WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Highways

RULE TYPE: Legislative TITLE-SERIES: 157-05

RULE NAME: Traffic and Safety Rules

CITE AUTHORITY: §§17-2A-8 and 12 and 17C-17, et seq.

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jonathan W Schaffer -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 157
LEGISLATIVE RULE
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

SERIES 5
TRAFFIC AND SAFETY RULES

§157-5-1. General.

1.1. Scope. -- This Legislative rule establishes general rules for the control of traffic and the promotion of safety on the public highways. It includes permits for oversize trucks and restrictions of when and where such loads may be moved. The rule adopts the "Manual on Uniform Traffic Control Devices for Streets and Highways". The rule explains that speed zones are set by Order of the Commissioner of Highways and sets forth the specifications for the Order. Local authorities may request the Commissioner alter a speed zone following the process in the rule.

1.2. Authority. -- This rule is issued under the authority of W. Va. Code §§17-2A-8 and 12 and 17C-17, et seq.

1.3. Filing Date. – ~~March 27, 2024~~

1.4. Effective Date. – ~~March 27, 2024~~

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, 2029.

§157-5-2. Uniform Traffic Control Devices.

2.1. Uniform Sign Manual Adopted. The West Virginia Department of Transportation, Division of Highways hereby adopts, insofar as practicable and feasible, as its manual and specifications for a uniform system of traffic-control devices, the manual, entitled "Manual on Uniform Traffic Control Devices for Streets and Highways," prepared in cooperation with the National Committee on Uniform Traffic Control Devices, American Association of State Highway and Transportation Officials, Institute of Transportation Engineers, National Committee on Uniform Traffic Laws, National Association of Counties, National League of Cities, adopted by the Federal Highway Administration as a national standard for application on all classes of highways, ~~2009 Edition~~ 11th Edition.

2.2. Standards for Temporary Traffic Control Adopted. The West Virginia Department of Transportation, Division of Highways hereby adopts, insofar as practicable and feasible, to supersede Part VI of the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," adopted by the preceding section, the "Manual on Temporary Traffic Control for Streets and Highways 2006" which was prepared by the Traffic Engineering Division of the West Virginia Division of Highways.

§157-5-3. Speed Controls.

3.1. Commissioner's Order. Whenever the Commissioner of Highways has, pursuant to the provisions of W. Va. Code §17C-6, et seq., established a speed zone or designated a maximum or

minimum speed limit, the Commissioner of Highways shall enter an order to such effect in the Commissioner's Order Book, in the manner provided in Section 2, Rules Relating Generally to the Various Functions of the Commissioner of Highways, 157CSR1. The order shall set forth the reasons for establishing the speed zone or maximum or minimum speed limit, and whether it will be effective at all times or during the hours of daylight or darkness, or at other times as the Commissioner of Highways may determine. The order shall designate the county route and mileposts in which the speed zone or limit is established and shall accurately describe the intersection, highway or part of highway, or bridge approach, to which the speed zone or limit applies. The description and designation shall be in non-technical terms of reference insofar as possible. All references in the order to the boundary of the speed zone shall be in terms of reference that may be readily ascertained by an examination of any affected road or bridge.

3.2. Erection of Signs Before Speed Limit Effective. No speed limit is effective until appropriate signs giving notice thereof are erected at the beginning point of the speed zone designating the zone and the speed limit to be observed in that zone, and until appropriate signs are erected indicating the end of the speed zone, which signs shall also indicate the different speed limit as may then be observed.

§157-5-4. Traffic Regulation by Local Authorities.

4.1. Procedure for Establishment of Local Traffic Regulations. Whenever local authorities desire to alter a speed zone upon a state highway or extension of a state highway in a municipality, they shall set forth the reasons for the alteration, the speed limits to be observed, and the times the speed limits are effective, and a designation and description of the state highway or extension of the state highway in the municipality to which the speed limit or traffic regulation is to be applicable. The local authority shall send a written request to the Commissioner of Highways, and the speed zone or limit established by local authorities is not effective until approved by the Commissioner of Highways by order entered in his or her Order Book in the same manner as provided in Section 3, of this rule. Appropriate signs giving notice of the speed zone or limit so established shall be erected. Approved signs shall be erected, altered, or removed only by Division forces.

§157-5-5. Signs.

5.1. Specifications. All signs relating to traffic controls, weight limitations, civil defense, safety, and other matters pertaining to use of road rights of way, which are erected or placed upon or near any state highway, bridge, or street, by the Commissioner of Highways, or any local authority, pursuant to any requirement of law or any rule issued by the Commissioner of Highways, or pursuant to any order entered by the Commissioner of Highways, shall conform in size, shape, color, form, and specifications to those contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, described in subsection 2.1 of this rule.

§157-5-6. Special Permits.

6.1. General. Pursuant to authority vested in him or her by law, the Commissioner of Highways may, in his or her discretion, upon application in writing and good cause being shown therefore, issue a special permit authorizing the applicant to operate or move upon, along, over, or across the highways of this state, a vehicle or combination of vehicles of a size, weight, or load exceeding the maximums specified by law.

6.2. Basis for Granting or Denying Special Permits. In considering applications for special permits, primary consideration will be given to the protection and safety of the traveling public and the probable effects the issuance of the permits will have upon the state road system. The Commissioner of Highways will not grant permits for extra dimensional vehicles which will endanger other vehicles, or are likely to cause damage to bridges, municipal facilities, utility facilities, traffic signals, signs, or devices, or roadway structures of whatsoever kind or nature, or for overweight vehicles or loads which are likely to cause damage to any roads or roadway structures.

