

SENATE BILL No. 432

June 14, 2011, Introduced by Senators KOWALL, MARLEAU, CASPERSON, PAPPAGEORGE, BRANDENBURG, COLBECK and MEEKHOF 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, and by adding section 722b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 722. (1) ~~The~~**EXCEPT AS PROVIDED UNDER SECTION 722B, THE**
2 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

1 but more than 3-1/2 feet, the maximum axle load shall not exceed
2 13,000 pounds for high pressure pneumatic or balloon tires.

3 (c) If the axles are spaced less than 3-1/2 feet apart, the
4 maximum axle load shall not exceed 9,000 pounds per axle.

5 (d) Subdivisions (a), (b), and (c) shall be known as the
6 normal loading maximum.

7 (2) When normal loading is in effect, the state
8 transportation department, or a local authority with respect to
9 highways under its jurisdiction, may designate certain highways,
10 or sections of those highways, where bridges and road surfaces
11 are adequate for heavier loading, and revise a designation as
12 needed, on which the maximum tandem axle assembly loading shall
13 not exceed 16,000 pounds for any axle of the assembly, if there
14 is no other axle within 9 feet of any axle of the assembly.

15 (3) On a legal combination of vehicles, only 1 tandem axle
16 assembly shall be permitted on the designated highways at the
17 gross permissible weight of 16,000 pounds per axle, if there is
18 no other axle within 9 feet of any axle of the assembly, and if
19 no other tandem axle assembly in the combination of vehicles
20 exceeds a gross weight of 13,000 pounds per axle. On a
21 combination of truck tractor and semitrailer having not more than
22 5 axles, 2 consecutive tandem axle assemblies shall be permitted
23 on the designated highways at a gross permissible weight of
24 16,000 pounds per axle, if there is no other axle within 9 feet
25 of any axle of the assembly. **THIS SUBSECTION DOES NOT APPLY TO**
26 **VEHICLE MOUNTED MOBILE PAVEMENT MARKING EQUIPMENT DESCRIBED IN**
27 **SECTION 722B.**

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

18 (5) The seasonal reductions described under subsection (8)
19 to the loading maximums and gross vehicle weight requirement of
20 subsection (12) do not apply to a person hauling agricultural
21 commodities if the person who picks up or delivers the
22 agricultural commodity either from a farm or to a farm notifies
23 the county road commission for roads under its authority not less
24 than 48 hours before the pickup or delivery of the time and
25 location of the pickup or delivery. The county road commission
26 shall issue a permit to the person and charge a fee that does not
27 exceed the administrative costs incurred. The permit shall

1 contain all of the following:

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

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

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

7 (d) Any other specific conditions agreed to between the
8 parties.

9 (6) The seasonal reductions described under subsection (8)
10 to the loading maximums and gross vehicle weight requirements of
11 subsection (12) do not apply to public utility vehicles under the
12 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 truck 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 public

1 utility.

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

- 25 (A) The address or location of the nonemergency work.
26 (B) The date or dates of the nonemergency work.
27 (C) The route to be taken to the nonemergency work site.

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

3 (E) In the case of a subcontractor, the utility on whose
4 behalf the subcontractor is performing services.

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

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

1 have a website, then on the website of a statewide road
2 association of which it is a member:

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

4 (b) The names of the highways and streets and portions of
5 highways and streets to which the seasonal restrictions apply.

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

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

1 time that the conditions of the highway require.

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

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

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

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

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

$$\begin{array}{l}
 1 \quad W = 500 \quad \sqrt{LN + 12N + 36} \\
 2 \quad \quad \quad \sqrt{N-1} \quad \quad \quad /
 \end{array}$$

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

25 (13) As used in this section:

26 (a) "Agricultural commodities" means those plants and

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

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

15 (c) "Public utility" means a public utility under the
16 jurisdiction of the public service commission or a transmission
17 company.

18 (d) "Public utility vehicle" means a vehicle owned or
19 operated by a public utility or operated by a subcontractor on
20 behalf of a public utility.

21 (e) "Transmission company" means either an affiliated
22 transmission company or an independent transmission company as
23 those terms are defined in section 2 of the electric transmission
24 line certification act, 1995 PA 30, MCL 460.562.

25 **SEC. 722B. (1) NOTWITHSTANDING SECTION 722, THE FOLLOWING**
26 **MAXIMUM AXLE WEIGHTS APPLY TO VEHICLE MOUNTED MOBILE PAVEMENT**
27 **MARKING EQUIPMENT:**

1 (A) EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR A FRONT AXLE,
2 THE LOAD SHALL NOT EXCEED 22,000 POUNDS.

