

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Dept. of Transportation, Div. Highways TITLE NUMBER: 157

CITE AUTHORITY \$17C-2, 3, 6, 7, 12, 13, 15, 17 & \$17-2A-12

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: V

TITLE OF RULE BEING AMENDED: Traffic and Safety Rules and
Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


DEPUTY SECRETARY &
STATE HIGHWAY ENGINEER/COMMISSIONER

15.40

FILING OF LEGISLATIVE RULES
BY THE
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
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WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF TRANSPORTATION
COMMISSIONER OF DIVISION OF HIGHWAYS

AUG 16 4 17 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

CHAPTER 17C

SERIES V

Title: Traffic and Safety Rules and Regulations

Section 1. General

1.1. Scope. -- These Legislative regulations establish general rules for the control of traffic and the promotion of safety on the public highways.

1.2. Authority. -- These rules and regulations are issued under the authority of West Virginia Code Chapter 17C, Articles 2, 3, 6, 7, 12, 13, 15, 17, and Chapter 17, Article 2A, Section 12.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- ~~This legislative rule repeals West Virginia Legislative Rule "Commissioner of Highways, Chapter 17C, Series V, Traffic and Safety Rules and Regulations in the Secretary of State's Office", filed April 22, 1988.~~

Section 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 currently approved by the American Association of State Highway Officials, entitled "Manual on Uniform Traffic Control Devices for Streets and Highways," prepared by the National Advisory Committee on Uniform Traffic Control Devices, American Association of State Highway and Transportation Officials, Institute of Transportation Engineers, National Committee on Uniform Traffic Laws and Ordinances, National Association of Counties, National League of Cities, adopted by

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the Federal Highway Administration as a national standard for application on all classes of highways---1988 Edition---together with any revisions, supplements, substitutions or editions hereinafter promulgated and set forth. (WV Code, Chapter 17, Article 3, Section 1.)

2.2. Standards for Traffic Control for Street and Highway Construction and Maintenance Operations Adopted. -- The West Virginia Department of

Transportation, Division of Highways hereby adopts, insofar as practicable and feasible, to supersede Part IV of the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, adopted by the preceding section, the "Traffic Control for Streets and Highways Construction and Maintenance Operations Manual" which were prepared by the Traffic Engineering Division of the West Virginia Department of Highways, dated July, 1980. (WV Code, Chapter 17, Article 3, Section 1) together with any revisions thereto hereinafter promulgated and set forth.

Section 3. Speed Controls

3.1. Commissioner's Order. -- Whenever the Commissioner of Highways has, pursuant to the provisions of Chapter 17C, Article 6, Code, 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 Series I, Section 2.02 of these rules and regulations. Such order shall set forth the reasons for establishing such speed zone or maximum or minimum speed limit, and whether the same shall be effective at all times or during the hours of daylight or darkness, or at such other times as the Commissioner of Highways may determine. The order shall designate the highway district in which such speed zone or limit is established and shall accurately describe the intersection, highway or part of highway, or bridge approach, to which such speed zone or limit shall apply. Such description and designation shall be in non-technical terms of reference insofar as possible. All references in said order to the boundary of the speed zone shall be in terms of reference which may be readily ascertained by an examination of any affected road or bridge. (WV Code, Chapter 17C, Article 6, Sections 1-2)

3.2. Erection of Signs Before Speed Limit Effective. -- No speed limit shall be effective until appropriate signs giving notice thereof are erected at the beginning point of such speed zone designating the zone and the speed limit to be observed therein, and until appropriate signs are erected indicating the end of such speed zone, which said signs shall also indicate such different speed limit as may then be observed. (WV Code, Chapter 17C, Article 6, Section 5.)

Section 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 thereof in a municipality, they shall by appropriate ordinance or resolution set forth the reasons therefor, the speed limits to be observed, and the times such speed limits shall be effective, a designation and description of the state highway or extension thereof in such municipality to which such speed limit or traffic regulation is to be applicable, in the same manner and to the same extent as herein required of the Commissioner of Highways in the establishment of speed zones and limits upon state highways. A duly attested copy of such ordinance or resolution shall be sent to the Commissioner of Highways and such speed zone or limit so established by local authorities shall not be effective until approved by the Commissioner of Highways by order entered in his Order Book in the same manner as provided herein. Appropriate signs giving notice of the speed zone or limit so established shall be erected in the same manner as herein required of the Commissioner of Highways in the establishment of a state speed zone or limit, which such signs shall be erected, altered or removed only by Department forces. (WV Code, Chapter 17, Article 6, Section 3.)