6.3. Officials Authorized to Issue Special Permits. Special Permits may be issued by the Commissioner of Highways, the Operations Division and other personnel as may be authorized by the Commissioner of Highways.

6.3.a. Permits Issued Solely by the Operations Division. Blanket permits, special permits for mobile homes, special permits for seagoing containerized cargo, timber permits, and permits for commodities manufactured for interstate commerce will be issued only by the Operations Division.

6.4. General Conditions for Issuance of Special Permits. Whenever a special permit is issued, the Commissioner of Highways, or his or her duly authorized representative, may impose any reasonable conditions or restrictions, which may be considered proper or necessary, such as establishing seasonal or other time limitations within which the vehicles described in the permit may be operated on or across the highways specified, requiring the trip to be made over routes other than the route applied for, or otherwise limiting or prescribing conditions of operation of the vehicle or vehicles, when necessary to insure against damage to road foundations, surface, bridges, municipal or utility facilities, traffic signals, signs, or devices, or roadway structures of any kind or nature, and may require the condition, bond or security as may be considered necessary to compensate for any injury to the foundation, surface, bridge, etc. The following conditions, however, are applicable to all special permits issued by the Commissioner of Highways.

6.4.a. Permit must be Carried with Vehicle. Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be available for inspection by any police officer or authorized agent of the Commissioner of Highways granting the permit. No person may violate any of the terms or conditions of the special permit. The permit may be presented as a paper copy or electronic form.

6.4.b. Permits Nontransferable. A special single trip permit is valid only for the vehicle or combination of vehicles described upon the face of the application and permit. No single trip permit is transferable to another vehicle or combination of vehicles.

6.4.c. Maximums not to be Exceeded. The maximum size limitations and the maximum axle, axle combinations and vehicle weights authorized by a permit shall not be exceeded.

6.4.d. Excesses to be Kept to a Minimum. Property transported under a permit shall be loaded to reduce to a minimum the excess over statutory size or gross weight limitations, and an oversize vehicle used for transporting loads under a permit shall be reduced to statutory size limitations if practicable when being operated without a load. The load shall be properly secured and fastened to the transporting vehicle. (See West Virginia Code | §17C-17-4 (wvlegislature.gov)

6.4.e. Notice to Owners of Overhead Structures. When a vehicle or load under a permit is in excess of the statutory height limitation, the person granted the permit shall give adequate notice to

owners of overhead wires, cables, or other facilities which may be affected by the transportation authorized by the permit.

6.4.f. Vertical Clearance; Effect of Permit. Nothing contained in this rule shall be construed to require the state, any state agency, any utility, or any municipality, to provide sufficient vertical clearance to permit the operation of any vehicle or vehicles or to make any changes in or about existing structures now crossing the streets, roads and other public thoroughfares of the State of West Virginia.

6.4.g. Particular Regulations; Effect of Permit. No permit shall be considered to set aside any rules limiting loads because of local conditions including bridges and highways posted for load limits, seasonal weight restrictions, or under construction.

6.4.h. Permit not a Guarantee. The granting of a permit shall not be considered as a guarantee of the sufficiency of any highway or structure for vehicular movement.

6.4.i. Statutes, Ordinances, Rules and Effect of Permit. The holder of a permit shall not be relieved of compliance with the provisions of any statute, ordinance, or rule of any state agency or subdivision of the state, except to the extent that the statute, ordinance, or rule is modified by the conditions of the permit.

6.4.j. Limitations on Movement Under Permit.

6.4.j.1. Vehicles under special permit with loads 14 feet or less in width may not be moved on holiday weekends or legal holidays. Please refer to West Virginia Code | §2-2-1 (wvlegislature.gov) for the official list of holidays.

6.4.j.2. As a general rule, vehicles under special permit with loads wider than 14 feet may not be moved on Saturdays, Sundays, or legal holidays, except as otherwise provided in Section 6.13.d.2 of this rule relating to movement of mobile homes.

6.4.j.3. No over dimensional or overweight loads may be moved when road conditions are hazardous due to ice or snow, or when driving conditions are rendered dangerous by reason of fog, snow, excessive rain, etc.

6.4.j.4. Overweight permits shall not, as a general rule, be issued for routes upon which temporary loading restrictions have been imposed.

6.4.k. Police Escort. All persons moving houses or other similar oversized structures that could cause significant disruptions to the normal flow of traffic shall make arrangements with the appropriate law enforcement agency for police escort to accompany the movement. The Division of Highways shall determine the need for a police escort based on the information provided in the permit application and knowledge of the roads or highways being traveled. The applicant for a special permit, as provided in Subdivision 6.6.c. of this rule, shall furnish the Commissioner of Highways, or his or her duly authorized representative, a verification of the police escort arrangement with the application for the special permit.

6.4.l. Safety Regulations. Where a special permit requires the use of an escort vehicle or vehicles, the escort vehicle shall conform to the provisions of Section 6.14 of this rule.

6.4.m. False Information; Penalty. False information, or erroneous information, given in the application or the omission of information from the application, or failure to comply with the conditions of a permit, is just cause for the summary suspension of the permit, upon notice given orally or in writing, and for the suspension of the permit, upon notice in writing, of other permits held by the permittee. The length of the suspension and other matters pertaining to the suspension or revocation of a permit shall be determined by the issuing authority, which may conduct a hearing upon request of the person granted the permit subsequent to the suspension of a permit. Suspended and revoked permits shall be returned to the issuing authority.

