

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4554**

BY DELEGATES AMBLER, GEARHEART, TRECOST,

HAMRICK, P. SMITH, IRELAND, COOPER AND D. EVANS

[Passed March 12, 2016; in effect ninety days from  
passage.]

1 AN ACT to authorize the Commissioner of the Division of Highways to allow an increase of gross  
2 weight limitations and dimensional restrictions on certain roads in Greenbrier County;  
3 specifying roadway location; and providing for permit application, restrictions,  
4 requirements, fees and limitations.

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

**WEIGHT LIMITATIONS ON CERTAIN ROADS IN GREENBRIER COUNTY.**

**§1. Authority of the Commissioner of the Division of Highways to increase weight  
limitations on certain highways within Greenbrier County.**

1 (a) If the Commissioner of the Division of Highways determines that the design,  
2 construction and safety of the highways in Greenbrier County described in subsection (c) of this  
3 section are such that gross weight limits and dimensional restrictions may be increased without  
4 damage and without unreasonable danger to the public, the commissioner may set new limitations  
5 applicable to the highways or portions thereof.

6 (b) The commissioner may not establish any weight limitation or dimensional restriction in  
7 excess or in conflict with any weight limitation or dimensional restriction prescribed by or pursuant  
8 to acts of Congress for any road or highway that is part of the National System of Interstate and  
9 Defense Highways.

10 (c) Notwithstanding any provisions of the Code of West Virginia, 1931, as amended, to the  
11 contrary, if the commissioner determines that those portions of Greenbrier County Route 10/1  
12 north and southbound from milepost 6.10 to milepost 11.60 are designed and constructed to allow  
13 the gross weight and dimensional limitation to be increased without damage, including damage  
14 to the road and related infrastructure, and without unreasonable danger to the public, the  
15 commissioner may increase the gross weight and vehicle dimensional limitations on the highway  
16 section described above: *Provided*, That any person, organization or corporation or other entity  
17 proposing to exceed the gross weight and vehicle dimension limitations of current state law while  
18 using these routes must first obtain a permit from the commissioner before proceeding: *Provided*,

19 *however*, That the increased weight limitations and dimensional restrictions are not barred by an  
20 act of the United States Congress.

21 (d) The commissioner shall create a permit that must be obtained by any person or entity  
22 wishing to use the provisions of subsection (c) of this section. The commissioner is authorized to  
23 make the permit subject to any restrictions and requirements the commissioner deems necessary  
24 to protect the public, road and other infrastructure.

25 (e) The commissioner shall adopt procedures for the issuance of the permit and those  
26 procedures shall be consistent with the existing procedures for the issuance of similar permits.  
27 The permit issued shall be valid for one year from the date of issuance.

28 (f) The information required in the application for the permit includes:

- 29 (1) Vehicle and trailer information;
- 30 (2) Number of axles;
- 31 (3) Axle spacings;
- 32 (4) Overall dimensions;
- 33 (5) Load information;
- 34 (6) Load weight and gross weight; and
- 35 (7) Effective dates.

36 (g) Upon submission of this information the applicant shall be provided an appropriate  
37 permit based on the information provided in subsection (f) of this section.

38 (h) The commissioner shall charge a permit fee of \$500 for each permitted vehicle.

39 (i) The commissioner may immediately reduce the weight limit and dimensional restrictions  
40 if new information indicates that such reduction is needed to protect the public or road or other  
41 infrastructure.

