

OPINION
47-178

December 26, 1947 (OPINION)

MOTOR VEHICLES

RE: Maximum Weight of Loads

In your letter of December 1st you asked us for an interpretation of Chapter 246 of the Laws of 1945 with reference to the weight loads of motor vehicles. We have delayed answering as we have spent considerable time in trying to arrive at the correct analysis of these provisions. We sent you a tentative opinion some time ago. Since then, we have gone over it carefully and we now give you this opinion which makes no variation from the tentative opinion sent you.

Of course we must determine the intent of the Legislature from the language of the statute. Where that is plain and unambiguous, there is no call for any strained construction. We believe that the construction hereinafter set forth is the construction that the language of the statute makes the most reasonable.

It seems apparent that this section makes two separate provisions:

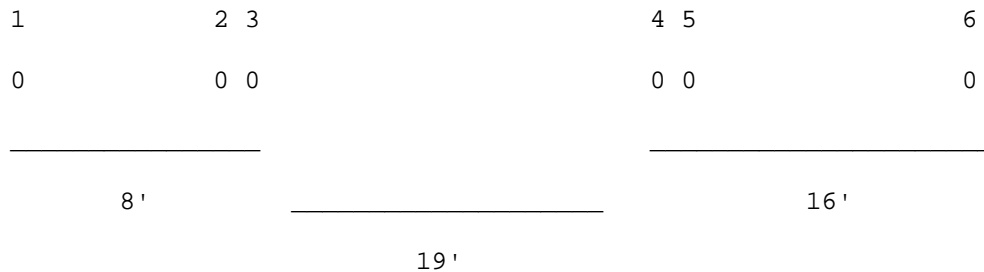
- 1) For the entire maximum permissible load to be carried by an "vehicle or combination of vehicles." That is, a single vehicle drawn by a single tractor, or such a vehicle drawn by a single tractor in combination with one or more trailers.
- 2) For limitations on this maximum according to the location of extra axles under the load, the maximum load and the limitations are determined by two separate formulas as shown hereinafter.

The first formula " $W = (L + 40) 750$ " is only used to determine the maximum load, the factor L always being the distance from the center of the front axle to the center of the rear axle of the vehicle or combination, never to any grouping of axles. This maximum load is ascertained by the application of the formula:

" $W = (L + 40) 750$ ", L = distance between centers of first and last axles on the vehicle or combination. This maximum is limited, however, by the provisions re tire and axle loads, and the further application of the formula: " $W = (L + 40) 650$ " where the vehicle or combination of vehicles has more than two axles. In such case the axles may be considered by groups where the first and last axles in the group are 18 ft. or less apart. A group may consist of two axles 18 ft. or less apart, or of two such axles and one or more placed between them. If two axles are placed 40 inches or less apart, they shall be considered as one axle in the grouping. If two such axles placed 40 inches or less apart constitute the end of any group, the axle furthest from the other end axle of the group must be considered as the end of the group.

If the axles are so placed that the distance between two axles

exceeds 18 feet, the axles on the ends of the excessive space must be grouped, as for instance, in a placement such as this



There would be two groups only, i.e., one consisting of the axles 8 feet apart and the other consisting of the axles 16 feet apart. The axles 19 feet apart could not be considered as a group. In this case axles 2 and 3, 4 and 5, and 6 and 7 are four feet apart and axle 1 is the front axle of the tractor.

In the diagram given, axles 1, 2 and 3 would constitute one group, and axles 4, 5, 6 and 7 would constitute the other group.

The maximum load, disregarding weight limitations on wheel and axle, would be determined by the formula:

$$\begin{aligned}
 W &= (L + 40) 750 \\
 &= (43 + 40) 750 \\
 &= 83 \times 750 \\
 &= 62250\#
 \end{aligned}$$

However, the groups must be considered separately by the application of the formula:

$$W = (L + 40) 650$$

Applying this formula to the first group, we have:

$$\begin{aligned}
 W &= (L + 40) 650 \\
 &= (8 + 40) 650 \\
 &= 48 \times 650 \\
 &= 31200\#
 \end{aligned}$$

And applying this formula to the second group, we have:

$$\begin{aligned}
 W &= (L + 40) 650 \\
 &= (16 + 40) 650 \\
 &= 56 \times 650 \\
 &= 36400\#
 \end{aligned}$$

The sum of these two figures is 31200 plus 36400 equals 67600#. Since this sum exceeds the maximum as ascertained by the formula

$$W = (L + 40) 750$$

that maximum must not be exceeded.

Since axles 1 and 2, and 2 and 3, are spaced less than 8 feet apart, the maximum load on each of these axles is 15000#, or the entire permissible load, disregarding the group formula, would be

$$3 \times 15000 \text{ or } 45000\#.$$

Since this figure exceeds the weight as determined by the formula

$$W = (L + 40) 650$$

which is 31200#, the lesser figure must be taken. And likewise the weight limit on axles 4 and 5 is 30000# and the weight limit on axles 6 and 7 is 30000#, or a total weight on the axles in the second group is 60000#. Since this is in excess of the limit as determined by the formula

$$W = (L + 40) 650$$

which is 36400#, the lesser figure is the weight limit in the second group consisting of axles 4, 5, 6 and 7, and the total permissible weight of the vehicle will be:

$$31200\# + 36400\# \text{ or } 67600\#$$

which figure is more than that determined by the first formula for the entire vehicle, and more than the weight as determined by the group formula. Therefore, the maximum ascertained by the first formula governs.

It must be remembered that, in determining the axle loads, two axles must be considered as one in computing the axle limitation, and the axle limit would be 15000# or 18000# depending on whether another axle is 8 feet or less from the pair considered as one. If the nearest axle is over 8 feet away, the limit would be 18000# on the pair, and if the nearest axle is only 8 feet or less away, the limit would be at 15000#.

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