6.5. Excessive Loads. The Operations Division, after approval by the District Manager, may issue a special single trip permit for the movement of exceptionally heavy or large equipment such as transformers or compressor station machinery which cannot be disassembled. The permit may be issued only if the following requirements are fulfilled:

6.5.a. if, in the sole discretion of the Operations Division, bridges must be strengthened to allow passage of a permitted excessive load the bridges must be reinforced at the applicant's expense and in accordance with instructions of the District Manager;

6.5.b. a professional charge in order to determine the feasibility of any movement of extremely heavy equipment may be levied before an analysis is undertaken;

6.5.c. a bond may be required in an amount prescribed by the District Manager, to cover the cost of repairing all possible damage to bridges and/or roads;

6.5.d. temporary traffic control plans may be required to ensure safe travel of the load. The traffic control plan, if required, shall be approved, denied, or modified by the Operations Division in conjunction with the District Traffic Engineer. The applicant is responsible for all costs associated with obtaining a permit and establishing a temporary traffic control plan.

6.6. Procedure for Issuance of Special Permits.

6.6.a. Applications; Forms. An application for a special permit shall be via the online web portal established by the Division of Highways. https://transportation.wv.gov/highways/maintenance/hauling permits/Pages/default.aspx. The online application shall be made on a form approved by the Commissioner of Highways and directed to any officer duly authorized by the Commissioner of Highways to issue special permits.

6.6.b. Information Required. The application for a special permit shall specifically set forth the following information:

6.6.b.1. a detailed description of the vehicle and its registration and a detailed description of the proposed load including the manufacturer's name and model number of any equipment being transported. For cargo bearing vehicles, the application shall show the gross load and licensed gross vehicle weight; and

6.6.b.2. the particular portion of the highway or the specific point of crossing of the highway for which the permit to operate is requested.

6.6.c. Applications for House Moving. Applications for moving any type of house, regardless of the type of construction, shall be made at least 10 days in advance of the move on the regular permit application form supplied by the Commissioner of Highways. The applicant shall furnish verification to the Commissioner of Highways, or his or her duly authorized representative, that a law enforcement agency will provide a police escort to accompany the movement of the house, or other similar structure.

6.6.d. Penalty for Erroneous Information. In the event of omissions or errors in submitted information, the permit may be considered invalid, thereby making the owner, lessee, or borrower of the vehicle subject to a fine for exceeding the legal size and weight limitation.

6.6.e. Permit Cost. Special Permits for single trips will be issued at a basic fee of $20.00 covering any oversize dimension, overweight, or both types of permits. In addition to the basic fee, an overweight fee of $.04 per ton mile will be assessed. Annual Blanket Permits for continuous movement of oversized loads only will be issued at a basic fee of $200.00. Annual Blanket Permits for continuous movement of oversize and overweight loads will be issued at a fee of $500.00. Annual Blanket Permits for the movement of Mobile Homes that are no more than 14 feet wide will be issued at a fee of $200.00. Annual Blanket Permits for the movement of seagoing containerized cargo will be issued at a fee of $150.00 for the first 15 permits and $15.00 for each additional permit.

6.7. Other Application. Any person who applies for, receives, and accepts a permit does upon acceptance agree that he or she is familiar with all statutes and rules of the State relating to excess size and weight and agrees to be bound thereby.

6.8. License Requirements. As a general rule a special permit for excess size and weight will not be issued to a vehicle which is not registered and licensed as required by the laws of the State of West Virginia.

6.8.a. Vehicles not Required to be Licensed. Vehicles which are not required to be registered and licensed by the laws of the State of West Virginia shall, nevertheless, obtain a special permit for all operations where the legal limitations for size and weight will be exceeded.

6.8.b. Licensed and Unlicensed Out of State Vehicles. If the state of domicile or origin does not require a vehicle used in interstate commerce to be registered or licensed, the vehicle shall not be required to be registered or licensed before issuance of a special permit by the Commissioner of Highways for movements through the state. If the special equipment is worked within the state, a license is required before the permit will be issued.

6.9. Movement of Contractor's Equipment and Materials; Commercial Haulers.

6.9.a. Contractor's Equipment. A special permit for excess size and weight shall be obtained by a contractor who moves equipment and materials to a West Virginia Division of Highways project or from one project to another project.

6.9.b. Commercial Haulers on Road Projects. Commercial haulers transporting materials to projects under contract for the West Virginia Division of Highways, a political subdivision of the state, or the federal government shall obtain special permits for excess size and weight.

6.10. State and Federal Government Vehicle. A special permit for excess size and weight shall be obtained for the movement of overweight or over dimensional vehicles where both the vehicle and the load are wholly owned by the federal government, the state, or a political subdivision of the state.

6.11. Movement Involving More Than One (1) District. In the event the movement of a vehicle involves more than one (1) District, the permit shall not be issued until the District Manager or the delegated representative of each District involved approves in advance each permit and the advance approval is received by the District Office in which the permit is being issued.

6.12. Single Trip Permits over Routes Designated for Loading Restrictions. Except in case of an emergency, overweight permits shall not be issued via routes where temporary loading restrictions, or embargoes have been designated by Commissioner's Order.