Section 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 or regulation 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 Section 2.1 hereof. (WV Code, Chapter 17C, Article 3, Section 1.)

Section 6. Lighting Devices; Safety Glass; Seat Belts

6.1. General. -- The purpose of these rules and regulations is to establish the procedure which shall be followed when any type, brand or make of lighting device, safety glass, or seat belt is submitted to the Commissioner of Highways for his approval; and for the issuance of a Certificate of Approval; and for the revocation of such Certificate of Approval where prescribed standards are not met. (WV Code, Chapter 17C, Article 15.)

6.2. Definitions: Lighting Device; Safety Glass; Seat Belt. --

(1) Lighting Device - The term "lighting device" shall mean any head lamp, auxiliary or fog lamp, signal lamp, clearance lamp, reflector lamp, identification lamp, or any lighted lamp or illuminating device upon a motor vehicle. (WV Code, Chapter 17C, Article 15, Sections 1 thru 30.)

(2) Safety Glass - The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Commissioner. (WV Code, Chapter 17C, Article 15, Section 38.)

(3) Seat Belt - The term "seat belt" shall mean a restraining device bolted to the interior frame or body of an automobile which when buckled will prevent a passenger from seat ejection due to crash, collision, sudden stop, or other propulsive cause. (WV Code, Chapter 17C, Article 15, Section 43.)

6.3. General Conditions for Issuance of Certificate of Approval. --

(1) All lighting devices shall conform to the current standards and specifications of the S.A.E. (Society of Automobile Engineers) Handbook applicable to such equipment. (WV Code, Chapter 17C, Article 13, Sections 1-30.)

(2) All safety glass shall conform to the current standards and specifications of the American Standard Safety Code for "Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways". (WV Code, Chapter 17C, Article 15, Section 38.)

(3) All seat belts shall conform to the current standards and specifications of the Society of Automotive Engineers prescribed for such equipment. (WV Code, Chapter 17C, Article 15, Section 43.)

(4) All lighting devices, safety glass, and seat belts shall be marked for easy identification.

(5) All markings on lighting devices, safety glass, and seat belts shall be identical with the markings shown on the application for approval of the same.

(6) All lighting devices, safety glass, and seat belts, sold or used must conform identically with the equipment of such nature for which a Certificate of Approval has been issued.

(7) The issuance of a Certificate of Approval by the Commissioner of Highways shall not constitute an endorsement of the use of any lighting device or type of safety glass, or seat belt, in a manner contrary to the laws of the State of West Virginia. (WV Code, Chapter 17C, Article 15, Section 29.)

6.4. Application for Certificate of Approval. --

(1) Each application for approval of a type, brand or make of lighting device, safety glass, or seat belt, shall be made in duplicate on forms furnished by the Commissioner of Highways and both copies shall be submitted to the Director of the Enforcement Division, West Virginia Department of Transportation, Division of Highways, State Capitol, Building 5, Charleston, West Virginia, 25305.

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Leg. Rule, 17C
Series V, Sec. 6.4

(2) Both copies of each application shall be signed by a duly authorized representative of the applicant.

(3) Separate application shall be made for each type, brand or make of lighting device, safety glass, or seat belt, for which approval is desired.

(4) Each application for approval of a type, brand or make of lighting device, safety glass, or seat belt shall be accompanied by a report from an independent testing laboratory, approved by the Society of Automotive Engineers, showing compliance with the standards and specifications set forth and described in Section 6.3 hereof. (WV Code, Chapter 17C, Article 15, Section 29.)

6.5. Approval by West Virginia Commissioner of Highways. -- The Commissioner of Highways upon approving a type, brand or make of lighting device, safety glass, or seat belt shall issue to the applicant a Certificate of Approval, together with any instructions determined by him. (WV Code, Chapter 17C, Article 15, Section 29.)

6.6. Revocation of Certificate of Approval. --

(1) When the Commissioner of Highways has reason to believe that an approved type, brand or make of lighting device, safety glass, or seat belt does not comply with the provisions of WV Code, Chapter 17C, Article 15, or meet the requirements of these rules and regulations, he may after giving thirty (30) days' notice to the person holding the Certificate of Approval, conduct a hearing upon the question of failure of compliance. Such a hearing shall be conducted in accordance with the rules and regulations relating to hearings before the Commissioner, as set forth in Section 3, Series I, of these rules and regulations.

