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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4631

(By Delegate Pettit)



Passed March 13, 1998

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4631

(BY DELEGATE PETTIT)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section one, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred ninety-one, relating to directing the commissioner of highways to issue a permit to certain users of two highways in the city of Weirton and allowing the increasing of gross weight limitations on certain roads in the city of Weirton, West Virginia.

Be it enacted by the Legislature of West Virginia:

That section one, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred ninety-one, be amended and reenacted to read as follows:

**SIZE, WEIGHT AND LOAD LIMITATIONS ON CERTAIN ROADS
IN WEIRTON, WEST VIRGINIA.**

§1. Authority of the commissioner of the division of highways to increase weight limitations upon highways within the city of Weirton, West Virginia.

- 1 If the commissioner of the division of highways
- 2 determines that the design, construction and safety of the

3 highways within the city of Weirton, West Virginia, are
4 such that tonnage limits may be increased without undue
5 damage, the commissioner may increase them. The
6 commissioner shall then set new weight limitations
7 applicable to said highways or portions thereof.

8 The commissioner may not establish any weight
9 limitation in excess of or in conflict with any weight
10 limitation prescribed by or pursuant to acts of Congress
11 with respect to the national system of interstate and
12 defense highways.

13 If the commissioner determines that the portion of
14 State Route 2 located in the city of Weirton in the counties
15 of Hancock and Brooke, named "Main Street" and that
16 portion of U.S. Route 22 within the city of Weirton in the
17 county of Brooke named "Freedom Way" are designed
18 and constructed to allow the gross weight limitation to be
19 increased up to one hundred twenty thousand pounds
20 without undue damage, the commissioner may increase
21 the weight limitations from eighty thousand pounds up to
22 one hundred twenty thousand pounds on those sections
23 of State Route 2 and U.S. Route 22 described above:
24 *Provided*, That any person, organization or corporation
25 exceeding eighty thousand pounds gross weight limitation
26 while using said routes shall first obtain a permit from the
27 commissioner before proceeding and shall provide the
28 commissioner with a bond sufficient to cover any potential
29 undue damage which may result from the use: *Provided*,
30 *however*, That if it is the determination of the
31 commissioner that said routes, as specifically described
32 herein, are in need of repaving, those persons,
33 organizations or corporations shall pay the cost of
34 repaving in amounts as assessed, from time to time, by the
35 commissioner: *Provided further*, That the commissioner
36 also determines that the increased limitation is not barred
37 by an act of the United States Congress and the
38 commissioner has received approval from the United
39 States department of transportation to increase the weight
40 limitation.

41 The director of the enforcement division of the
42 division of highways shall identify the trucks exceeding

43 eighty thousand pounds gross weight using the said routes
44 and the companies they represent and report this
45 information to the commissioner of the division of
46 highways.

47 The commissioner of the division of highways shall,
48 every six months, review the damages to the said routes
49 and report the damages to: (1) The local legislative
50 delegation, consisting of two delegates from Brooke
51 County and two delegates from Hancock County and the
52 two senators representing the first senatorial district; and
53 (2) the companies identified by the director of the
54 enforcement division.

55 The commissioner shall assess the damages to the
56 companies, identified by the director of the enforcement
57 division, using the said routes. Notification, by the
58 commissioner, of the amount of the assessment to the
59 companies shall be by certified mail. A copy of the notice
60 of the assessment of damages shall also be forwarded to
61 the local legislative delegation.

62 The companies must pay the assessed damages to the
63 division of highways within thirty days of receipt of the
64 notice or penalties. If such payments are not made within
65 thirty days, a penalty in the amount of ten percent per
66 annum of the outstanding assessment shall be imposed
67 quarterly. The division of highways shall, to the best of its
68 ability, commence the repair of the damaged routes within
69 six months of the assessment.

70 The commissioner of the division of highways shall
71 report to the Legislature before the fifteenth day of
72 January, two thousand one. The report shall contain: (1)
73 How the increased weight of trucks has affected the said
74 routes; (2) damages caused; (3) how much was assessed in
75 damages; and (4) how much was paid. After review by the
76 Legislature, the Legislature shall continue, amend, or
77 terminate this practice.

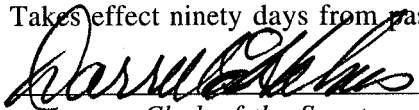
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

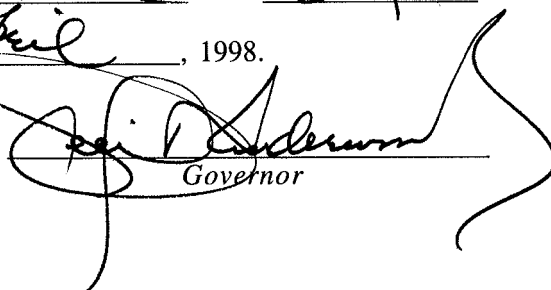

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 6th
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 12:30 pm