6.13. Movement of Mobile Homes in Excess of Legal Dimensions.

6.13.a. Authority of the West Virginia Commissioner of Highways to Issue Permits for the Movement of Vehicles in Excess of the Statutory Limits. Pursuant to the provisions of W. Va. Code §17C-17-11, as amended, the Commissioner of Highways may, in the exercise of his or her discretion and upon application duly made, issue a special permit authorizing the applicant to move or operate a licensed mobile home or house trailer which exceeds the length, width or height restrictions along, upon, over, and across the highways of this State.

6.13.b. Legal Dimensions. A mobile home or house trailer, including its towing vehicle, whose overall dimensions do not exceed the statutory limits in this rule may be operated over West Virginia highways without a special permit.

COMBINATION LENGTH: 55 FEET
(DESIGNATED HIGHWAY, state and West Virginia Routs)60 FEET

MOBILE HOME LENGTH: NO REGULATION

WIDTH:

Local service routes, lanes under 10 feet wide
8 FEET
8 FEET 6 INCHES
Interstate, US, WV, and Local service routes with lanes 10 feet or under

(DESIGNATED HIGHWAY)

HEIGHT: 13 FEET 6 INCHES

6.13.c. Permit Information.

6.13.c.1. A permit to move a mobile or modular home over legal dimensions may be obtained at the West Virginia Division of Highways, Central Vehicular Permit Section, Operations Division, State Capitol, Building 5, Charleston, West Virginia, 25305, (Telephone (304)558-9547. A permit

may be obtained through our online portal http://wv.gotpermits.com or by any other means acceptable to the Commissioner of Highways.

6.13.c.2. Maximum over dimension permit limitations:

COMBINATION LENGTH:	110 FEET
MOBILE HOME LENGTH:	80 FEET
WIDTH:	16 FEET
HEIGHT:	15 FEET 6 INCHES

6.13.c.3. The following information must be furnished with permit application: name, address, and telephone number of applicant; driver's name and address; a description of the mobile home, including its make, year, model, serial number, license number, overall length, width, and height; a description of the towing vehicle, including its capacity, make, year, model, and license number; the name and address of the insurance company and the expiration date of insurance; and a description of the routes to be traveled. Upon the expiration of insurance, all permits will be canceled.

6.13.c.4. The cost of all oversize mobile home permits shall be in accordance with existing West Virginia statutes.

6.13.d. Travel Requirements.

6.13.d.1. Travel shall be only over routes designated in the permit. Proof of possession of a permit shall be taped to the left rear of the Mobile Home approximately five (5) feet above the ground and shall not be protected by material; provided, however, that the master permit must be carried in the tow truck at all times and shall be available for inspection by any duly authorized person.

6.13.d.2. All movements by permit must be made between sunrise and sunset. The movement of mobile homes greater than 14 feet wide will be restricted to travel Monday through Thursday and until 3:00 P. M. Friday. The movement of mobile homes 14 feet wide or less and subject to a permit will be restricted to travel Monday through Friday and until 12:00 Noon Saturday. Exceptions to the travel time restrictions may be considered on a per case basis. Approved exceptions will be noted on the permit.

6.13.d.3. All other limitations and restrictions on movements of mobile homes concerning the number of trips and the establishment of seasonal or other time limitations within which the mobile homes may be operated on or across West Virginia State highways shall be prescribed by the Commissioner of Highways in accordance with the circumstances of each individual permit as authorized by the provisions of W. Va. Code §17C-17-11(c), as amended.

6.13.d.4. Manufacturers and distribution and sales organizations of mobile homes up to 14 feet and 6 inches wide shall make application to the above-mentioned Permit Section to determine a possible route for delivery of mobile homes to the point of destination.

6.13.d.5. The movement of mobile homes in excess of 14 feet and 6 inches is restricted to 24 feet wide pavement on multi-lane highways with a minimum total clear roadway width of 28 feet except as noted in Section 6.13.d.6 of this rule.

6.13.d.6. Manufacturers and distribution and sales organizations of mobile homes in excess of 14 feet and 6 inches wide shall make written application to the Permit Section to determine possible routing other than that permitted in Section 6.13.d.5 of this rule for delivery to the point of destination. The written application shall also include a statement that the applicant will be responsible for all costs incurred by the District Manager or his or her designee in determining the feasibility of the routing, either approved or unapproved.

6.13.d.7. Permits in advance are legal for TEN (10) DAYS when validated.

6.13.d.8. Notwithstanding the issuance of a permit, mobile homes of greater than legal dimension shall not be moved at any time when driving conditions are hazardous due to disturbance of road surfaces and/or visibility by natural phenomena such as snow, ice, fog, excessive rain, etc.

6.13.e. Manufacturing Requirements.

6.13.e.1. All mobile homes shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. The brakes shall be designed so that they can be conveniently applied by the driver of the towing vehicle, and the brake shall be designed and connected so that in case of an accidental breakaway of the towed mobile home the brakes are automatically applied.

6.13.e.2. Provisions in this section shall not apply to any manufactured home built to conform to the H.U.D. Manufacturers Home Construction and Safety Standards and placarded.

6.13.f. Safety Regulations.

6.13.f.1. A permit applicant shall maintain and operate all equipment covered by permit in accordance with all applicable laws of the State of West Virginia.

6.13.f.2. On all two-lane highways, mobile homes up to and including 12 feet wide shall have an escort vehicle at the front of the towing vehicle. On expressways and/or Interstate highways, units in excess of 12 feet wide shall have an escort vehicle at the rear. On multi-lane highways having pavement widths of at least 24feet, mobile homes in excess of 14 feet and 6 inches shall have one (1) escort in front and two (2) escorts at the rear. All other highways will require escort vehicles at the front and at the rear for mobile homes over 12 feet wide.

