WEST VIRGINIA CODE: §17C-17-11

§17C-17-11. Permits for excess size and weight.

(a) The Commissioner of the Division of Highways may, in his or her discretion, upon application in writing and good cause shown, issue a special permit in writing authorizing:

(1) The applicant, in crossing any highway of this state, to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter, whether the operation is continuous or not, provided the applicant agrees to compensate the Commissioner of the Division of Highways for all damages or expenses incurred in connection with the crossing;

(2) The applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter; and

(3) The applicant to move or operate, for limited or continuous operation, a vehicle hauling containerized cargo in a sealed, seagoing container to or from a seaport or inland waterway port that has or will be transported by marine shipment where the vehicle is not, as a result of hauling the container, in conformity with the provisions of this article relating to weight limitations, upon the conditions that:

(A) The container be hauled only on the roadways and highways designated by the Commissioner of the Division of Highways;

(B) The contents of the container are not changed from the time it is loaded by the consignor or the consignor's agent to the time it is delivered to the consignee or the consignee's agent; and

(C) Any additional conditions as the Commissioner of the Division of Highways or the Public Service Commission may impose to otherwise ensure compliance with the provisions of this chapter.

(b)(1) The Commissioner of the Division of Highways may issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the Commissioner of the Division of Highways upon terms and restrictions prescribed by the Public Service Commission, together with the Commissioner of the Division of Highways.

(2) For purposes of this section, "nondivisible load" means any load exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

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(A) Compromise the intended use of the vehicle, to the extent that the separation would make it unable to perform the function for which it was intended;

(B) Destroy the value of the load or vehicle, to the extent that the separation would make it unusable for its intended purpose; or

(C) Require more than eight work hours to dismantle using appropriate equipment: *Provided*, That the applicant for a nondivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

(3) The Commissioner of the Division of Highways may, in his or her discretion, upon application in writing and based upon an engineering analysis, issue a special permit in writing authorizing the applicant, when operating upon any highway of this state designated by the commissioner, to operate or move a vehicle or combination of vehicles, hauling commodities manufactured for interstate commerce, of a size or weight or divisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter, whether the operation is continuous or not.

(A) The engineering analysis must demonstrate that the vehicle permitted under this subdivision does not adversely affect the designated routes when compared to the size, weight, and load provisions of this chapter.

(B) The maximum gross vehicle weight permitted under this subsection is 120,000 pounds.

(C) The permit may contain any additional conditions the Commissioner of the Division of Highways or the Public Service Commission may impose to otherwise ensure compliance with the provisions of this chapter.

(4) The Commissioner of the Division of Highways may, in his or her discretion, upon application in writing, issue a special permit in writing authorizing the applicant to transport logs, wood chips, timber, other natural raw wood, lumber, paper, wood veneer, wood pellets, or any other wood product of the forest, craft, or manufacturing. The vehicle authorized by the permit shall be a tractor-semitrailer combination with six axles, each axle equipped with brakes, and limited to a maximum gross vehicular weight of 94,000 pounds, without any tolerance. The maximum weight of each axle, beginning with the steering axle commencing rearwards, respectively shall be 15,000 pounds, 17,000 pounds, 17,000 pounds, 15,000 pounds, 15,000 pounds, and 15,000 pounds. The tractor shall have one steer axle and two drive axles in tandem, and the trailer shall have three trailer axles in tridem. The distance between the last drive axle of the tractor and the first trailer axle shall be a minimum of 29 feet and six inches. The Commissioner of the Division of Highways may issue permits for four-axle tractors with one steering axle and three axles in tridem in combination with dual axle pup trailers: *Provided*, That the maximum weight of each axle for pup-combination vehicles beginning with the steering axle commencing rearward respectively does not exceed 14,500 pounds, 16,613 pounds, 16,614 pounds, 16,613 pounds, 14,830 pounds, and 14,830 pounds. Permits under this subdivision will not be issued for any vehicle traveling on

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interstate routes.

(c) The application for any permit other than a special annual permit shall specifically describe the vehicle or vehicles and load to be operated or moved along or across the highway and the particular highway or crossing of the highway for which the permit to operate is requested, and whether the permit is requested for a single trip or for a continuous operation.

(d) The Public Service Commission is authorized to issue or withhold a permit at its discretion; or, if the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on or across the highways indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surface, or structures, and may require the undertaking, bond, or other security considered necessary to compensate for any injury to any roadway structure and to specify the type, number, and the location for escort vehicles for any vehicle: *Provided*, That in establishing limitations on permits issued under this section, the Public Service Commission shall consult with the Commissioner of the Division of Highways, and may not issue, limit, or condition a permit in a manner inconsistent with the authority of the Commissioner of the Division of Highways.

The Public Service Commission may charge a fee for the issuance of a permit for a mobile home and a reasonable fee for the issuance of a permit for any other vehicle under the provisions of this section to pay the administrative costs thereof.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the Commissioner of the Division of Highways or the Public Service Commission, and no person shall violate any of the terms or conditions of the special permit.

(f) The Commissioner of the Division of Highways may issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the Commissioner of the Division of Highways at night, and during holidays, holiday weekends, Saturdays, and Sundays: *Provided*, That the special permit outlined in this subsection shall apply to all interstate highways, United States highways with four or more travel lanes, and divided highways within the state with four or more travel lanes: *Provided, however*, That the Commissioner of the Division of Highways shall promptly issue a requested permit if the application is properly completed and the requested route, dates, and times meet state and federal laws, regulations, and safety requirements and do not violate any bond covenants.

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