MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Byrd To: Transportation

HOUSE BILL NO. 1237

AN ACT TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO PERMIT CERTAIN VEHICLES OPERATED BY AN ENGINE FUELED PRIMARILY BY COMPRESSED OR LIQUEFIED NATURAL GAS TO EXCEED THE GROSS WEIGHT AND AXEL WEIGHT LIMITATIONS WHEN OPERATING ON THE ROADS AND HIGHWAYS OF THE STATE; TO BRING FORWARD SECTIONS 63-5-27 AND 63-5-29, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-5-33, Mississippi Code of 1972, is amended as follows:

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying the maximum load limits and, in addition thereto, such other

highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows: W=500 (LN/N-1+12N+36) where W=maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds, L=distance in feet between the extremes of any group of two (2) or more consecutive axles, and N=number of axles in any group under consideration.

TABLE III

DISTANCE IN FEET BETWEEN THE EXTREMES OF ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES	MAXIMUM LOAD IN POUNDS CARRIED ON ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					

5	34,000						
6	34,000		Axle groups in				
7	34,000						
8 and							
less	34,000	34,000	these spacings				
More							
than							
8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500	impractical				
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	63,500	69,000	74,500	

71	26	55,500	59,500	64,000	69,500	75,000
72	27	56,000	60,000	65,000	70,000	75,500
73	28	57,000	60,500	65,500	71,000	76,500
74	29	57,500	61,500	66,000	71,500	77,000
75	30	58,500	62,000	66,500	72,000	77,500
76	31	59,000	62,500	67,500	72,500	78,000
77	32	60,000	63,500	68,000	73,000	78,500
78	33		64,000	68,500	74,000	79,000
79	34		64,500	69,000	74,500	80,000
80	35		65,500	70,000	75,000	80,000
81	36		66,000	70,500	75,500	80,000
82	37		66,500	71,000	76,000	80,000
83	38		67,500	71,500	77,000	80,000
84	39		68,000	72,500	77,500	80,000
85	40		68,500	73,000	78,000	80,000
86	41		69,500	73,500	78,500	80,000
87	42		70,000	74,000	79,000	80,000
88	43		70,500	75,000	80,000	80,000
89	44		71,500	75,500	80,000	80,000
90	45		72,000	76,000	80,000	80,000
91	46		72,500	76,500	80,000	80,000
92	47		73,500	77,500	80,000	80,000
93	48		74,000	78,000	80,000	80,000
94	49		74,500	78,500	80,000	80,000
95	50		75,500	79,000	80,000	80,000

51	76,000	80,000	80,000	80,000
52	76,500	80,000	80,000	80,000
53	77,500	80,000	80,000	80,000
54	78,000	80,000	80,000	80,000
55	78,500	80,000	80,000	80,000
56	79,500	80,000	80,000	80,000
57	80,000	80,000	80,000	80,000

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized gross vehicle weight, tandem or axle weight; except

that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%). Vehicles operating without a harvest permit loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds. Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed ten percent (10%) above their authorized tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed eighty-four thousand (84,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, woodchips, wood shavings, sawdust, fill dirt, and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state.

(4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem, and a tolerance not to exceed ten percent (10%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight not to exceed eighty-four thousand (84,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

(b) Any owner or operator who has been issued a harvest permit and who wishes to operate a vehicle on the roads, streets or highways under the jurisdiction of a county or municipality at a gross vehicle weight greater than the weight allowed by law or greater than the maximum weight established for such roads, streets or highways by the board of supervisors or municipal governing authorities, shall notify, in writing, the board of supervisors or the governing authorities, as the case may be, before operating such vehicle on the roads, streets or highways of such county or municipality. In his notice, the permit holder shall identify the routes over which he intends to operate vehicles for which the permit has been issued and the dates or time period during which he will be operating such vehicles. The board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Anytime a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this subsection shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, 2022.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the interstate highway system of this state on January 4, 1975.

(7) (a) Notwithstanding the provisions of Section 63-5-27 and/or 63-5-29 to the contrary, a vehicle that is operated by an engine fueled primarily by compressed or liquefied natural gas may exceed the gross vehicle weight limits and any axle weight limits imposed by this Section by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system.

(b) The weight exception provided in this subsection shall apply to all state roads and interstate highways per the exemption expressly permitted by 23 USCS Section 127, as amended by Section 1410 of the Fixing America's Surface Transportation Act of 2015.

SECTION 2. Section 63-5-27, Mississippi Code of 1972, is brought forward as follows:

63-5-27. (1) Subject to the maximum gross single axle or tandem axle weights hereinafter specified, the gross single or tandem axle weights shall not exceed five hundred fifty (550) pounds per inch of tire width. The gross weight on any single or tandem axle thus derived shall be subject to a tolerance not in excess of five hundred (500) pounds provided that the total allowable gross weight of the single or tandem axle shall not exceed the maximum limitations allowed hereinafter.