(2) After such hearing, the Commissioner of Highways shall make a finding as to whether a failure of compliance exists, and if it is his determination that a failure of compliance does exist, he shall give prompt notification thereof to the person holding the Certificate of Approval.

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Leg. Rule, 17C
Series V, Sec. 6.6

(3) If at the expiration of ninety (90) days after the giving of such notice the person holding the Certificate of Approval has failed to satisfy the Commissioner of Highways that the lighting device, or type of safety glass, or seat belt, as thereafter to be commercially sold, does comply with the provisions of WV Code, Chapter 17C, Article 15, or meet the requirements of these rules and regulations, the Commissioner of Highways shall suspend or revoke the Certificate of Approval issued therefor, until and unless such lighting device, safety glass, or seat belt is resubmitted to and retested by an authorized testing agency and is found to meet and satisfy the requirements of said WV Code, Chapter 17C, Article 15, and the provisions hereof, and the Commissioner of Highways may in addition require that any and all lighting devices, safety glass and seat belts required by law to be installed and sold since the notification following the hearing be replaced with equipment of such kind that fully complies with the requirements of said WV Code, Chapter 17C, Article 15, and the provisions hereof.

(4) The Commissioner of Highways may at the time of the retest purchase in the open market and submit to a testing agency any such type, brand or make of lighting device, safety glass, or seat belt, as found at said hearing not to be in compliance with provisions of WV Code, Chapter 17C, Article 15, or the requirements of these rules and regulations, and if such test discloses that any such equipment fails to comply with said provisions, or meet said requirements, he may refuse to renew the Certificate of Approval therefor. (WV Code, Chapter 17C, Article 15, Section 30.)

Section 7 Special Permits.

7.1. General. -- Pursuant to authority vested in him by law, the Commissioner of Highways may, in his 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. (Reference, WV Code, Chapter 17C, Article 17, Section 11.)

7.2. Basis for Granting or Denying Special Permits. -- In considering applications for such special permits, primary consideration will be given to the protection and safety of the traveling public and the probable effects of the issuance of such

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Leg. Rule, 17C
Series V, Sec. 7.2

permits will have upon the state road system. Permits will not be granted 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.

7.3. Officials Authorized to Issue Special Permits. -- Special Permits may be issued by the Commissioner of Highways, the Maintenance Enforcement Division, the District Engineers, the County Maintenance offices and such other personnel as may be authorized by the Commissioner of Highways.

(1) Permits Issued Soley by the Maintenance Enforcement Division - Blanket permits, and special permits for house trailers and modular homes, and a special permit for single trip to be transmitted through telecommunications, will be issued only by the Maintenance Enforcement Division.

7.4. General Conditions for Issuance of Special Permits. -- Whenever a special permit is issued, the Commissioner of Highways, or his duly authorized representative, may impose any reasonable conditions or restrictions, which may be deemed 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 such 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 whatsoever kind or nature, and may require such condition, bond or security as may be deemed necessary to compensate for any injury to such foundation, surface, bridge, etc. The following conditions, however, shall be applicable to all special permits issued by the Commissioner of Highways.

(1) Permit must be Carried with Vehicle - Every such 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

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Highways granting such permit, no person shall violate any of the terms or conditions of such special permit.

(2) Permits Nontransferable - A special permit is valid only for the vehicle or combination of vehicles described upon the face of the application and permit. No permit is transferable to another vehicle or combination of vehicles.

(3) 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.

(4) 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 load. The load shall be properly secured and fastened to the transporting vehicle.

(5) Fleet Permits - When special permits are issued for single trip simultaneous fleet movements of two or more identical vehicles and loads, the fleet or convoy shall have a patrol vehicle carrying a single permit with all license numbers of the vehicles listed thereon. If the vehicles in the fleet differ as to weight or dimension, a separate permit may be required for each.

(6) Notice to Owners of Overhead Structures - When a vehicle or article under a permit is in excess of the statutory height limitation, the person granted such 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

(7) Vertical Clearance; Effect of Permit - Nothing contained in these rules and regulations shall be construed to require the state, any agency thereof, 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.

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

(9) 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 thereupon.

(10) Statutes, Ordinances, Rules and Regulations; Effect of Permit - The holder of a permit shall not be relieved of compliance with the provisions of any statute, ordinance, or rule or regulation of any state agency or subdivision of the state, except to the extent that such statute, ordinance, or rule or regulation is modified by the conditions of the permit.

