House Bill No. 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.
If the commissioner of the division of highways determines that the design, construction and safety of the highways within the city of Weirton, 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 State Route 2 located in the city of Weirton in the counties of Hancock and Brooke, named "Main Street" and that portion of U.S. Route 22 within the city of Weirton in the county of Brooke named "Freedom Way" are designed and constructed to allow the gross weight limitation to be increased up to one hundred twenty thousand pounds without undue damage, the commissioner may increase the weight limitations from eighty thousand pounds up to one hundred twenty thousand pounds on those sections of State Route 2 and U.S. Route 22 described above: Provided, That any person, organization or corporation exceeding eighty thousand pounds gross weight limitation while using said routes shall first obtain a 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 said 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.

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

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

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

The companies must pay the assessed damages to the division of highways within thirty days of receipt of the notice. If such payments are not made within thirty days, a penalty in the amount of ten per cent per annum of the outstanding assessment shall be imposed quarterly. The division of highways shall, to the best of its ability, commence the repair of the 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.

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 24th day of April, 2001.

Governor