3 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), IF THERE IS A
4 SECOND AXLE, THAT SECOND AXLE LOAD SHALL NOT EXCEED 22,000
5 POUNDS.

6 (C) IF THERE IS A SECOND FRONT AXLE, EACH INDIVIDUAL AXLE
7 LOAD SHALL NOT EXCEED 20,000 POUNDS.

8 (D) FOR A TANDEM AXLE, AS FOLLOWS:

9 (i) IF THE AXLE SPACING IS 9 FEET OR MORE FROM EITHER OF THE
10 FOLLOWING, THE AXLE LOAD SHALL NOT EXCEED 40,000 POUNDS:

11 (A) THE CENTERLINE OF THE FIRST FRONT AXLE TO THE CENTERLINE
12 OF THE FIRST TANDEM AXLE WITH NO SECOND FRONT AXLE IN PLACE.

13 (B) THE CENTERLINE OF THE SECOND AXLE TO THE CENTERLINE OF
14 THE FIRST TANDEM AXLE.

15 (ii) IF THE AXLE SPACING IS LESS THAN 9 FEET FROM THE
16 CENTERLINE OF A SECOND FRONT AXLE TO THE CENTERLINE OF THE FIRST
17 TANDEM AXLE, THE AXLE LOAD SHALL NOT EXCEED 36,000 POUNDS.

18 (E) FOR AXLES IN ADDITION TO THE AXLES DESCRIBED IN
19 SUBDIVISIONS (A), (B), (C), AND (D), THE AXLE LOAD SHALL NOT
20 EXCEED 20,000 POUNDS, IF THE AXLE SPACING IS LESS THAN 9 FEET BUT
21 MORE THAN 3 FEET 6 INCHES FROM THE CENTERLINE OF AXLES.

22 (2) THE GROSS WEIGHT OF VEHICLE MOUNTED MOBILE PAVEMENT
23 MARKING EQUIPMENT SHALL NOT EXCEED 84,000 POUNDS.

24 (3) AS USED IN THIS SECTION:

25 (A) "OPERATING APPARATUS" MEANS AN ASSEMBLY OF COMPONENTS TO
26 WHICH BOTH OF THE FOLLOWING DESCRIPTIONS APPLY:

27 (i) IT IS PERMANENTLY AFFIXED TO A CAB AND CHASSIS.

1 (ii) IT PERFORMS PAVEMENT MARKING OPERATIONS.

2 (B) "PAVEMENT MARKING OPERATIONS" MEANS OPERATIONS
3 INCIDENTAL TO AND NECESSARY FOR THE PLACING OR REMOVING OF
4 PAVEMENT MARKINGS OR OTHER COATINGS FROM A ROAD, RUNWAY, TAXI
5 WAY, OR OTHER SIMILAR SURFACE.

6 (C) "VEHICLE MOUNTED MOBILE PAVEMENT MARKING EQUIPMENT"
7 MEANS A COMBINATION OF CAB, CHASSIS, AND OPERATING APPARATUS.
8 VEHICLE MOUNTED MOBILE PAVEMENT MARKING EQUIPMENT INCLUDES THE
9 FOLLOWING, ALL OF WHICH MAY CAUSE SHIFTING AXLE LOADS DURING
10 OPERATION:

11 (i) A GRINDER THAT IS DESIGNED TO REMOVE COATINGS FROM A HARD
12 SURFACE THROUGH THE USE OF REVOLVING HEADS WITH A VARIETY OF
13 SACRIFICIAL CUTTER TEETH.

14 (ii) A GROOVER THAT IS DESIGNED TO PLACE GROOVES OR SLOTS IN
15 A HARD SURFACE FOR THE PLACEMENT OF LIQUID OR SOLID PAVEMENT
16 MARKINGS.

17 (iii) A WATERBLASTER THAT EMPLOYS 1 OR MORE ULTRA-HIGH
18 PRESSURE WATER PUMPS DESIGNED TO REMOVE COATINGS FROM HARD
19 SURFACES.

20 (iv) A PAVEMENT MARKING STRIPER (APPLICATOR) THAT IS DESIGNED
21 TO APPLY 1 OR MORE COMPONENT PAVEMENT MARKING MATERIALS ONTO A
22 HARD SURFACE.