H. B. 2583
(BY DELEGATES GIVENS AND ENNIS)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section one, chapter two hundred eighty-seven, acts of the Legislature, regular session, two thousand, relating to directing the commissioner of highways to allow the increase of gross weight limitations on certain roads in Ohio and Brooke Counties.

Be it enacted by the Legislature of West Virginia:

That section one, chapter two hundred eighty-seven, acts of the Legislature, regular session, two thousand, be amended and reenacted to read as follows:

WEIGHT LIMITATIONS ON CERTAIN ROADS IN OHIO AND BROOKE COUNTIES.

§1. Authority of the commissioner of the division of highways to increase weight limitations on certain highways within Ohio and Brooke Counties of West Virginia.

1 If the commissioner of the division of highways determines
2 that the design, construction and safety of certain highways
designated herein in Brooke and Ohio counties of West Virginia are such that tonnage limits may be increased without undue damage, the commissioner may increase them. The commissioner shall then set new weight limitations applicable to said highways or portions thereof.

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

If the commissioner determines that the portion of U. S. Route 40 from milepost 0.84 to 1.35 in Ohio County to U. S. Route 40 westbound from milepost 0.00 to 0.23 in Ohio County to the southbound lanes of State Route 2 from milepost 0.17 to 0.26 in Ohio County and on State Route 2 in Ohio County from milepost 3.27 to 11.61 and State Route 2 in Brooke County from milepost 0.00 to 3.33 are designed and constructed to allow the gross weight limitation to be increased from eighty thousand pounds to ninety thousand pounds without undue damage, the commissioner may increase the weight limitations from eighty thousand pounds up to ninety thousand pounds on those sections of State Route 2 and U. S. Route 40 described above: Provided, That any person, organization or corporation exceeding eighty thousand pounds gross weight limitation while using said routes shall first obtain a multi-trip permit from the commissioner before proceeding and shall provide the commissioner with a bond sufficient to cover any potential undue damage which may result from the use: Provided, however, That if it is the determination of the commissioner that the routes, as specifically described herein, are in need of repaving, those persons, organizations or corporations shall pay the cost of repaving in amounts as assessed, from time to time, by the commissioner: Provided further, That the commissioner also determines that the increased limitation is not barred by an act of the United States Congress and the commissioner has received approval from the United States department of transportation to increase the weight limitation.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 is approved this the 5th day of May, 2001.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/03/01
Time 3:15 pm