

SENATE BILL No. 1524

September 18, 2008, Introduced by Senator GILBERT 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 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 pursuant to
13 subsection (8).

14 (5) The exception to the loading maximums and gross vehicle
15 weight requirements of subsection (12) **AS REDUCED** under
16 subsection (8) for a person hauling agricultural commodities
17 applies only 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 exception to the loading maximums and gross vehicle
6 weight requirements of subsection (12) **AS REDUCED** under
7 subsection (8) applies to public utility vehicles that are owned
8 or operated by public utilities under the jurisdiction of the
9 Michigan public service commission, or are subcontracted by
10 public utilities under the jurisdiction of the Michigan public
11 service commission, ~~to perform electrical emergency public~~
12 ~~utility work,~~ only under the following circumstances:

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

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

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

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

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

12 (A) The seasonal period requested by the public utility **OR**
13 **SUBCONTRACTOR** during which the permit is valid.

14 (B) A unique identification number for the vehicle and any
15 vehicle configuration to be covered on the seasonal truck permit
16 requested by the public utility **OR SUBCONTRACTOR**.

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

22 (D) **A REQUIREMENT THAT IN THE CASE OF A SUBCONTRACTOR THE**
23 **PERMIT IS ONLY VALID WHILE THE SUBCONTRACTOR VEHICLE IS BEING**
24 **OPERATED IN THE PERFORMANCE OF PUBLIC UTILITY WORK.**

25 (E) **A REQUIREMENT THAT A SUBCONTRACTOR VEHICLE OR VEHICLE**
26 **CONFIGURATION SHALL DISPLAY SIGNAGE ON THE OUTSIDE OF THE VEHICLE**
27 **TO IDENTIFY THE VEHICLE AS OPERATING ON BEHALF OF THE UTILITY.**

1 (ii) If the county road commission requires notification, the
2 county road commission shall provide a notification application
3 for the public utility **OR ITS SUBCONTRACTOR** to use when
4 requesting access to operate on restricted roads and the public
5 utility **OR ITS SUBCONTRACTOR** shall provide notification to the
6 county road commission, via facsimile or electronically, not
7 later than 24 hours before the time of the intended travel. **A**
8 **SUBCONTRACTOR USING A VEHICLE ON A RESTRICTED ROAD SHALL HAVE A**
9 **COPY OF ANY NOTIFICATION PROVIDED TO A COUNTY ROAD COMMISSION IN**
10 **THE SUBCONTRACTOR'S POSSESSION WHILE PERFORMING THE RELEVANT**
11 **NONEMERGENCY WORK.** Notwithstanding this subsection or an
12 agreement under this subsection, if the county road commission
13 determines that the condition of a particular road under its
14 jurisdiction makes it unusable, the county road commission may
15 deny access to all or any part of that road. The denial shall be
16 made and communicated via facsimile or electronically to the
17 public utility **OR SUBCONTRACTOR** within 24 hours after receiving
18 notification that the public utility **OR SUBCONTRACTOR** intends to
19 perform nonemergency work that requires use of that road. Any
20 notification that is not disapproved within 24 hours after the
21 notice is received by the county road commission is considered
22 approved. The notification application required under this
23 subparagraph may include all of the following information:
24 (A) The address or location of the nonemergency work.
25 (B) The date or dates of the nonemergency work.
26 (C) The route to be taken to the nonemergency work site.
27 (D) The restricted road or roads intended to be traveled

1 upon to the nonemergency work site or sites.

2 **(E) IN THE CASE OF A SUBCONTRACTOR, THE UTILITY ON WHOSE**
3 **BEHALF THE SUBCONTRACTOR IS PERFORMING SERVICES.**

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

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

22 (9) The state transportation department for roads under its
23 jurisdiction and a county road commission for roads under its
24 jurisdiction may grant exemptions from seasonal weight
25 restrictions for milk on specified routes when requested in
26 writing. Approval or denial of a request for an exemption shall
27 be given by written notice to the applicant within 30 days after

1 the date of submission of the application. If a request is
2 denied, the written notice shall state the reason for denial and
3 alternate routes for which the permit may be issued. The
4 applicant may appeal to the state transportation commission or
5 the county road commission. These exemptions do not apply on
6 county roads in counties that have negotiated agreements with
7 milk haulers or haulers of other commodities during periods of
8 seasonal load limits before April 14, 1993. This subsection does
9 not limit the ability of these counties to continue to negotiate
10 such agreements.

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

18 (11) For the purpose of enforcing this act, the gross
19 vehicle weight of a single vehicle and load or a combination of
20 vehicles and loads, shall be determined by weighing individual
21 axles or groups of axles, and the total weight on all the axles
22 shall be the gross vehicle weight. In addition, the gross axle
23 weight shall be determined by weighing individual axles or by
24 weighing a group of axles and dividing the gross weight of the
25 group of axles by the number of axles in the group. For purposes
26 of subsection (12), the overall gross weight on a group of 2 or
27 more axles shall be determined by weighing individual axles or

1 several axles, and the total weight of all the axles in the group
2 shall be the overall gross weight of the group.

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

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

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

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

$$16 \quad W = 500 \frac{\sqrt{LN} + 12N + 36}{N-1}$$

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

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

15 (13) As used in this section:

16 (a) "Agricultural commodities" means those plants and
17 animals useful to human beings produced by agriculture and
18 includes, but is not limited to, forages and sod crops, grains
19 and feed crops, field crops, dairy and dairy products, poultry
20 and poultry products, cervidae, livestock, including breeding and
21 grazing, equine, fish, and other aquacultural products, bees and
22 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
23 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
24 farming equipment, and fuel for agricultural use. The term does
25 not include trees or 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) "PUBLIC UTILITY VEHICLE" MEANS A VEHICLE OWNED OR
5 OPERATED BY A PUBLIC UTILITY UNDER THE JURISDICTION OF THE
6 MICHIGAN PUBLIC SERVICE COMMISSION, OR OPERATED BY A
7 SUBCONTRACTOR ON BEHALF OF A PUBLIC UTILITY UNDER THE
8 JURISDICTION OF THE MICHIGAN PUBLIC SERVICE COMMISSION.