

# HOUSE BILL NO. 5290

September 14, 2021, Introduced by Rep. O'Malley 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 2018 PA 274.

**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~~**must** not exceed the number of pounds  
3 designated in the following provisions that prescribe the distance  
4 between axles:

5           (a) If the axle spacing is 9 feet or more between axles, the

1 maximum axle load ~~shall~~**must** not exceed 18,000 pounds for vehicles  
2 equipped with high pressure pneumatic or balloon tires.

3 (b) If the axle spacing is less than 9 feet between 2 axles  
4 but more than 3-1/2 feet, the maximum axle load ~~shall~~**must** not  
5 exceed 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

18 (3) A combination of vehicles may operate on designated  
19 highways with not more than 1 tandem axle assembly having a gross  
20 weight of 16,000 pounds per axle, if there is no other axle within  
21 9 feet of the assembly. On a combination of truck tractor and  
22 semitrailer having not more than 5 axles, 2 consecutive tandem axle  
23 assemblies may operate on designated highways at a gross  
24 permissible weight of 16,000 pounds per axle, if there is no other  
25 axle within 9 feet of any axle of either assembly.

26 (4) Notwithstanding subsection (3), on a combination of truck  
27 tractor and semitrailer having not more than 5 axles, 2 consecutive  
28 sets of tandem axles may carry a gross permissible weight of not to  
29 exceed 17,000 pounds on any axle of the tandem axles if there is no

1 other axle within 9 feet of any axle of the tandem axles and if the  
2 first and last axles of the consecutive sets of tandem axles are  
3 not less than 36 feet apart and the gross vehicle weight does not  
4 exceed 80,000 pounds to pick up and deliver agricultural  
5 commodities between the national truck network or special  
6 designated highways and any other highway. This subsection is not  
7 subject to the maximum axle loads of subsections (1), (2), and (3).  
8 For purposes of this subsection, a "tandem axle" means 2 axles  
9 spaced more than 40 inches but not more than 96 inches apart or 2  
10 axles spaced more than 3-1/2 feet but less than 9 feet apart. This  
11 subsection does not apply during that period when reduced maximum  
12 loads are in effect under subsection (8).

13 (5) The seasonal reductions described under subsection (8) to  
14 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 agricultural  
17 commodity either from a farm or to a farm notifies the county road  
18 commission for roads under its authority not less than 48 hours  
19 before the pickup or delivery of the time and location of the  
20 pickup or delivery. The county road commission shall issue a permit  
21 to the person and charge a fee that does not exceed the  
22 administrative costs incurred. The permit ~~shall~~**must** contain all of  
23 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 picks  
26 up or delivers the agricultural commodities during which the load  
27 may be delivered or picked up.

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

29 (d) Any other specific conditions agreed to between the

1 parties.

2 (6) The seasonal reductions described under subsection (8) to  
3 the loading maximums and gross vehicle weight requirements of  
4 subsection (12) do not apply to public utility vehicles under the  
5 following circumstances:

6 (a) For emergency public utility work on restricted roads, as  
7 follows:

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

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

19 (b) For nonemergency public utility work on restricted roads,  
20 as follows:

21 (i) If the county road commission requires, the public utility  
22 or its subcontractor shall apply to the county road commission  
23 annually for a seasonal truck permit for roads under its authority  
24 before seasonal weight restrictions are effective. The county road  
25 commission shall issue a seasonal truck permit for each public  
26 utility vehicle or vehicle configuration the public utility or  
27 subcontractor anticipates will be utilized for nonemergency public  
28 utility work. The county road commission may charge a fee for a  
29 seasonal truck permit that does not exceed the administrative costs

1 incurred for the permit. The seasonal truck permit ~~shall~~**must**  
2 contain all of the following:

3 (A) The seasonal period requested by the public utility or  
4 subcontractor during which the permit is valid.

5 (B) A unique identification number for the vehicle and any  
6 vehicle configuration to be covered on the seasonal truck permit  
7 requested by the public utility or subcontractor.

8 (C) A requirement that travel on restricted roads during  
9 weight restrictions will be minimized and only utilized when  
10 necessary to perform public utility work using the public utility  
11 vehicle or vehicle configuration and that nonrestricted roads ~~shall~~  
12 **must** be used for travel when available and for routine travel.

13 (D) A requirement that in the case of a subcontractor the  
14 permit is only valid while the subcontractor vehicle is being  
15 operated in the performance of public utility work.

16 (E) A requirement that a subcontractor vehicle or vehicle  
17 configuration ~~shall~~**must** display signage on the outside of the  
18 vehicle to identify the vehicle as operating on behalf of the  
19 public utility.

20 (ii) If the county road commission requires notification, the  
21 county road commission shall provide a notification application for  
22 the public utility or its subcontractor to use when requesting  
23 access to operate on restricted roads and the public utility or its  
24 subcontractor shall provide notification to the county road  
25 commission, via facsimile or electronically, not later than 24  
26 hours before the time of the intended travel. A subcontractor using  
27 a vehicle on a restricted road shall have a copy of any  
28 notification provided to a county road commission in the  
29 subcontractor's possession while performing the relevant

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

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

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

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

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

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

21 (7) The normal size of tires ~~shall~~**must** be the rated size as  
22 published by the manufacturers, and the maximum wheel load  
23 permissible for any wheel ~~shall~~**must** not exceed 700 pounds per inch  
24 of width of tire.

