

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Filing of Amended Rule 5537-3-01(K) of the Ohio Administrative Code

WHEREAS, the Commission has adopted traffic rules for the control and regulation of traffic, for the protection and preservation of property under its jurisdiction and/or for the maintenance and preservation of good order within the property under its control in accordance with the authority granted to it under Ohio Revised Code Section 5537.16 as promulgated in the provisions of Ohio Administrative Code Sections 5537-1-01 through 5537-7-01; and

WHEREAS, the Commission has also received a request from the State Highway Patrol regarding the current provisions of Section 5537-3-01(K) of the Commission's traffic rules which restricts the allowable axle load or gross weight of vehicles using the Turnpike; and

WHEREAS, the Ohio State Highway Patrol has requested that the Commission amend the provisions of Section 5537-3-01(K) of the Ohio Administrative Code to also expand the determination of allowable axle load or gross weight by the use of portable weight scales in its enforcement of this traffic rule; and

WHEREAS, the Commission desires to cooperate with the Ohio State Highway Patrol in its enforcement of Section 5537-3-01(K) of the Ohio Administrative Code based upon the reports it has received of drivers of overweight vehicles attempting to use the Turnpike in violation of its rules for the control and regulation of traffic; and

WHEREAS, in accordance with applicable statutory provisions, including Sections 111.15 and 119.032 of the Ohio Revised Code, the Commission must file with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State any new rule or amended rule in accordance with the procedures set forth in the statutes and the Commission wishes to begin the process to amend the provisions of Section 5537-03-01(K) as reflected in the attached drafted amended rule (Exhibit B); and

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the General Counsel to initiate the process necessary to adopt the attached amended version of Section 5537-3-01(K) of the Ohio Administrative Code in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

(Resolution No. 20-2007 adopted June 22, 2007)

EXHIBIT B

Chapter 5537-3 Prohibited Uses

5537-3-01 Prohibited users.

The following shall not be permitted to travel on the turnpike:

- (A) Pedestrians.
- (B) Bicycles.
- (C) Vehicles drawn by animals.
- (D) Animals led, ridden, or driven on the hoof.
- (E) Vehicles transporting animals or poultry not properly secured or confined.
- (F) Self-propelled or towed construction, agricultural, or other similar equipment not designed for or employed in general highway transportation.
- (G) Vehicles with improperly secured loads.
- (H) Vehicles with metal tires, solid tires, or deflated pneumatic tires and vehicles with caterpillar treads, except by special permit issued by the commission.
- (I) Such vehicles as, in the opinion of a commission toll collector or collectors or any police officer, are deemed to be unsafe or to be such as to create a hazard upon the turnpike. The burden of proof of the safe condition of such vehicles shall be upon the operators of such vehicles.
- (J) Vehicles, including any loads thereon, which exceed the following maximum dimensions:

Width-8'-6", Height-13'-6", Length-40'-0" for single units except passenger bus with three or more axles, Length-45'-0" for passenger bus with three or more axles, Length-75'-0" for commercial tractor and semi-trailer combinations (the length does not include safety devices or bumpers attached to the front or rear of such combinations. The length does include Overhang, except that automobile Transporters may have up to 4' Overhang in the rear and 3' overhang in the front of the vehicle (for a Total maximum length of 82').

Length-90'-0" for any long combination vehicles (length does not include safety devices or bumpers attached to the front or rear of such combinations), provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission for a permit to enter and travel upon the turnpike and the commission may, in its discretion, grant such permit, in writing, upon such terms as it may prescribe; provided further that busses and fire trucks in course of delivery shall be exempt from length limitation.
- (K) Vehicles exceeding allowable axle load or gross weight as determined by automatic toll equipment or portable scales as follows:
 - (1) Maximum axle load-21,000 lbs.,
 - (2) Maximum combined axle load of any two successive axles, spaced four feet or less apart-24,000 lbs.,
 - (3) Maximum combined axle load of any two successive axles, spaced more than four feet apart but less than eight feet apart – 34,000 lbs.,
 - (4) Maximum gross weight-90,000 lbs., provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission a permit to enter and travel upon the turnpike and the commission may, in its discretion, grant such permit, in writing, upon such terms as it may prescribe.
- (L) Vehicles transporting explosives of such kind or in the quantity for which federal regulations or the statutes of the state of Ohio prescribes that there be displayed by said vehicles or the operators thereof warning or identifying flags and signs such as "Explosives," "Danger," or like sign, provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission for a permit to enter and travel upon the turnpike and the commission may, in its discretion, grant such permit in writing, upon such terms as it may prescribe.

(M) During high winds or during the prevalence of other adverse weather conditions, motorcycles, house trailers, horse trailers, boat trailers, long combination vehicles, utility trailers and all passenger vehicle-drawn trailers.

(N) Vehicles that are not capable of maintaining a speed of at least 40 miles per hour on level grade.

(O) Vehicles in tow by a rope, chain or other non-rigid connection.

(P) Disabled vehicles in tow except under the following conditions:

(1) Passenger vehicles which become disabled and must be removed by towing or pushing, shall be removed by being towed or pushed to the nearest exit by a service vehicle from an official turnpike contract garage.

(2) Trucking and bus company vehicles, which become disabled and must be removed by towing or pushing, shall be removed only by being towed or pushed to the nearest exit by a service vehicle from: an official turnpike contract garage, a company owned and operated service unit, or an agency operating under contract with the subject company whose vehicle is disabled.

(3) Passengers are prohibited from riding in any vehicle being towed or pushed on the turnpike.