6.13.f.3. The towing vehicle must be marked at the appropriate location with a sign containing the message, "OVERSIZE LOAD". The sign must be at least 18 inches high, at least 6 feet but not over 8’ long; and the height of the black letters shall be 10 inches capital letters on yellow background. However, approved color combination or wording of other states will be permitted, when the trip originates outside West Virginia. These signs shall also be placed to the rear of the mobile home and shall be mounted so that the bottom of the sign shall not be less than 6 feet above the roadway. The signs may be removable devices made of durable material. "OVERSIZE LOAD" signs shall be removed or covered when not required.

6.13.f.4. The towing vehicle and mobile home shall be flagged both front and rear with six (6) red flags not less than 16 inches square in size and made of plastic or cloth which shall be placed as follows:

6.13.f.4.~~A~~a. One (1) at each end of the front bumper of the towing vehicle and one (1) on each corner of the mobile home roof at the ends, both towing and trailing.

6.13.f.5. The towing vehicle shall be equipped with 4-way amber flashing light spaced not less than 6 feet above the roadway. All running lights must be burning while on the highway.

6.13.f.6. Towing, and escort vehicles shall have 2-way radio communications.

6.13.f.7. When one-way or narrow bridges or restrictive structures are encountered, the driver of the front escort vehicle shall, if oncoming traffic is present, act as a flagger at the end of the structure to insure the safe passage of the mobile home and traffic over or through the constricted area.

6.13.f.8. The tow bar must be located in such a position that the center of the socket of the coupler shall not be less than 20" inches from the ground.

6.13.f.9. The towing vehicle of all mobile homes must be of a capacity of at least 1-ton or greater and must be equipped with dual drive wheels.

6.13.f.10. Movers of all mobile or modular homes that will require parking restrictions or impede the normal flow of traffic in any way through a municipality shall notify the local authorities prior to movement. Municipalities may require police escort.

6.13.f.11. The towing vehicle on mobile or modular homes shall be equipped with safety chains and brake load devices of sufficient strength to hold all weights being towed.

6.13.f.12. All towing vehicles moving mobile homes of greater than legal dimensions shall stop at all truck weighing stations, either platform or portable, and submit the combination of vehicles to any inspection considered to be necessary to determine if they are in compliance with this rule and applicable highway laws.

6.13.f.13. The maximum speed of vehicles towing mobile homes is the posted speed limit, but not to exceed 50 miles per hour. Regardless, the driver of the vehicle towing the mobile home must operate the vehicle at a safe, reasonable speed for the conditions.

6.13.f.14. When a mobile or modular home permit requires the use of an escort vehicle, the escort vehicle or vehicles shall conform to the provisions in Section 6.14. , of this rule.

6.13.f.15. A multiple trip permit may be issued at the discretion of the Commissioner of Highways for the operation of mobile or modular homes with widths not exceeding 16 inches and not exceeding the gross weight limit as set forth in W. Va. Code §17C-17-9.

~~8~~6.13.f.16 Insurance. No permit will be issued unless there is submitted with the application a certificate from any reputable and solvent insurance company providing liability insurance in the amount of $100,000 for each person, $300,000 for each accident, and property damage insurance in the amount of $50,000. The certificate must be signed by a West Virginia Resident Agent pursuant to W. Va. Code §33-12-7.

6.13.f.17. Exemption from Liability for Damages. The applicant shall save harmless the Commissioner of Highways and any and all officers, agents, and employees of the Division of Highways

from any and all claims for damages that may arise as a result of operations upon the highways pursuant to any permit, and shall, as well, make full restitution to the Division of Highways for any damage to its property as a result of the operations.

6.13.g. Additional Restrictions. The Division of Highways reserves the right to place additional restrictions and exceptions on the movement of mobile homes of greater than legal dimensions as may be considered necessary. Any restrictions imposed by the issuing agency will be recorded on the face of the permit. The Division of Highways reserves the right to deny any permit within its exercise of this discretion and in the event of violation of State laws or any provisions of this rule, the permit may be cancelled.

6.14. Escort Vehicles. The applicant for any special permit or any mobile home permit is responsible for the conditions and requirements for any front or rear escort vehicle as follows:

6.14.a. The escort vehicle must weigh more than 2,000 pounds and have a manufacturer's gross weight rating of less than 26,001 pounds and must be properly licensed.

6.14.b. Identification signs or placards showing the name of the company or the owner or driver of the escort vehicle shall be displayed on the escort vehicle in a conspicuous place on both the right and left sides. The signs or placards shall be at least 8" x 12" and shall also contain the telephone number of the owner or driver, plainly legible and visible to the motoring public.

6.14.c. All escort vehicles must be equipped with either a rotating or strobe amber yellow plastic, acrylic or glass covered flashing light which:

6.14.c.1. is visible from at least 500 feet; and

6.14.c.2. has a horizontal placement which is visible from all directions 360 degrees.

6.14.d. escort vehicles shall display bumper mounted or roof mounted yellow 5' x 12" signs reading "OVERSIZE LOAD" with black letters 10 inches high, 1-1/2 inch wide brush stroke, which must be visible from front or rear;

6.14.e. two (2) flags, red or safety orange, a minimum of 18 inches square in size, shall be mounted at a 40 to 70 degree angle on the escort vehicle's roof rack or flags may be mounted on all four (4) corners of the vehicle.

6.14.f. All for-hire escort vehicles shall contain the following miscellaneous equipment:

6.14.f.1. a CB radio, or any other two-way communication device with the permitted load;

6.14.f.2. two (2) 5 lbs. fire extinguishers (type A-B-C);

6.14.f.3. a sign with a handle with the word "STOP" on one (1) side and “SLOW” on the other of not less than 18 inches in diameter with 6 inch letters suitable for directing traffic;

6.14.f.4. a safety orange vest, shirt, or jacket (which must be worn by an operator directing traffic);

6.14.f.5. a red hand-held flag (18 inches in size);

6.14.f.6. two (2) oversized load banners (Yellow with black lettering); and

6.14.f.7. three (3) reflecting triangles or 24 inch high traffic cones.

6.14.g. Nothing in this subsection prevents motor carriers of property from providing their own escort services related to their vehicle load transportation with their own drivers and equipment, provided the public safety requirements of this subsection are fulfilled relating to the escort vehicle.

§157-5-7. Other Safety Regulations.

7.1. Increase of Weight, Height, and Length Limitations Upon State Highways by Commissioner of Highways. Pursuant to the provisions of W. Va. Code §17C-17-11a and 11b, whenever in the opinion of the Commissioner of Highways, the design, construction and safety of any highway or portion thereof are such that the gross weight limitations prescribed by W. Va. Code §17C-17-4, can be increased without undue damage to the highway, or without undue risk of damage to the highway, or to bridges, municipal or utility facilities, traffic signs and signals, or roadway structures of other kind of nature, the Commissioner of Highways may, by order, increase the gross weight, height or length limits of vehicles which may be operated upon the highway or portion thereof and may establish the limitations which are applicable, subject, however, to the maximum limitations imposed by W. Va. Code §17C-17-11a and 11b.

7.1.a. Commissioner's Order for Increase of Weight, Height and Length Limitations. Whenever the Commissioner of Highways increases the limits under this subsection, he or she shall enter an order to that effect in the Commissioner's Order Book, as provided in Section 2, Rules Pertaining to Various Functions of the Commissioner of Highways, 157CSR1. The order shall set forth the reasons for his or her decision and shall designate and accurately describe the highway or portion thereof, to which the increase in weight, height or length limits is applicable.

7.2. Restrictions Upon Right to use Highways by Commissioner of Highways. Pursuant to the provisions of W. Va. Code §17C-17-12, the Commissioner of Highways may prohibit the operation of vehicles, or any class of vehicles, upon any state highway, or impose restrictions as to the weight of vehicles to be operated on the highways, whenever the state highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles is prohibited or the permissible weights reduced, and the Commissioner of Highways may prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight on designated state highways.

7.2.a. Commissioner's Order. Whenever the Commissioner of Highways prohibits the operation of vehicles upon any state highway or imposes weight restrictions as provided in this subsection, the Commissioner of Highways shall enter an order to that effect in the Commissioner's Order Book, as provided in Section 2, Rules Relating Generally to Various Functions of the Commissioner of Highways, 157CSR1. The order shall set forth the reasons for the prohibitions or limitations and shall designate the road district and accurately describe the state highway or portion thereof, upon which the prohibitions or limitations are applicable.

7.2.b. Signs. The order of the Commissioner of Highways imposing prohibitions or weight restrictions is not effective until appropriate signs giving notice of the prohibitions or restrictions are

erected and maintained at each end of that portion of any highway thereby affected. All signs shall comply with the specifications described in Section2 of this rule.

7.3. Structurally Unsafe Bridges. The Commissioner of Highways shall inspect all bridges upon state roads and if any bridge is found to be structurally unsafe, the Commissioner of Highways shall promptly condemn, close, and repair the bridge. Except in the case of emergency, the Commissioner of Highways' determination to condemn and close any structurally unsafe bridge upon a state road shall be manifested by an order duly entered in the Commissioner's Order Book as provided in Section 2, Rules Pertaining to Various Functions of the Commissioner of Highways, 157CSR1. The order shall set forth the reasons for condemning and closing the bridge and shall designate and accurately describe the route and milepost upon which the bridge is located. Appropriate signs shall comply with the provisions of Section 2 of this rule.

7.3.a. Emergencies. In case of an emergency, all District Managers or any other authorized personnel of the Commissioner of Highways' office have authority to condemn and close an unsafe bridge prior to the entry of an order by the Commissioner of Highways. In such event an order shall be entered as provided in this subsection as soon as possible after the closing of the bridge. Appropriate signs must be erected by Highways personnel, as provided in this subsection.

7.4. Transportation of Explosives. Any person operating any vehicle transporting any explosives as cargo or part of cargo upon a highway shall at all times comply with the following requirements :

7.4.a. Signs on Vehicle. Any vehicle transporting explosives shall be marked on the front, both sides, and the rear with the word "EXPLOSIVES" in letters not less than 8 inches in height and colors contrasting with the background; or there shall be displayed on the rear of the vehicle in a conspicuous place a red flag not less than 24 inches square in size with the word "DANGER" in white letters 6 inches in height.

7.4.b. Fire Extinguishers. Every vehicle shall be equipped with not less than two (2) fire extinguishers filled and ready for immediate use and placed at a convenient point on the vehicle .

7.4.c. Blasting Caps; Containers. Blasting caps and electric blasting caps shall not be transported in the same vehicle with other explosives, unless packed in shipping containers conforming to Interstate Commerce Commission specifications.

7.4.d. Spark of Flame Producing Items Prohibited. No sparking metal tool or other loose piece of sparking metal, oils, matches, firearms, acids, inflammable substances, or similar material shall be carried on vehicles transporting explosives.

7.4.e. Overloading Prohibited. Vehicles transporting explosives shall not be overloaded, and in no case shall the explosives containers be piled higher than the sides of the truck body. Any vehicle with an open body shall carry a tarpaulin to cover the explosives containers.

7.4.f. Vehicle; Mechanical Condition. All vehicles when used for transporting explosives shall be inspected to determine that; the brakes and steering mechanism are in effective working condition; the electric wiring is well insulated and firmly secured; the body and chassis are clean and free from accumulations of oil and grease; the fuel tank and feed line are secure and have no leaks; two (2) suitable fire extinguishers in working order are placed at a convenient point on the vehicle; and, in general, that the vehicle is in proper condition for safe transportation of explosives. The floors of all

vehicles shall be tight. Any exposed metal on the inside of the body that might come into contact with any package of explosives shall be covered or protected with wood or other nonmetallic material.

7.4.g. Trailers. No explosives shall be transported in any form of pole-type trailer, nor shall any trailer be attached to a vehicle hauling explosives.

7.4.h. Vehicle Operator; Speed and Operating Prohibitions. Vehicles transporting explosives shall be driven only by authorized persons not addicted to the use of, or under the influence of, intoxicants or narcotics. Vehicle speed shall not exceed the posted or statutory speed limit in effect and shall not exceed the recommended speed on all warning signs when passing through the area of concern (curve, intersection, etc.). Motor vehicles shall not coast or free-wheel at any time. Vehicles containing explosives shall not be taken inside a garage for repairs or other purposes. Insofar as possible, explosives shall be transported on streets or highways only during daylight hours.

7.4.i. Avoiding Public. Motor vehicles transporting explosives shall avoid, so far as practicable, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous railroad crossings. So far as practicable, this shall be accomplished by prearrangement.

7.4.j. Railroad Crossings. Vehicles transporting explosives shall come to a full stop before crossing any railroad track , and then proceed with caution, and conform to all other traffic safety measures. When approaching an intersecting roadway, vehicles shall obey any traffic control devices in place such as stop signs, yield signs, and traffic lights.

7.4.k. Passengers. Passengers or other unauthorized persons shall not ride on a vehicle transporting explosives. Smoking or carrying matches and smokers' articles is not permitted on or around a vehicle transporting explosives.

7.4.l. Unattended Vehicles. Vehicles transporting explosives shall not be left unattended at any time except while making actual deliveries, and then the utmost effort shall be made to prevent the vehicle from running away by carefully setting the brakes, blocking the wheels, or taking other precautions.

7.4.m. Careful Handling. Packages or containers of explosives shall not be thrown or purposely dropped while being loaded or unloaded or otherwise handled, but they shall be carefully deposited and stored or placed in a manner as to prevent the packages or containers from sliding or falling or being otherwise displaced.

7.4.n. Unloading at Rear of Vehicle. Explosives cases or containers shall not be left immediately back of the exhaust tailpipe of automotive equipment during loading or unloading. Motors of vehicles transporting explosives shall be stopped before loading or unloading the explosives.

7.4.o. Storage of Explosives During Unloading. Motor vehicles shall not be unloaded if explosives already unloaded have not been safely stored.

7.5. Transportation of Compressed Gas Containers. No person shall operate an open motor vehicle upon a highway while transporting, as a cargo or part of a cargo, any container of compressed gas designed to receive a valve protection cap, where the container is unsecured, uncapped, or has a gauge attached.

7.5.a. The following are exempt from this requirement as long as the container is safely secured and as long as this exemption does not conflict with any other local, state, or federal requirements:

7.5.a.1. propane gas containers for household use;

7.5.a.2. personal oxygen containers for medical use, and;

7.5.a.3. any compressed gas containers in a fully enclosed part of the motor vehicle.

§157-5-8. **Studded Tires.**

8.1. General. This rule, relating to the design, construction and use of studded tires, is promulgated by the Commissioner of Highways pursuant to the authority specifically delegated to him or her in the premises by the terms and provisions of W. Va. Code §17C-15-37.

8.2. Design and Construction Standards and Specifications. All studded tires sold in this State or offered for sale in this State shall comply with the following design and construction standards and specifications.

8.2.a. There shall be a minimum of one-eighth (1/8) inch of rubber between the base of the stud and the body of the tire;

8.2.b. the tungsten tip of the stud shall project no more than seven-sixty-fourths (7/64") of an inch from the surface of the tire;

8.2.c. the diameter of the stud, inclusive of the stud casing, shall not exceed three-eighths (3/8") of an inch;

8.2.d. the contact area of the total number of studs shall not exceed three (3) per centum of the total contact area of the tire;

