 for the operation of vehicles having a gross vehicle weight of
 6 not more than 80,000 pounds that are subject to the following
 7 load maximums:

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

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

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

$$14 \quad W = 500 \frac{\sqrt{LN} + 12N + 36}{N-1}$$

16 where W = overall gross weight on a group of 2 or more
 17 consecutive axles to the nearest 500 pounds, L = distance in feet
 18 between the extreme of a group of 2 or more consecutive axles,
 19 and N = number of axles in the group under consideration; except
 20 that 2 consecutive sets of tandem axles may carry a gross load of
 21 34,000 pounds each if the first and last axles of the consecutive
 22 sets of tandem axles are not less than 36 feet apart. The gross
 23 vehicle weight shall not exceed 80,000 pounds including all
 24 enforcement tolerances. Except for 5 axle truck tractor,
 25 semitrailer combinations having 2 consecutive sets of tandem

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

13 (14) ~~(12)~~ As used in this section: ~~—~~ "agricultural
 14 commodities"

15 (A) **"AGRICULTURAL COMMODITIES"** means those plants and
 16 animals useful to human beings produced by agriculture and
 17 includes, but is not limited to, forages and sod crops, grains
 18 and feed crops, field crops, dairy and dairy products, poultry
 19 and poultry products, cervidae, livestock, including breeding and
 20 grazing, equine, fish, and other aquacultural products, bees and
 21 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
 22 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
 23 farming equipment, and fuel for agricultural use. The term
 24 ~~"agricultural commodities" shall~~ **DOES** not include trees ~~and~~ **OR**
 25 lumber.

26 (B) **"EMERGENCY PUBLIC UTILITY WORK" MEANS WORK PERFORMED TO**
 27 **RESTORE PUBLIC UTILITY SERVICE OR TO ELIMINATE A DANGER TO THE**

1 PUBLIC DUE TO A NATURAL DISASTER, AN ACT OF GOD, OR AN EMERGENCY
2 SITUATION, WHETHER OR NOT A PUBLIC OFFICIAL HAS DECLARED AN
3 EMERGENCY.

4 (C) "SEASONAL LOAD LIMITS" MEANS A REDUCTION OF MAXIMUM
5 ALLOWABLE LOADS DUE TO SEASONAL ROAD CONDITIONS AS PROVIDED UNDER
6 THIS SECTION.