(11) Limitations on Movement Under Permit - As a general rule no movement of vehicles under special permit shall be allowed on Saturdays, Sundays, or legal holidays (except as otherwise herein provided in Section 7.13(4) (b), Series V, of these rules and regulations as they relate to movement of mobile homes), or when road surfaces are hazardous due to ice or snow, or when driving conditions are rendered dangerous by reason of fog, snow, excessive rain, etc. Overweight permits shall not, as a general rule, be issued for routes upon which temporary loading restrictions have been imposed.

(12) Police Escort - All persons moving houses or other similar structures shall make arrangements with the appropriate law enforcement agency for police escort to accompany such movement and verification thereof shall be furnished the Commissioner, or his duly authorized representative, when application is made for a special permit for such movement, as provided in Section 7.6(3), Series V, of these rules and regulations.

(13) Safety Regulations - Every such special permit which requires the use of an escort vehicle or vehicles, the escort vehicle shall conform to the provisions of Section 7.14, Series V, of these rules and regulations.

~~(13)~~ (14) False Information; Penalty - False information, or erroneous information, given in the application or the omission of information from the application, or failure to

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Series V, Sec. 7.4

comply with the conditions of a permit, shall be 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.

7.5. Excessive Loads. - The District Engineer, after approval by the Maintenance Enforcement Division, and the Structures Division of the Division of Highways, may issue a special single trip permit for the movement of exceptionally heavy equipment such as transformers or compressor station machinery which cannot be disassembled. Such permit may be issued only if the following requirements are fulfilled:

(1) Bridges must be reinforced at applicant's expense and in accordance with instructions of the District Engineer.

(2) A professional charge in order to determine the feasibility of any movement of extremely heavy equipment may be levied before analysis is undertaken.

(3) A bond may be required in an amount prescribed by the District Engineer, to cover the cost of repairing all possible damage to bridges and/or roads.

7.6. Procedure for Issuance of Special Permits.

(1) Applications; Forms - An application for a special permit shall be in writing. Such application shall be made on such form as the Commissioner of Highways may require and directed to any officer duly authorized by the Commissioner of Highways to issue special permits.

(2) Information Required - The application for a special permit shall specifically set forth the following information:

(a) A detailed description of the vehicle and its registration, a detailed description of the proposed load including the manufacturer's name and model number of any equipment being transported. For cargo bearing vehicles, permits shall show gross load and licensed gross vehicle weight.

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Series V, Sec. 7.6

(b) The particular portion of the highway or the specific point of crossing of the highway for which the permit to operate is requested.

(3) Applications for House Moving - Applications for house moving shall be made at least ten days in advance on the regular permit application form supplied by the Commissioner. Verification must be furnished to the Commissioner of Highways, or his duly authorized representative, that a law enforcement agency will provide a police escort to accompany the movement of the house, or other similar structure, by the applicant.

(4) Applications Made at County or District Offices - Applications made at County or District Offices for a special single trip hauling permit shall be made on the above denoted forms, setting forth the information therein required.

(5) Penalty for Erroneous Information - In the event of omissions or errors in the above described information, the permit may be considered invalid, thereby making the owner, lessee, or borrower subject to a fine for exceeding the legal size and weight limitation.

(6) Permit Cost - Special Permits for single trips will be issued at a basic fee of \$20.00 covering any oversize dimension. In addition to the basic fee, an overweight fee of \$.04 per ton mile will be assessed. Blanket Permits for continuous movement of oversized loads only will be issued at a basic fee of \$20.00 with an additional fee of \$5.00 per coupon per trip. Oversize mobile home permit fees are not included in the preceding schedule but shall be in accordance with existing West Virginia statutes.

7.7. Other Application. -- Any person who applies for and receives and accepts a permit by any telecommunication device does upon acceptance agree that they are familiar with all Statutes and Rules and Regulations of the State relating to excess size and weight and agrees to be bound thereby.

7.8. 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.

(1) 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 wherein the legal limitations for size and weight will be exceeded.

(2) 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. Provided, however, that special equipment (such as truck cranes, off-road trucks, well drills, etc.) is worked within the state, no permit shall be issued for the movement and removal of the same unless a license has been obtained.

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

(1) 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.

(2) 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.

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

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

7.12. 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.

