

HOUSE BILL No. 5325

December 2, 2003, Introduced by Reps. Casperson, Adamini, Brown, LaJoy, Meyer, Julian, Amos, Pappageorge, Walker, Mortimer, Pastor, Caswell, Caul, Newell, Huizenga, Emmons, Garfield, Brandenburg and Stahl 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 2002 PA 41.

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.

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

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

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

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

22 (4) Notwithstanding subsection (3), on a combination of truck
23 tractor and semitrailer having not more than 5 axles, 2
24 consecutive sets of tandem axles may carry a gross permissible
25 weight of not to exceed 17,000 pounds on any axle of the tandem
26 axles if there is no other axle within 9 feet of any axle of the
27 tandem axles and if the first and last axles of the consecutive

1 sets of tandem axles are not less than 36 feet apart and the
2 gross vehicle weight does not exceed 80,000 pounds to pick up and
3 deliver agricultural commodities between the national truck
4 network or special designated highways and any other highway.
5 This subsection is not subject to the maximum axle loads of
6 subsections (1), (2), and (3). For purposes of this subsection,
7 a "tandem axle" means 2 axles spaced more than 40 inches but not
8 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
9 but less than 9 feet apart. This subsection does not apply
10 during that period when reduced maximum loads are in effect
11 pursuant to subsection (7). This subsection does not apply after
12 December 31, 2006.

13 (5) The exception to the loading maximums and gross vehicle
14 weight requirements of subsection (11) under subsection (7) for a
15 person hauling agricultural commodities or a public utility
16 vehicle applies only if the person who picks up or delivers the
17 agricultural commodity either from a farm or to a farm or the
18 public utility notifies the county road commission for roads
19 under its authority not less than 48 hours before the pickup or
20 delivery of the time and location of the pickup or delivery. The
21 county road commission shall issue a permit to the person or the
22 public utility and charge a fee that does not exceed the
23 administrative costs incurred. The permit shall contain the
24 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 or the public

1 utility during which 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 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 (7) Except as provided in this subsection and ~~subsection~~
10 ~~(8)~~ **subsections (8) and (13)**, during the months of March, April,
11 and May in each year, the maximum axle load allowable on concrete
12 pavements or pavements with a concrete base shall be reduced by
13 25% from the maximum axle load as specified in this chapter, and
14 the maximum axle loads allowable on all other types of roads
15 during these months shall be reduced by 35% from the maximum axle
16 loads as specified. The maximum wheel load shall not exceed 525
17 pounds per inch of tire width on concrete and concrete base or
18 450 pounds per inch of tire width on all other roads during the
19 period the seasonal road restrictions are in effect. This
20 subsection does not apply to vehicles transporting agricultural
21 commodities or public utility vehicles on a highway, road, or
22 street under the jurisdiction of a local road agency.

23 (8) The state transportation department for roads under its
24 jurisdiction and a county road commission for roads under its
25 jurisdiction may grant exemptions from seasonal weight
26 restrictions for milk on specified routes when requested in
27 writing. Approval or denial of a request for an exemption shall

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

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

20 (10) For the purpose of enforcement of this act, the gross
21 vehicle weight of a single vehicle and load or a combination of
22 vehicles and loads, shall be determined by weighing individual
23 axles or groups of axles, and the total weight on all the axles
24 shall be the gross vehicle weight. In addition, the gross axle
25 weight shall be determined by weighing individual axles or by
26 weighing a group of axles and dividing the gross weight of the
27 group of axles by the number of axles in the group. Pursuant to

1 subsection (11), the overall gross weight on a group of 2 or more
 2 axles shall be determined by weighing individual axles or several
 3 axles, and the total weight of all the axles in the group shall
 4 be the overall gross weight of the group.

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

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

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

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

$$18 \quad W = 500 \quad \frac{\sqrt{LN} + 12N + 36}{\sqrt{N-1}}$$

19 where W = overall gross weight on a group of 2 or more
 20 consecutive axles to the nearest 500 pounds, L = distance in feet

21 between the extreme of a group of 2 or more consecutive axles,
 22 and N = number of axles in the group under consideration; except
 23 that 2 consecutive sets of tandem axles may carry a gross load of
 24 34,000 pounds each if the first and last axles of the consecutive
 25 sets of tandem axles are not less than 36 feet apart. The gross
 26 vehicle weight shall not exceed 80,000 pounds including all
 27

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 shall be subject to
6 the maximum axle loads of subsections (1), (2), and (3). As used
7 in 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 defined in this subsection.

15 (12) As used in this section, "agricultural commodities"
16 means those plants and animals useful to human beings produced by
17 agriculture and includes, but is not limited to, forages and sod
18 crops, grains and feed crops, field crops, dairy and dairy
19 products, poultry and poultry products, cervidae, livestock,
20 including breeding and grazing, equine, fish, and other
21 aquacultural products, bees and bee products, berries, herbs,
22 fruits, vegetables, flowers, seeds, grasses, nursery stock,
23 mushrooms, fertilizer, livestock bedding, farming equipment, and
24 fuel for agricultural use. The term "agricultural commodities"
25 ~~shall~~ **does** not include trees and lumber.

26 (13) **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
8 under this subsection the septage hauler indicates that the
9 exemption is requested in order to respond to an emergency, the
10 state transportation department or county commission for roads,
11 as 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
16 whose request for exemption under this subsection is denied may
17 appeal to the state transportation commission or the county road
18 commission.