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2001 APR 25 P 12:40

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



# ENROLLED

## House Bill No. 2819

(By Delegates Warner, DeLong and Swartzmiller)



Passed April 12, 2001

In Effect Ninety Days from Passage

FILED

2001 APR 25 P 12: 41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**H. B. 2819**

(BY DELEGATES WARNER, DELONG AND SWARTZMILLER)

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

AN ACT to amend and reenact section one, chapter three hundred thirty-one, acts of the Legislature, regular session, one thousand nine hundred ninety-eight, 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 three hundred thirty-one, acts of the Legislature, regular session, one thousand nine hundred ninety-eight, 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 determines  
2 that the design, construction and safety of the highways within  
3 the city of Weirton, West Virginia, are such that tonnage limits  
4 may be increased without undue damage, the commissioner  
5 may increase them. The commissioner shall then set new  
6 weight limitations applicable to said highways or portions  
7 thereof.

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

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

35 received approval from the United States department of  
36 transportation to increase the weight limitation.

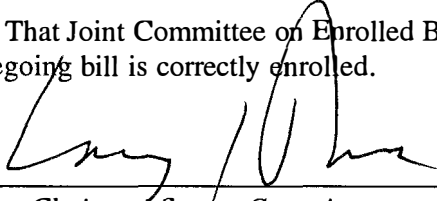
37 The director of the enforcement division of the division of  
38 highways shall identify the trucks exceeding eighty thousand  
39 pounds gross weight using the said routes and the companies  
40 they represent and report this information to the commissioner  
41 of the division of highways.

42 The commissioner of the division of highways shall  
43 annually review the damages to the said routes and report the  
44 damages to: (1) The local legislative delegation, consisting of  
45 two delegates from Brooke County and two delegates from  
46 Hancock County and the two senators representing the first  
47 senatorial district; and (2) the companies identified by the  
48 director of the enforcement division.

49 The commissioner shall assess the damages to the compa-  
50 nies, identified by the director of the enforcement division,  
51 using the said routes. Notification, by the commissioner, of the  
52 amount of the assessment to the companies shall be by certified  
53 mail. A copy of the notice of the assessment of damages shall  
54 also be forwarded to the local legislative delegation.

55 The companies must pay the assessed damages to the  
56 division of highways within thirty days of receipt of the notice.  
57 If such payments are not made within thirty days, a penalty in  
58 the amount of ten per cent per annum of the outstanding  
59 assessment shall be imposed quarterly. The division of high-  
60 ways shall, to the best of its ability, commence the repair of the  
61 damaged routes within six months of the assessment.

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



*Chairman Senate Committee*



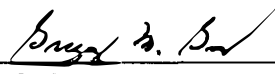
*Chairman House Committee*

Originating in the House.

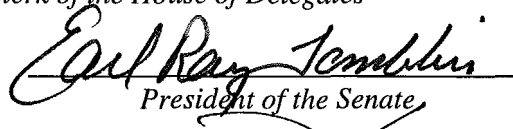
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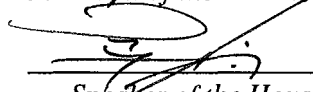
*Clerk of the Senate*



*Clerk of the House of Delegates*

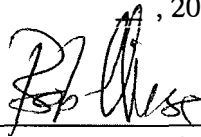


*President of the Senate*



*Speaker of the House of Delegates*

The within is approved this the 24<sup>th</sup>  
day of April, 2001.



*Governor*

PRESENTED TO THE

GOVERNING

Date 4/21/01

Time 2:10 pm

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