



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council Meeting

**From:** Lee Gosnell, Manager of Operations & Community Services

**Date:** 2021-03-11

**Subject:** Spring Weight Restrictions

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#### **Recommendation:**

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Spring Weight Restrictions on Municipal roads; and

That West Elgin Council adopt a by-law to establish a reduced load restriction period on municipal roads in accordance with Section 122 of the Highway Traffic Act, as presented in the by-law portion of the agenda.

#### **Purpose:**

The purpose of this report is to provide Council with information supporting the Reduced Load Restriction Period which will come forward for consideration under the by-law section of this meeting.

#### **Background:**

Under Section 122 of the Highway Traffic Act (as listed under the legislation section of this report) a municipality may, by by-law, designate roads under its jurisdiction to be weight restricted. This by-law may also set out start/end dates for the reduced load period, commonly referred to as the 'spring half load' season.

During spring thaw, roads are very susceptible to damage and weight is a key factor. The reduced load period caps gross weight of commercial vehicles to 5000 kilograms per axle. This restriction will apply to all roads under municipal jurisdiction, including gravel, surface treated and urban/rural paved. The Elgin County road network within West Elgin is generally full load, with the exception of County Road 5 (Dunborough) and County Road 9 (McDougall/Stalker).

#### **Policies/Legislation:**

##### *Highway Traffic Act - Reduced load periods*

122. (1) Subject to section 110, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms. R.S.O. 1990, c. H.8, s. 122 (1).

*Idem*

(2) Subject to section 110, during a reduced load period,

(a) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;

(b) no two axle truck, while used exclusively for the transportation of livestock feed; and

(c) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms. R.S.O. 1990, c. H.8, s. 122 (2).

*Idem*

(3) Subject to section 110, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms. R.S.O. 1990, c. H.8, s. 122 (3).

*Exceptions*

(4) Subsections (1) and (3) do not apply to,

(a) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where the vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;

(b) vehicles used exclusively for the transportation of milk;

(c) fire apparatus;

(d) vehicles operated by or on behalf of a municipality transporting waste; or

(e) public utility emergency vehicles. R.S.O. 1990, c. H.8, s. 122 (4); 2009, c. 5, s. 39.

*Designation*

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (5).

*Legislation Act, 2006, Part III*

(6) A designation under subsection (5) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. R.S.O. 1990, c. H.8, s. 122 (6); 2006, c. 21, Sched. F, s. 136 (1).

*Designation by municipality*

*(7) The municipality or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (7); 2002, c. 17, Sched. F, Table.*

**Report Approval Details**

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This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott