

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 616

BY SENATORS BOSO AND CLINE

[Originating in the Committee on Transportation and
Infrastructure; Reported on February 23, 2018]

1 A BILL to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended,
2 relating to permitting the Commissioner of Highways to issue a special permit increasing
3 the maximum gross weight for certain wood-bearing vehicles equipped with six axles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. SIZE, WEIGHT, AND LOAD.

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

1 (a) The ~~Public Service Commission~~ Commissioner of Highways may, in ~~its~~ his or her
2 discretion, upon application in writing and good cause shown issue a special permit in writing
3 authorizing:

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

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

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

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

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

21 agent; and

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

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

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

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

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

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

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

45 (A) The engineering analysis must demonstrate that the vehicle permitted under this
46 subdivision does not adversely affect the designated routes when compared to the size, weight,

47 and load provisions of this chapter.

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

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

53 (4) The Commissioner of Highways may, in his or her discretion, upon application in
54 writing, issue a special permit in writing authorizing the applicant to transport logs, wood chips,
55 timber, other natural raw wood, lumber, paper, wood veneer, wood pellets, or any other wood
56 product of the forest, craft, or manufacturing. The vehicle authorized by the permit shall be a
57 tractor-semitrailer combination with six axles, each axle equipped with brakes, and limited to a
58 maximum gross vehicular weight of 94,000 pounds, without any tolerance. The weight of each
59 axle, beginning with the steering axle commencing rearwards, respectively shall be 15,000
60 pounds, 17,000 pounds, 17,000 pounds, 15,000 pounds, 15,000 pounds, and 15,000 pounds.
61 The tractor shall have one steer axle and two drive axles in tandem, and the trailer shall have
62 three trailer axles in tridem. The distance between the last drive axle of the tractor and the first
63 trailer axle shall be a minimum of 29 feet and six inches. Permits under this subdivision will not
64 be issued for any vehicle traveling on interstate routes.

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

69 (d) The Public Service Commission is authorized to issue or withhold a permit at his or her
70 discretion; or, if the permit is issued, to limit the number of trips, or to establish seasonal or other
71 time limitations within which the vehicles described may be operated on or across the highways
72 indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles, when

73 necessary to assure against undue damage to the road foundations, surface, or structures, and
74 may require the undertaking, bond, or other security considered necessary to compensate for any
75 injury to any roadway structure and to specify the type, number, and the location for escort
76 vehicles for any vehicle: *Provided*, That in establishing limitations on permits issued under this
77 section, the Public Service Commission shall consult with the Commissioner of Highways, and
78 may not issue, limit, or condition a permit in a manner inconsistent with the authority of the
79 Commissioner of Highways.

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

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

NOTE: The purpose of this bill is to permit the Commissioner of Highways to issue a special permit increasing the maximum gross weight for certain wood-bearing vehicles equipped with six axles.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.