

SENATE BILL No. 836

February 21, 2018, Introduced by Senator CASPERSON 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 2017 PA 80.

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 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
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
9 but more than 3-1/2 feet, the maximum axle load shall not exceed

1 13,000 pounds for high pressure pneumatic or balloon tires.

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

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

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

14 (3) On a legal combination of vehicles, only 1 tandem axle
15 assembly is permitted on the designated highways at the gross
16 permissible weight of 16,000 pounds per axle, if there is no other
17 axle within 9 feet of any axle of the assembly. ~~and if no other~~
18 ~~tandem axle assembly in the combination of vehicles exceeds a gross~~
19 ~~weight of 13,000 pounds per axle.~~ On a combination of truck tractor
20 and semitrailer having not more than 5 axles, 2 consecutive tandem
21 axle assemblies are permitted on the designated highways at a gross
22 permissible weight of 16,000 pounds per axle, if there is no other
23 axle within 9 feet of any axle of the assembly.

24 (4) Notwithstanding subsection (3), on a combination of truck
25 tractor and semitrailer having not more than 5 axles, 2 consecutive
26 sets of tandem axles may carry a gross permissible weight of not to
27 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 contain all of the
23 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.

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

8 (a) For emergency public utility work on restricted roads, as
9 follows:

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

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

21 (b) For nonemergency public utility work on restricted roads,
22 as follows:

23 (i) If the county road commission requires, the public utility
24 or its subcontractor shall apply to the county road commission
25 annually for a seasonal truck permit for roads under its authority
26 before seasonal weight restrictions are effective. The county road
27 commission shall issue a seasonal truck permit for each public

1 utility vehicle or vehicle configuration the public utility or
2 subcontractor anticipates will be utilized for nonemergency public
3 utility work. The county road commission may charge a fee for a
4 seasonal truck permit that does not exceed the administrative costs
5 incurred for the permit. The seasonal truck permit shall contain
6 all of the following:

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

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

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

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

20 (E) A requirement that a subcontractor vehicle or vehicle
21 configuration shall display signage on the outside of the vehicle
22 to identify the vehicle as operating on behalf of the public
23 utility.

24 (ii) If the county road commission requires notification, the
25 county road commission shall provide a notification application for
26 the public utility or its subcontractor to use when requesting
27 access to operate on restricted roads and the public utility or its

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

- 20 (A) The address or location of the nonemergency work.
21 (B) The date or dates of the nonemergency work.
22 (C) The route to be taken to the nonemergency work site.
23 (D) The restricted road or roads intended to be traveled upon
24 to the nonemergency work site or sites.
25 (E) In the case of a subcontractor, the utility on whose
26 behalf the subcontractor is performing services.
27 (7) The normal size of tires shall be the rated size as

1 published by the manufacturers, and the maximum wheel load
2 permissible for any wheel shall not exceed 700 pounds per inch of
3 width of tire.

4 (8) Except as provided in this subsection and subsection (9),
5 during the months of March, April, and May in each year, the
6 maximum axle load allowable on concrete pavements or pavements with
7 a concrete base is reduced by 25% from the maximum axle load as
8 specified in this chapter, and the maximum axle loads allowable on
9 all other types of roads during these months are reduced by 35%
10 from the maximum axle loads as specified. The maximum wheel load
11 shall not exceed 525 pounds per inch of tire width on concrete and
12 concrete base or 450 pounds per inch of tire width on all other
13 roads during the period the seasonal road restrictions are in
14 effect. Subject to subsection (5), this subsection does not apply
15 to vehicles transporting agricultural commodities or, subject to
16 subsection (6), public utility vehicles on a highway, road, or
17 street under the jurisdiction of a local road agency. In addition,
18 this subsection does not apply to a vehicle delivering propane fuel
19 to a residence if the vehicle's propane tank is filled to not more
20 than 50% of its capacity and the vehicle is traveling at not more
21 than 35 miles per hour. The state transportation department and
22 each local authority with highways and streets under its
23 jurisdiction to which the seasonal restrictions prescribed under
24 this subsection apply shall post all of the following information
25 on the homepage of its website or, if a local authority does not
26 have a website, then on the website of a statewide road association
27 of which it is a member:

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

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

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

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

26 (11) For the purpose of enforcing this act, the gross vehicle
27 weight of a single vehicle and load or a combination of vehicles

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

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

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

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

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

23
$$W=500[(LN)/(N-1)+12N+36]$$

24 where W = overall gross weight on a group of 2 or more
25 consecutive axles to the nearest 500 pounds, L = distance in feet
26 between the extreme of a group of 2 or more consecutive axles, and

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

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

27 (a) A vehicle utilizing an interstate highway.

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

4 (14) Notwithstanding any other provision of this section, a
5 vehicle that has a gross weight of 80,000 pounds or less and that
6 is operated by an engine that is fueled wholly or partially by
7 compressed or liquefied natural gas may exceed the axle loading
8 maximums under subsections (1), (2), (3), and (4) and the weight
9 load maximums under subsection (12) by an amount equal to the
10 difference between the weight of the vehicle attributable to the
11 natural gas tank and fueling system carried by that vehicle and the
12 weight of a comparable diesel tank and fueling system. The amount
13 by which a vehicle described in this subsection may exceed the axle
14 loading maximums under subsections (1), (2), (3), and (4) and the
15 weight load maximums under subsection (12) shall not exceed 2,000
16 pounds.

17 (15) As used in this section:

18 (a) "Agricultural commodities" means those plants and animals
19 useful to human beings produced by agriculture and includes, but is
20 not limited to, forages and sod crops, grains and feed crops, field
21 crops, dairy and dairy products, poultry and poultry products,
22 cervidae, livestock, including breeding and grazing, equine, fish,
23 and other aquacultural products, bees and bee products, berries,
24 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,
25 mushrooms, fertilizer, livestock bedding, farming equipment, fuel
26 for agricultural use, and maple sap. Agricultural commodities do
27 not include trees or lumber.

1 (b) "Emergency public utility work" means work performed to
2 restore public utility service or to eliminate a danger to the
3 public due to a natural disaster, an act of God, or an emergency
4 situation, whether or not a public official has declared an
5 emergency.

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

7 (i) An edifice, silo, tank, bin, crib, interstice, or
8 protected enclosed structure, or more than 1 edifice, silo, tank,
9 bin, crib, interstice, or protected enclosed structure located
10 contiguous to each other.

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

13 (d) "Public utility" means a public utility under the
14 jurisdiction of the public service commission or a transmission
15 company.

16 (e) "Public utility vehicle" means a vehicle owned or operated
17 by a public utility or operated by a subcontractor on behalf of a
18 public utility.

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

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.