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DETERMINING AXLE WEIGHT RATIO OF THREE AXLES—A TRAILER USING PNEUMATIC TIRES HAVING A SET OF THREE AXLES IS ALLOWED A MAXIMUM OF 31,500 LBS. FOR THE TWO AND 19,000 FOR THE THIRD—§5577.04, R.C.

SYLLABUS:

1. Where a vehicle has three axles which are located at the rearmost part of the vehicle and are spaced fifty inches apart, the combination of the middle axle of such three axles and either one of the other two axles is subject to the maximum weight allowed for two successive axles spaced more than four feet, but less than eight feet apart, as found in Section 5577.04, Revised Code; and the maximum weight for the third of such three axles is that provided by said section for a single axle.

2. A trailer using pneumatic tires and having such a set of three axles is allowed a maximum of thirty-one thousand five hundred pounds for the two successive axles and nineteen thousand pounds for the third axle, subject to the other weight limitations of Section 5577.04, Revised Code.

Columbus, Ohio, July 26, 1962

Hon. Grant Keys, Director
Department of Highway Safety
240 Parsons Avenue, Columbus 5, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"We respectfully request your opinion regarding the application of Section 5577.04 of the Ohio Revised Code in en-

forcement of allowable maximum weights for three (3) successive axles.

"We are attaching copies of certain departmental communications and observations pertinent to the historical background of this matter which might be helpful to you in your deliberations."

I note from the material sent with your request that there are numerous vehicles which utilize three axles on the rear of the vehicle, spaced more than four but not more than eight feet apart.

I also have before me a drawing of a tractor trailer combination which presents in detail the problem presented by your request. The semitrailer in this drawing is equipped with three axles at the rearmost part of the trailer spaced 50 inches apart. I will assume for the purpose of this opinion that the trailer is equipped with pneumatic tires.

Section 5577.04, Revised Code, provides:

"No vehicle, trackless trolley, load, object, or structure having a maximum axle load greater than sixteen thousand pounds when such vehicle is equipped with solid rubber tires, *or greater than nineteen thousand pounds when such vehicle is equipped with pneumatic tires,* shall be operated or moved upon improved public highways, streets, bridges, or culverts. The maximum wheel load of any one wheel of any such vehicle shall not exceed six hundred fifty pounds per inch width of tire, measured as prescribed by section 5577.03 of the Revised Code, nor shall any solid tire of rubber or other resilent material, on any wheel of any such vehicle, be less than one inch thick when measured from the top of the flanges of the tire channel.

"The weight of vehicle and load imposed upon the road surface by any two successive axles, spaced four feet or less apart, shall not exceed nineteen thousand pounds of solid tires, nor twenty-four thousand pounds for pneumatic tires; *or by any two successive axles, spaced more than four feet but less than eight feet apart, shall not exceed twenty-four thousand pounds* for solid tires, nor *thirty-one thousand five hundred pounds for pneumatic tires;* or by any two successive axles, spaced eight feet or more apart, shall not exceed twenty-eight thousand pounds for solid tires, nor thirty-eight thousand pounds for pneumatic tires; *nor shall the total weight of vehicle and load exceed,* for solid rubber tires, twenty-eight thousand pounds plus an additional six hundred pounds for each foot or fraction thereof of spacing between the front axles and the rearmost axle of the vehicle, nor exceed *thirty-eight thousand pounds plus an additional nine hundred pounds for each foot of spacing between the front axle and the*

rearmost axle of the vehicle for pneumatic tires, nor shall the weight of vehicle and load imposed upon the road surface by any vehicle exceed seventy-eight thousand pounds for pneumatic tires, nor shall such weight of vehicle and load exceed, for solid tires, eighty per cent of the permissible weight of vehicle and load, as provided for pneumatic tires. * * *" (Emphasis added)

A consideration of Section 5577.04, *supra,* reveals that the legislature has not enacted a provision which clearly regulates or restricts the amount of weight allowable for three successive axles spaced more than four feet but less than eight feet apart. In the example here under consideration, however, the three successive axles spaced fifty inches apart necessarily include at least one set of two successive axles spaced more than four feet but less than eight feet apart. The first and middle axles would comprise such a set as would the middle and the rearmost axles; but I am of the opinion that for the purposes of the section the middle axle may be used only once as a part of a set of two successive axles. The intent of the section is to limit the maximum weights, and where an axle is allowed a stated weight when used in a certain way, such intent would be defeated if additional weight were allowed for the same axle on the basis that it is also used in another way.

Having concluded that one set of two successive axles spaced more than four feet, but less than eight feet apart within the purview of Section 5577.04, *supra,* is contained in the three successive axles here under consideration, the remaining question pertains to the weight limitation on the other axle. As to this, the section clearly provides a maximum axle load for a single axle, nineteen thousand pounds for pneumatic tires, and it follows that such provision is applicable to said third axle in the instant question.

Concluding, it is my opinion and you are advised:

1. Where a vehicle has three axles which are located at the rearmost part of the vehicle and are spaced fifty inches apart, the combination of the middle axle of such three axles and either one of the other two axles is subject to the maximum weight allowed for two successive axles spaced more than four feet, but less than eight feet apart, as found in Section 5577.04, Revised Code; and the maximum weight for the third of such three axles is that provided by said section for a single axle.

2. A trailer using pneumatic tires and having such a set of three axles is allowed a maximum of thirty-one thousand five hundred pounds

for the two successive axles and nineteen thousand pounds for the third axle, subject to the other weight limitations of Section 5577.04, Revised Code.

Respectfully,
MARK MCELROY
Attorney General