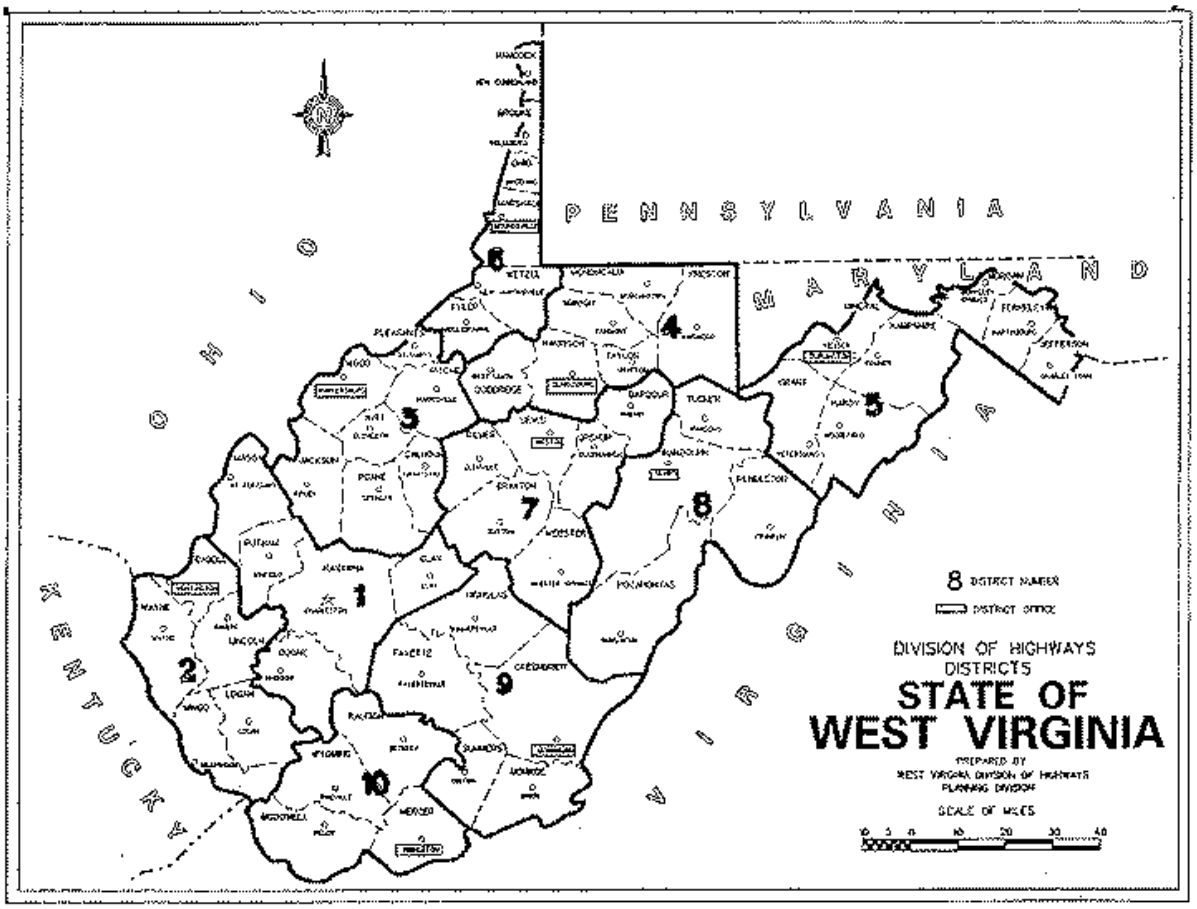
8.2.e. in the interest of highway maintenance studs shall not be installed in tires which are operational with a recommended air pressure greater than 40 pounds per square inch;

8.2.f. The studs shall be firmly and securely seated in the tire, which may be tested by applying a tensile force to each of five (5) studs selected at random. The load shall be applied in the direction of minimum extraction force, and the load required to remove each stud shall be in excess of 30 pounds; and

8.2.g. Failure to comply with the provisions of this subsection is a violation of the provisions of W. Va. Code §17C-15-37, and subject to the penal sanctions imposed by W. Va. Code §17C-18-1.

8.3. Use of Studded Tires. No studded tires shall be used on the highways of the State except November 1st in one calendar year to April 15th in the following calendar year.

Appendix A


PENNSYLVANIA
MARYLAND
OHIO
VIRGINIA
KENTUCKY
8 DISTRICT NUMBER
DISTRICT OFFICE
DIVISION OF HIGHWAYS
DISTRICTS
STATE OF
WEST VIRGINIA
PREPARED BY
WEST VIRGINIA DIVISION OF HIGHWAYS
PLANNING DIVISION
SCALE OF MILES

Appendix B

WEST VIRGINIA DIVISION OF HIGHWAYS
DISTRICT MANAGERS

DISTRICT	ADDRESS TO	LOCATION	TELEPHONE
One	District Manager, WVDOH	1340 Smith Street Charleston, WV 25301	304 558-3001
Two	District Manager, WVDOH	801 Madison Avenue Huntington, WV 25712	304 528-5625
Three	District Manager, WVDOH	624 Depot Street Parkersburg, WV 26102	304 420-4595
Four	District Manager, WVDOH	P. O. Box 4220 Clarksburg, WV 26302	304 326-0113
Five	District Manager, WVADOH	P.O. Box 99 Burlington, WV 26710	681-320-2000
Six	District Manager, WVDOH	1 DOT Drive Moundsville, WV 26041	304 843-4000
Seven	District Manager, WVDOH	131 Highland Drive Weston, WV 26452	304 269-0400
Eight	District Manager, WVDOH	US 219 North Elkins, WV 26241	304 637-0220
Nine	District Manager, WVDOH	146 Stonehouse Road Lewisburg, WV 24901	304 647-7450
Ten	District Manager, WVDOH	270 Hardwood Lane Princeton, WV 24740	304 425-2155