(2) The gross weight imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand (20,000) pounds exclusive of the tolerance provided in Section 63-5-33. A single axle shall be defined as an assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle.

(3) The gross weight imposed on the highway by any tandem axle shall not exceed thirty-four thousand (34,000) pounds exclusive of the tolerance provided in Section 63-5-33. A tandem axle shall be defined as any two (2) or more consecutive axles whose centers are more than forty (40) inches but not more than ninety-six (96) inches apart. No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the weight permitted for a single axle.

(4) (a) Vehicles designed and especially constructed to transport concrete products and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi shall not be made to conform to the axle spacing requirements or axle or tire loadings of this section or to the total combined weights as set out in Section 63-5-33 in Table III, provided (i) that such vehicles shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) that such vehicles shall only be operated

within fifty (50) miles of their home base; (iii) that any such vehicles shall be limited to a maximum load of the rated capacity of the vehicle; (iv) that all such vehicles shall have at least three (3) axles; and (v) that all vehicles with only three (3) axles shall have all wheels brake-equipped. Any two (2) or more axles close enough to be considered an axle group shall be suspended by an equalizing system and be spaced a minimum of four (4) feet apart in order to be eligible for the maximum load as provided in this subsection. It shall be a violation if vehicles to which this subsection applies travel upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Transportation Commission, a board of supervisors, or municipal governing authorities as provided in subsection (5) or (6) of this section.

(b) Vehicles designed and especially constructed to transport raw cotton from harvest to the cotton gin shall not be made to conform to the axle spacing or axle or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the

Mississippi Department of Transportation, a board of supervisors or municipal governing authorities as provided in subsection (5) or (6) of this section.

(c) Vehicles designed and especially constructed to collect and transport solid waste and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi, shall not be made to conform to the axle spacing or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake-equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or the governing authorities of a municipality as provided in subsection (5) or (6) of this section.

(d) The rear axle of trailer mounted knuckle boom log loaders shall be exempt from the tire loading limitation provided for in subsection (3) of this section; provided, however, that the gross weight imposed on the highway by such an axle shall not exceed forty-one thousand (41,000) pounds.

(5) The board of supervisors of any county or the governing authorities of any municipality, by appropriate resolution, may impose limitations more restrictive than those permitted in this section upon the county highways of such county or the streets of such municipality.

(6) The Mississippi Department of Transportation, for cause, may post or limit any road or bridge to weights less than those permitted by this section.

SECTION 3. Section 63-5-29, Mississippi Code of 1972, is brought forward as follows:

63-5-29. On all highways of the State of Mississippi except those referred to in Sections 63-5-31 and 63-5-33, and subject to the limitations imposed on wheel and axle loads by Section 63-5-27 and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table I), corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in Feet Between the Extreme of Any Group of Axles	Maximum Load in Pounds Carried on any Group of Axles
4	28,650
5	29,650
6	30,640
7	31,630
8	32,610

341	9	33,580
342	10	34,550
343	11	35,510
344	12	36,470
345	13	37,420
346	14	38,360
347	15	39,300
348	16	40,280
349	17	41,160
350	18	42,080
351	19	42,990
352	20	43,900
353	21	44,800
354	22	45,700
355	23	46,590
356	24	47,470
357	25	48,350
358	26	49,220
359	27	50,090
360	28	50,950
361	29	51,800
362	30	52,650
363	31	53,490
364	32	54,330
365	33	55,160

34	55,650
35	56,800
36 and greater	57,650 maximum

Moreover, in addition to the per axle weight limitation specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-four thousand (24,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power).

(2) An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles.

(3) Provided, however, that, subject to the limitations imposed on:

(a) Wheel, axle loads, spacing and weight by Sections 63-5-27 and 63-5-33, and

(b) Weight limitations on highways and bridges by Section 65-1-45, Mississippi Code of 1972, any product produced on or distributed from a location on any highway within or without the State of Mississippi may be transported from such place of production or location of distribution by the nearest route toward its destination on such highway or highways to a point where such highway intersects a highway previously found or hereafter found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35; and provided further,

that any goods, materials, and equipment actually used in the supply of an activity of producing, manufacturing or distributing products on any such highway within the State of Mississippi may be transported on such highway to the site of such manufacture, production or distribution. However, any penalty assessed against a vehicle operating under the provisions of this paragraph (3)(b) shall be calculated according to the maximum weight which that particular vehicle is legally permitted to transport and not the maximum gross weight limit established for that highway.

Nothing herein contained shall be construed to permit movements of weights in excess of those provided for in this section (63-5-29) over a route or section thereof for the purpose of a shortcut between two (2) highways found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35 or any other purpose not consistent with the aforementioned provisions.

Nothing in Sections 63-5-29, and 63-5-34, shall be construed to imply any general variation from the maximum weight limitations designated by the Mississippi Department of Transportation other than specified in Sections 63-5-29 and 63-5-34.

SECTION 4. This act shall take effect and be in force from and after July 1, 2020.