

SENATE BILL No. 448

April 21, 2009, Introduced by Senators McMANUS, KUIPERS, VAN WOERKOM and KAHN 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 2008 PA 579.

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) **AS REDUCED** under
16 subsection (8) for a person hauling agricultural commodities
17 ~~applies~~ **APPLY** 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~~ **APPLY** to public utility vehicles that are
8 owned or operated by public utilities under the jurisdiction of
9 the 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 utility
12 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 shall notify the county road commission, as soon as
17 practical, of the location of the emergency public utility work
18 and provide a statement that the vehicles that were used to
19 perform the emergency utility work may have exceeded the loading
20 maximums and gross vehicle weight requirements of subsection (12)
21 under subsection (8). The notification may be made via facsimile
22 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 shall apply to the county road commission annually for a
3 seasonal truck permit for roads under its authority before
4 seasonal weight restrictions are effective. The county road
5 commission shall issue a seasonal truck permit for each vehicle
6 or vehicle configuration the public utility anticipates will be
7 utilized for nonemergency public utility work. The county road
8 commission may charge a fee for a permit that does not exceed the
9 administrative costs incurred for the permit. The seasonal truck
10 permit shall contain all of the following:

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

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

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

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

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

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

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

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

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

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

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

1 reduced by 35% from the maximum axle loads as specified. The
2 maximum wheel load shall not exceed 525 pounds per inch of tire
3 width on concrete and concrete base or 450 pounds per inch of
4 tire width on all other roads during the period the seasonal road
5 restrictions are in effect. This subsection does not apply to
6 vehicles transporting agricultural commodities or public utility
7 vehicles on a highway, road, or street under the jurisdiction of
8 a local road agency. The state transportation department and each
9 local authority with highways and streets under its jurisdiction
10 to which the seasonal restrictions prescribed under this
11 subsection apply shall post all of the following information on
12 the homepage of its website or, if a local authority does not
13 have a website, then on the website of a statewide road
14 association of which it is a member:

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

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

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

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

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

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

26 (12) The loading maximum in this subsection applies to
27 interstate highways, and the state transportation department, or

1 a local authority with respect to highways under its
 2 jurisdiction, may designate a highway, or a section of a highway,
 3 for the operation of vehicles having a gross vehicle weight of
 4 not more than 80,000 pounds that are subject to the following
 5 load maximums:

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

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

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

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

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

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

10 (13) As used in this section:

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

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

26 (14) **THE STATE TRANSPORTATION DEPARTMENT FOR ROADS UNDER ITS**
27 **JURISDICTION AND A COUNTY COMMISSION FOR ROADS UNDER ITS**

1 JURISDICTION MAY GRANT EXEMPTIONS FROM SEASONAL WEIGHT
2 RESTRICTIONS FOR SEPTAGE HAULERS ON A CASE-BY-CASE BASIS WHEN
3 REQUESTED BY ELECTRONIC, TELEPHONIC, OR ANY OTHER MEANS. EXCEPT
4 AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE
5 TRANSPORTATION DEPARTMENT OR COUNTY COMMISSION FOR ROADS, AS
6 APPLICABLE, SHALL GRANT OR DENY A REQUEST FOR EXEMPTION UNDER
7 THIS SUBSECTION WITHIN 1 DAY. IF IN REQUESTING AN EXEMPTION UNDER
8 THIS SUBSECTION THE SEPTAGE HAULER INDICATES THAT THE EXEMPTION
9 IS REQUESTED IN ORDER TO RESPOND TO AN EMERGENCY, THE STATE
10 TRANSPORTATION DEPARTMENT OR COUNTY COMMISSION FOR ROADS, AS
11 APPLICABLE, SHALL RESPOND TO THE EMERGENCY REQUEST WITHIN 1
12 BUSINESS DAY BY ELECTRONIC, TELEPHONIC, OR ANY OTHER MEANS. A
13 DENIAL OF A REQUEST FOR EXEMPTION UNDER THIS SUBSECTION SHALL BE
14 ACCOMPANIED BY A STATEMENT OF THE REASON FOR DENIAL AND ALTERNATE
15 ROUTES FOR WHICH THE PERMIT MAY BE ISSUED. A SEPTAGE HAULER WHOSE
16 REQUEST FOR EXEMPTION UNDER THIS SUBSECTION IS DENIED MAY APPEAL
17 TO THE STATE TRANSPORTATION DEPARTMENT OR THE COUNTY COMMISSION
18 FOR ROADS.