

SENATE BILL No. 491

May 9, 2007, Introduced by Senators McMANUS, GILBERT and VAN WOERKOM 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 2006 PA 658.

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~~ **IS** 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~~ **ARE**
21 permitted on the designated highways at a gross permissible
22 weight of 16,000 pounds per axle, if there is no other axle
23 within 9 feet 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~~ **MORE THAN** 17,000 pounds on any axle of

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

14 (5) The exception to the loading maximums and gross vehicle
15 weight requirements of subsection (12) under subsection (8) for a
16 person hauling agricultural commodities applies only if the
17 person who picks up or delivers the agricultural commodity either
18 from a farm or to a farm notifies the county road commission for
19 roads under its authority not less than 48 hours before the
20 pickup or delivery of the time and location of the pickup or
21 delivery. The county road commission shall issue a permit to the
22 person and charge a fee that does not exceed the administrative
23 costs incurred. The permit shall 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 exception to the loading maximums and gross vehicle
5 weight requirements of subsection (12) under subsection (8)
6 applies to public utility vehicles that are owned or operated by
7 public utilities under the jurisdiction of the Michigan public
8 service commission, or are subcontracted by public utilities
9 under the jurisdiction of the Michigan public service commission
10 to perform electrical emergency public utility work, only under
11 the following circumstances:

12 (a) For emergency public utility work on restricted roads,
13 as follows:

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

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

25 (b) For nonemergency public utility work on restricted
26 roads, as follows:

27 (i) If the county road commission requires, the public

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

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

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

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

20 (ii) If the county road commission requires notification, the
21 county road commission shall provide a notification application
22 for the public utility to use when requesting access to operate
23 on restricted roads and the public utility shall provide
24 notification to the county road commission, via facsimile or
25 electronically, not later than 24 hours before the time of the
26 intended travel. Notwithstanding this subsection or an agreement
27 under this subsection, if the county road commission determines

1 that the condition of a particular road under its jurisdiction
2 makes it unusable, the county road commission may deny access to
3 all or any part of that road. The denial shall be made and
4 communicated via facsimile or electronically to the public
5 utility within 24 hours after receiving notification that the
6 public utility intends to perform nonemergency work that requires
7 use of that road. Any notification that is not disapproved within
8 24 hours after the notice is received by the county road
9 commission is considered approved. The notification application
10 required under this subparagraph may include all of the following
11 information:

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

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

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

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

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

21 (8) Except as provided in this subsection and subsection
22 (9), during the months of March, April, and May in each year, the
23 maximum axle load allowable on concrete pavements or pavements
24 with a concrete base is reduced by 25% from the maximum axle load
25 as specified in this chapter, and the maximum axle loads
26 allowable on all other types of roads during these months are
27 reduced by 35% from the maximum axle loads as specified. The

1 maximum wheel load shall not exceed 525 pounds per inch of tire
2 width on concrete and concrete base or 450 pounds per inch of
3 tire width on all other roads during the period the seasonal road
4 restrictions are in effect. This subsection does not apply to
5 vehicles transporting agricultural commodities or public utility
6 vehicles on a highway, road, or street under the jurisdiction of
7 a local road agency.

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~~ **IS** the gross vehicle weight. In addition, the gross axle
9 weight ~~shall be~~ **IS** 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~~ **IS** determined by weighing individual axles or
14 several axles, and the total weight of all the axles in the group
15 ~~shall be~~ **IS** 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:

$$2 \quad W = 500 \frac{\sqrt{LN} + 12N + 36}{N-1}$$

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

1 (13) As used in this section:

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

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

17 (14) THE STATE TRANSPORTATION DEPARTMENT FOR ROADS UNDER ITS
18 JURISDICTION AND A COUNTY COMMISSION FOR ROADS UNDER ITS
19 JURISDICTION MAY GRANT EXEMPTIONS FROM SEASONAL WEIGHT
20 RESTRICTIONS FOR SEPTAGE HAULERS ON A CASE-BY-CASE BASIS WHEN
21 REQUESTED BY ELECTRONIC, TELEPHONIC, OR ANY OTHER MEANS. EXCEPT
22 AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE
23 TRANSPORTATION DEPARTMENT OR COUNTY COMMISSION FOR ROADS, AS
24 APPLICABLE, SHALL GRANT OR DENY A REQUEST FOR EXEMPTION UNDER
25 THIS SUBSECTION WITHIN 1 DAY. IF IN REQUESTING AN EXEMPTION UNDER
26 THIS SUBSECTION THE SEPTAGE HAULER INDICATES THAT THE EXEMPTION
27 IS REQUESTED IN ORDER TO RESPOND TO AN EMERGENCY, THE STATE

1 TRANSPORTATION DEPARTMENT OR COUNTY COMMISSION FOR ROADS, AS
2 APPLICABLE, SHALL RESPOND TO THE EMERGENCY REQUEST WITHIN 1
3 BUSINESS DAY BY ELECTRONIC, TELEPHONIC, OR ANY OTHER MEANS. A
4 DENIAL OF A REQUEST FOR EXEMPTION UNDER THIS SUBSECTION SHALL BE
5 ACCOMPANIED BY A STATEMENT OF THE REASON FOR DENIAL AND ALTERNATE
6 ROUTES FOR WHICH THE PERMIT MAY BE ISSUED. A SEPTAGE HAULER WHOSE
7 REQUEST FOR EXEMPTION UNDER THIS SUBSECTION IS DENIED MAY APPEAL
8 TO THE STATE TRANSPORTATION COMMISSION OR THE COUNTY ROAD
9 COMMISSION.