

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 4242

5 (By Delegates Diserio, Jones, Swartzmiller,
6 Ferro, Fleischauer, Perdue, Poore, Storch,
7 Poling, D., Eldridge and Phillips, L.)

8 [Passed March 7, 2014; in effect from passage.]

9
10 AN ACT to authorize the Commissioner of the West Virginia Division
11 of Highways to allow an increase of gross weight limitations
12 on certain roads in Brooke County.

13 *Be it enacted by the Legislature of West Virginia:*

14 **WEIGHT LIMITATIONS ON CERTAIN ROADS IN BROOKE COUNTY.**

15 **§1. Authority of the Commissioner of the West Virginia Division of**
16 **Highways to increase weight limitations on certain highways**
17 **within Brooke County.**

18 (a) If the Commissioner of the West Virginia Division of
19 Highways determines that the design, construction and safety of the
20 highways in Brooke County described in subsection c of this section
21 are such that gross weight limits may be increased without damage,
22 the commissioner may establish. The commissioner shall then set
23 new limitations applicable to the highways or portions thereof.

24 (b) The commissioner may not establish any weight limitation

1 in excess or in conflict with any weight limitation prescribed by
2 or pursuant to acts of Congress with respect to the National System
3 of Interstate and Defense Highways.

4 (c) If the commissioner determines that those portions of
5 Brooke County Route 2/20, north and southbound, from milepost 0.00
6 to milepost 0.44; WV 2 in Brooke County, north and southbound, from
7 milepost 12.34 to milepost 15.61; and U.S. 22, east and westbound,
8 from milepost 0.00 to milepost 0.3, and all connecting ramps are
9 designed and constructed to allow the gross weight limitation to be
10 increased without damage, the commissioner may increase the gross
11 weight limitations up to 108,000 pounds, with no tolerance
12 permitted, on those sections described above: *Provided*, That any
13 person, organization or corporation exceeding the 80,000 pounds
14 gross weight limitation while using these routes must first obtain
15 a permit from the commissioner before proceeding: *Provided*,
16 *however*, That the increased weight limitations are not barred by an
17 act of the United States Congress.

18 (d) The commissioner shall create a permit that shall be
19 obtained by any person, organization or corporation wishing to
20 utilize the provisions of subsection c of this section.

21 (e) The commissioner shall develop procedures for the issuance
22 of the permit and those procedures shall be consistent with the
23 existing procedures for the issuance of similar permits. The permit
24 issued shall be valid for one year from the date of issuance.

1 (f) The information required in the application for the permit
2 shall include:

- 3 (1) Tractor and trailer information;
- 4 (2) Number of axles;
- 5 (3) Axle spacings;
- 6 (4) Overall dimensions;
- 7 (5) Load information;
- 8 (6) Load weight and gross weight; and
- 9 (7) Effective dates.

10 (g) Upon submission of this information the person,
11 organization or corporation shall be provided an appropriate permit
12 based on the information provided in subsection f.

13 (h) The commissioner shall charge a permit fee of five-hundred
14 dollars for each vehicle.

15 (i) The Commissioner shall have the authority to immediately
16 reduce the weight limit authorized by the permit should a bridge
17 report be issued stating that the safe load weight limit is below
18 108,000 pounds.