

SENATE BILL No. 315

April 25, 2017, Introduced by Senators STAMAS, BRANDENBURG and SCHMIDT 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 2016 PA 72.

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
10 13,000 pounds for high pressure pneumatic or balloon tires.

11 (c) If the axles are spaced less than 3-1/2 feet apart, the

1 maximum axle load shall not exceed 9,000 pounds per axle.

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

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

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

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

11 (5) The seasonal reductions described under subsection ~~(8)~~-(9)
12 to the loading maximums and gross vehicle weight requirement of
13 subsection ~~(12)~~-(13) do not apply to a person hauling agricultural
14 commodities if the person who picks up or delivers the agricultural
15 commodity either from a farm or to a farm notifies the county road
16 commission for roads under its authority not less than 48 hours
17 before the pickup or delivery of the time and location of the
18 pickup or delivery. The county road commission shall issue a permit
19 to the person and charge a fee that does not exceed the
20 administrative costs incurred. The permit shall contain all of the
21 following:

- 22 (a) The designated route or routes of travel for the load.
23 (b) The date and time period requested by the person who picks
24 up or delivers the agricultural commodities during which the load
25 may be delivered or picked up.
26 (c) A maximum speed limit of travel, if necessary.
27 (d) Any other specific conditions agreed to between the

1 parties.

2 (6) The seasonal reductions described under subsection ~~(8)~~—(9)
3 to the loading maximums and gross vehicle weight requirements of
4 subsection ~~(12)~~—(13) do not apply to public utility vehicles under
5 the 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)~~—(13) as reduced under subsection ~~(8)~~—(9). The
15 notification may be made via facsimile or electronically.

16 (ii) The public utility vehicle travels to and from the site
17 of the emergency public utility work while on a restricted road at
18 a 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

1 utility work. The county road commission may charge a fee for a
2 seasonal truck permit that does not exceed the administrative costs
3 incurred for the permit. The seasonal truck permit shall contain
4 all of the following:

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

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

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

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

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

22 (ii) If the county road commission requires notification, the
23 county road commission shall provide a notification application for
24 the public utility or its subcontractor to use when requesting
25 access to operate on restricted roads and the public utility or its
26 subcontractor shall provide notification to the county road
27 commission, via facsimile or electronically, not later than 24

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

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

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

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

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

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

25 (7) The normal size of tires shall be the rated size as
26 published by the manufacturers, and the maximum wheel load
27 permissible for any wheel shall not exceed 700 pounds per inch of

1 width of tire.

2 (8) THE SEASONAL REDUCTIONS DESCRIBED UNDER SUBSECTION (9) TO
3 THE LOADING MAXIMUMS AND GROSS VEHICLE WEIGHT REQUIREMENTS OF
4 SUBSECTION (13) DO NOT APPLY TO A SEPTAGE WASTE VEHICLE THAT IS
5 OPERATED BY AN INDIVIDUAL WITH A VALID SEPTAGE WASTE VEHICLE
6 LICENSE THAT IS ADDRESSING AN EMERGENCY SEPTIC FAILURE IF THE
7 FOLLOWING CONDITIONS ARE MET:

8 (A) IF REQUIRED BY THE COUNTY ROAD COMMISSION, AS SOON AS
9 PRACTICAL, THE INDIVIDUAL SHALL NOTIFY THE COUNTY ROAD COMMISSION
10 OF THE LOCATION OF THE EMERGENCY SEPTIC FAILURE AND PROVIDE A
11 STATEMENT THAT THE VEHICLES THAT WERE USED TO PERFORM THE EMERGENCY
12 SEPTIC WORK MAY HAVE EXCEEDED THE LOADING MAXIMUMS AND GROSS
13 VEHICLE WEIGHT REQUIREMENTS OF SUBSECTION (13) AS REDUCED UNDER
14 SUBSECTION (9). THE NOTIFICATION REQUIRED UNDER THIS SUBDIVISION
15 MAY BE MADE ELECTRONICALLY OR BY FACSIMILE.

16 (B) THE SEPTAGE WASTE VEHICLE TRAVELS TO AND FROM THE SITE OF
17 THE EMERGENCY SEPTIC FAILURE WHILE ON A RESTRICTED ROAD AT A SPEED
18 NOT GREATER THAN 35 MILES PER HOUR.

19 (9) ~~(8)~~—Except as provided in this subsection and subsection
20 ~~(9)~~, ~~(10)~~, during the months of March, April, and May in each year,
21 the maximum axle load allowable on concrete pavements or pavements
22 with a concrete base is reduced by 25% from the maximum axle load
23 as specified in this chapter, and the maximum axle loads allowable
24 on all other types of roads during these months are reduced by 35%
25 from the maximum axle loads as specified. The maximum wheel load
26 shall not exceed 525 pounds per inch of tire width on concrete and
27 concrete base or 450 pounds per inch of tire width on all other

1 roads during the period the seasonal road restrictions are in
2 effect. Subject to subsection (5), this subsection does not apply
3 to vehicles transporting agricultural commodities or, subject to
4 subsection (6), public utility vehicles on a highway, road, or
5 street under the jurisdiction of a local road agency **OR, SUBJECT TO**
6 **SUBSECTION (8), TO A SEPTAGE WASTE VEHICLE.** In addition, this
7 subsection does not apply to a vehicle delivering propane fuel to a
8 residence if the vehicle's propane tank is filled to not more than
9 50% of its capacity and the vehicle is traveling at not more than
10 35 miles per hour. The state transportation department and each
11 local authority with highways and streets under its jurisdiction to
12 which the seasonal restrictions prescribed under this subsection
13 apply shall post all of the following information on the homepage
14 of its website or, if a local authority does not have a website,
15 then on the website of a statewide road association of which it is
16 a member:

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

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

20 (10) ~~(9)~~—The state transportation department for roads under
21 its jurisdiction and a county road commission for roads under its
22 jurisdiction may grant exemptions from seasonal weight restrictions
23 for milk on specified routes when requested in writing. Approval or
24 denial of a request for an exemption shall be given by written
25 notice to the applicant within 30 days after the date of submission
26 of the application. If a request is denied, the written notice
27 shall state the reason for denial and alternate routes for which

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

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

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

27 (13) ~~(12)~~—The loading maximum in this subsection applies to

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

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

13 where W = overall gross weight on a group of 2 or more consecutive
14 axles to the nearest 500 pounds, L = distance in feet between the
15 extreme of a group of 2 or more consecutive axles, and N = number
16 of axles in the group under consideration; except that 2
17 consecutive sets of tandem axles may carry a gross load of 34,000
18 pounds each if the first and last axles of the consecutive sets of
19 tandem axles are not less than 36 feet apart. The gross vehicle
20 weight shall not exceed 80,000 pounds including all enforcement
21 tolerances. Except for 5 axle truck tractor, semitrailer
22 combinations having 2 consecutive sets of tandem axles, vehicles
23 having a gross weight in excess of 80,000 pounds or in excess of
24 the vehicle gross weight determined by application of the formula
25 in this subsection are subject to the maximum axle loads of
26 subsections (1), (2), and (3). As used in this subsection, "tandem

axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection.

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

(a) A vehicle utilizing an interstate highway.

(b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection ~~(8)~~—(9) during the time that the seasonal weight restrictions are in effect.

(15) ~~(14)~~—As used in this section:

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,

1 mushrooms, fertilizer, livestock bedding, farming equipment, fuel
2 for agricultural use, and maple sap. Agricultural commodities do
3 not include trees or lumber.

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

9 (C) "EMERGENCY SEPTIC FAILURE" MEANS A MALFUNCTION OR FAILURE
10 OF AN ON-SITE WASTEWATER TREATMENT SYSTEM CONSISTING OF ANY OF THE
11 FOLLOWING:

12 (i) A DISCHARGE OF SEWAGE TO THE SURFACE OF THE GROUND.

13 (ii) A DISCHARGE OF SEWAGE OR EFFLUENT INTO SURFACE WATER OR
14 DIRECTLY INTO GROUNDWATER.

15 (iii) THE INABILITY OF THE ON-SITE WASTEWATER TREATMENT SYSTEM
16 TO ACCEPT SANITARY SEWAGE AT THE RATE BEING DISCHARGED, WHICH MAY
17 RESULT IN THE BACKUP OF SEWAGE INTO THE STRUCTURE OR IMPEDE THE
18 FLOW OF WASTEWATER WITHIN THE STRUCTURE.

19 (iv) A STRUCTURAL FAILURE OF THE SEPTIC TANK OR OTHER
20 ASSOCIATED COMPONENTS AND APPURTENANCES.

21 (v) THE ABSENCE OF ALL OR A PORTION OF A CONVENTIONAL OR
22 ALTERNATIVE SYSTEM WITHIN THE ESTABLISHED BOUNDARIES OF THE
23 PROPERTY TO SERVE THE STRUCTURE.

24 (vi) A DISCHARGE OF TREATED WASTEWATER THAT DOES NOT COMPLY
25 WITH APPLICABLE STANDARDS.

26 (vii) AN ILLICIT CONNECTION OR ILLICIT DISCHARGE.

27 (viii) EVIDENCE OF EFFLUENT WITHIN THE SEPTIC TANK ABOVE THE

1 **INVERT OF THE SEPTIC TANK OUTLET.**

2 (D) ~~(e)~~—"Farm storage" means any of the following:

3 (i) An edifice, silo, tank, bin, crib, interstice, or
4 protected enclosed structure, or more than 1 edifice, silo, tank,
5 bin, crib, interstice, or protected enclosed structure located
6 contiguous to each other.

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

9 (E) ~~(d)~~—"Public utility" means a public utility under the
10 jurisdiction of the public service commission or a transmission
11 company.

12 (F) ~~(e)~~—"Public utility vehicle" means a vehicle owned or
13 operated by a public utility or operated by a subcontractor on
14 behalf of a public utility.

15 (G) ~~(f)~~—"Transmission company" means either an affiliated
16 transmission company or an independent transmission company as
17 those terms are defined in section 2 of the electric transmission
18 line certification act, 1995 PA 30, MCL 460.562.

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