

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2118

BY DELEGATE PYLES

[Introduced January 9, 2019; Referred
to the Committee on Technology and Infrastructure then
the Judiciary.]

1 A BILL to amend and reenact §17-4-27 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §17C-17-12 of said code, all relating to the power of local government
 3 authorities to regulate vehicular traffic within their borders.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-27. Same -- Control of connecting parts of state road system within municipalities.

1 (a) (1) The State Road Commissioner of Highways shall exercise the same control over
 2 connecting parts of the state road system in municipalities, except the regulation of traffic, that he
 3 or she exercises over such system generally, but he or she shall assume no greater duty or
 4 obligation in the construction, reconstruction and maintenance of streets which are part of the
 5 state road system than he or she is required to assume in the case of state roads outside of
 6 municipalities.

7 (2) For purposes of this subsection, "regulation of traffic" includes the power to regulate
 8 the weight and size of vehicles traveling in a municipality when there is at least one reasonable
 9 alternate route available to avoid traveling within the municipality.

10 (b) Subject to subsection (a) of this section, in order, however, to promote the safe and
 11 efficient utilization of such streets, the location, form and character of informational, regulatory
 12 and warning signs, curb and pavement or other markings, and traffic signals installed or placed
 13 by any municipality on any highway or street hereafter constructed with state or federal aid shall
 14 be are subject to the approval of the state-Road Commissioner of Highways.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 17. SIZE, WEIGHT AND LOAD.

**§17C-17-12. When ~~state road commission~~ Commissioner of Highways or local authorities
 may restrict right to use highways.**

1 (a) Local authorities with respect to highways ~~under their jurisdiction~~ within their borders
 2 may by ordinance or resolution prohibit the operation of vehicles upon any such highway or
 3 impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total
 4 period of not to exceed 90 days in any one calendar year, whenever ~~any said~~ the highway by
 5 reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or
 6 destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof
 7 reduced.

8 (b) The local authority enacting any such ordinance or resolution shall erect or cause to
 9 be erected and maintained signs designating the provisions of the ordinance or resolution at each
 10 end of that portion of any highway affected thereby, and the ordinance or resolution ~~shall~~ is not
 11 ~~be~~ effective unless and until ~~such~~ the signs are erected and maintained.

12 (c) Local authorities with respect to highways ~~under their jurisdiction~~ within their borders
 13 may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles,
 14 or may impose limitations as to the weight thereof, on designated highways, ~~which~~ when there is
 15 at least one reasonable alternate route available to avoid traveling within their borders. The
 16 prohibitions and limitations shall be designated by appropriate signs placed on ~~such~~ the highways.

17 (d) Subject to subsections (a), (b) and (c) of this section, ~~the state road commission shall~~
 18 ~~likewise have~~ Commissioner of Highways has the same authority, as ~~hereinabove~~ granted in this
 19 section to local authorities to ~~determine by resolution and to~~ impose restrictions as to the weight
 20 of vehicles operated upon any highway under the jurisdiction of ~~said commission~~ the
 21 commissioner and ~~such~~ the restrictions ~~shall be~~ are effective when signs giving notice thereof are
 22 erected upon the highway or portion of any highway affected. ~~by such resolution~~

NOTE: The purpose of this bill is to give municipalities the authority to regulate the operation of trucks or other commercial vehicles within their borders when there is at least one reasonable alternate route available for those vehicles.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.