

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Originating

House Bill 3030

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PRITT, KEATON, RILEY, TULLY, BOOTH, THOMPSON AND
EVANS

[Originating in the Committee on Technology and
Infrastructure; reported on March 9, 2021]

1 A BILL 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 and
3 Pocahontas Counties; specifying roadway location; and providing for permit application,
4 restrictions, requirements, fees, and limitations.

Be it enacted by the Legislature of West Virginia:

**WEIGHT LIMITATIONS ON CERTAIN ROADS IN GREENBRIER AND POCAHONTAS
COUNTIES.**

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

1 (a) If the Commissioner of the Division of Highways determines that the design,
2 construction, and safety of the highways in Greenbrier and Pocahontas Counties described in
3 subsection (c) of this section are such that gross weight limits and dimensional restrictions may
4 be increased without damage and without unreasonable danger to the public, the commissioner
5 may set new limitations 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, CR 39/4 in Greenbrier County,
13 and CR 29/4 in Pocahontas County are designed and constructed to allow the gross weight and
14 dimensional limitation to be increased without damage, including damage to the road and related
15 infrastructure, and without unreasonable danger to the public, the commissioner may increase
16 the gross weight and vehicle dimensional limitations on the highway section described above:
17 *Provided*, That any person, organization or corporation or other entity proposing to exceed the

18 gross weight and vehicle dimension limitations of current state law while using these routes must
19 first obtain a permit from the commissioner before proceeding: *Provided, however,* That the
20 increased weight limitations and dimensional restrictions are not barred by an act of the United
21 States Congress.

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

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

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

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

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

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

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