25 (8) Except as provided in this subsection and subsection (9),  
26 during the months of March, April, and May in each year, the  
27 maximum axle load allowable on concrete pavements or pavements with  
28 a concrete base is reduced by 25% from the maximum axle load as  
29 specified in this chapter, and the maximum axle loads allowable on

1 all other types of roads during these months are reduced by 35%  
2 from the maximum axle loads as specified. The maximum wheel load  
3 ~~shall~~**must** not exceed 525 pounds per inch of tire width on concrete  
4 and concrete base or 450 pounds per inch of tire width on all other  
5 roads during the period the seasonal road restrictions are in  
6 effect. Subject to subsection (5), this subsection does not apply  
7 to vehicles transporting agricultural commodities or, subject to  
8 subsection (6), public utility vehicles on a highway, road, or  
9 street under the jurisdiction of a local road agency, or a school  
10 bus. In addition, this subsection does not apply to a vehicle  
11 delivering propane fuel to a residence if the vehicle's propane  
12 tank is filled to not more than 50% of its capacity and the vehicle  
13 is traveling at not more than 35 miles per hour. The state  
14 transportation department and each local authority with highways  
15 and streets **or portions of highways and streets** under its  
16 jurisdiction to which the seasonal restrictions prescribed under  
17 this subsection apply shall post all of the following information  
18 on the homepage of its website or, if a local authority does not  
19 have a website, then on the website of a statewide road association  
20 of which it is a member:

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

22 (b) **Either or both of the following:**

23 (i) The names of the highways and streets and portions of  
24 highways and streets to which the seasonal restrictions **do not**  
25 apply.

26 (ii) **An electronic map showing the highways and streets and**  
27 **portions of highways and streets to which the seasonal restrictions**  
28 **do not apply.**

29 (9) The state transportation department for roads under its

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

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

22 (11) For the purpose of enforcing this act, the gross vehicle  
23 weight of a single vehicle and load or a combination of vehicles  
24 and loads ~~shall~~**must** be determined by weighing individual axles or  
25 groups of axles, and the total weight on all the axles ~~shall be~~**is**  
26 the gross vehicle weight. In addition, the gross axle weight ~~shall~~  
27 **must** be determined by weighing individual axles or by weighing a  
28 group of axles and dividing the gross weight of the group of axles  
29 by the number of axles in the group. For purposes of subsection



1 (12), the overall gross weight on a group of 2 or more axles ~~shall~~  
 2 **must** be determined by weighing individual axles or several axles,  
 3 and the total weight of all the axles in the group ~~shall be~~ **is** the  
 4 overall gross weight of the group.

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

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

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

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

$$17 \quad W=500[(LN)/(N-1)+12N+36]$$

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, and  
 21 N = number of axles in the group under consideration; except that 2  
 22 consecutive sets of tandem axles may carry a gross load of 34,000  
 23 pounds each if the first and last axles of the consecutive sets of  
 24 tandem axles are not less than 36 feet apart. The gross vehicle  
 25 weight ~~shall~~ **must** not exceed 80,000 pounds including all  
 26 enforcement tolerances. Except for 5 axle truck tractor,  
 27 semitrailer combinations having 2 consecutive sets of tandem axles,  
 28 vehicles having a gross weight in excess of 80,000 pounds or in  
 29 excess of the vehicle gross weight determined by application of the

1 formula in this subsection are subject to the maximum axle loads of  
2 subsections (1), (2), and (3). As used in this subsection, "tandem  
3 axle weight" means the total weight transmitted to the road by 2 or  
4 more consecutive axles, the centers of which may be included  
5 between parallel transverse vertical planes spaced more than 40  
6 inches but not more than 96 inches apart, extending across the full  
7 width of the vehicle. Except as otherwise provided in this section,  
8 vehicles transporting agricultural commodities ~~shall have~~ **the**  
9 weight load maximums ~~as set forth in~~ **under** this subsection.

10 (13) The axle loading maximums under subsections (1), (2),  
11 (3), and (4) are increased by 10% for vehicles transporting  
12 agricultural commodities or raw timber, excluding farm equipment  
13 and fuel, from the place of harvest or farm storage to the first  
14 point of delivery on a road in this state. However, the axle  
15 loading maximums as increased under this subsection do not alter  
16 the gross vehicle weight restrictions ~~set forth in~~ **under** this act.  
17 This subsection does not apply to either of the following:

18 (a) A vehicle utilizing an interstate highway.

19 (b) A vehicle utilizing a road that is subject to seasonal  
20 weight restrictions under subsection (8) during the time that the  
21 seasonal weight restrictions are in effect.

22 (14) Notwithstanding any other provision of this section, a  
23 vehicle that has a gross weight of 80,000 pounds or less and that  
24 is operated by an engine that is fueled wholly or partially by  
25 compressed or liquefied natural gas may exceed the axle loading  
26 maximums under subsections (1), (2), (3), and (4) and the weight  
27 load maximums under subsection (12) by an amount equal to the  
28 difference between the weight of the vehicle attributable to the  
29 natural gas tank and fueling system carried by that vehicle and the

1 weight of a comparable diesel tank and fueling system. The amount  
2 by which a vehicle described in this subsection may exceed the axle  
3 loading maximums under subsections (1), (2), (3), and (4) and the  
4 weight load maximums under subsection (12) ~~shall~~**must** not exceed  
5 2,000 pounds.

6 (15) As used in this section:

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

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

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

23 (i) An edifice, silo, tank, bin, crib, interstice, or protected  
24 enclosed structure, or more than 1 edifice, silo, tank, bin, crib,  
25 interstice, or protected enclosed structure located contiguous to  
26 each other.

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

29 (d) "Public utility" means a public utility under the

1 jurisdiction of the public service commission or a transmission  
2 company.

3 (e) "Public utility vehicle" means a vehicle owned or operated  
4 by a public utility or operated by a subcontractor on behalf of a  
5 public utility.

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