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

(1) 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 Chapter 17C, Article 17, Section 11, Code of West Virginia, 1931, as amended, the Commissioner of Highways may, in the exercise of his 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 is overlength, overwidth, or overheight along, upon, over, and across the highways of this State.

(2) Legal Dimensions - A mobile home or house trailer, including its towing vehicle, whose overall dimensions do not exceed the statutory limits given below may be operated over West Virginia highways without a special permit (Reference, WV Code, Chapter 17C, Article 17, Sections 2, 4, and 11(b).)

COMBINATION LENGTH:	55 FEET
	60 FEET (DESIGNATED HIGHWAY)
MOBILE HOME LENGTH:	NO REGULATION
WIDTH:	8 FEET
	8 FEET 6 INCHES (DESIGNATED HIGHWAY)
HEIGHT	13 FEET 6 INCHES

(3) Permit Information

(a) A permit to move a mobile home over legal dimensions may be obtained at the West Virginia Division of Highways, Vehicular Permit Section, Maintenance Enforcement Division, State Capitol, Building 5, Charleston, West Virginia, 25305, (Telephone 348558-3736).

(b) Maximum over dimension permit limitations:

COMBINATION LENGTH:	91 95 FEET
MOBILE HOME LENGTH:	76 80 FEET
WIDTH:	14 16 FEET
HEIGHT:	13 15 FEET 6 0 INCHES

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Leg. Rule, 17C
Series V, Sec. 7.13

(c) A permit may be obtained either by letter, in person, or by telephone or telecommunication. The following information must be furnished with permit application: name, address, and telephone number of applicant; driver's name and address; description of mobile home, including make, year, model, serial number, license number, overall length, width, and height; description of towing vehicle, including capacity, make, year, model, and license number; name and address of insurance company and expiration date of insurance; description of routes to be traveled. Upon expiration of insurance, all permits and coupons will be cancelled.

(d) The cost of all oversize mobile home permits shall be in accordance with existing West Virginia statutes.

(4) Travel Regulations

(a) Travel shall be only over routes designated in the permit. Proof of possession of permit in the form of coupons, facsimile, original permit, or telegram, whichever is used, 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 and the copy of the coupon must be carried in the tow truck at all times and shall be available for inspection by any duly authorized person.

(b) All movements by permit must be made between sunrise and sunset. The movement of mobile homes greater than 12' wide will be restricted to travel Monday through Thursday and until 3:00 P. M. Friday. The movement of mobile homes 12' 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.

(c) All other limitations and restrictions on movements of said vehicles concerning the number of trips; the establishment of seasonal or other time limitations within which the vehicles 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 WV Code, Chapter 17C, Article 17, Section 11(c), as amended.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 7.13

(d) The movement of 14' or 14'-6" wide mobile homes is restricted to 24' wide pavement on two-lane or multiple-lane highways with a minimum total clear roadway width of 34' or other routes as designated by the Permit Section, Maintenance Enforcement Division, West Virginia Division of Highways.

(e) Manufacturers and distribution and sales organizations of 14' or 14'-6" wide mobile homes shall make application to the above-mentioned Permit Section to determine a possible route for delivery of mobile homes to the point of destination.

(f) The movement of mobile homes in excess of 14'-6" is restricted to 24' wide pavement on multi-lane highways with a minimum total clear roadway width of 36' except as noted in (g) below.

(g) Manufacturers and distribution and sales organizations of mobile homes in excess of 14'-6" wide shall make written application to the Permit Section to determine possible routing other than that defined in (f) for delivery to the point of destination. The written application shall also include that the applicant will be responsible for all costs incurred by the District Engineer or his or her designee in determining the feasibility of such movement, either approved or unapproved.

~~(f)~~ (h) Permits in advance are legal for FIVE DAYS when valid.

~~(g)~~ (i) 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.

(5) Manufacturing Regulations

~~(a) 14' wide mobile homes will not be permitted except those which are manufactured with a 33" minimum overhang which extends from the outside of the wheels to the extreme outer limits of the mobile home. This will reduce the use of pavement width by extending the overhanging portion of the mobile home over the shoulder area.~~

~~(b) 14' wide mobile homes shall be constructed with a 3-axle undercarriage equipped with three (3) complete sets of brakes. 10-ply tires 8-14.5 minimum size are required. A spare wheel and tire must be carried at all times.~~

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

(d) (b) Provided however, the regulations heretofore stated in this section shall not apply to any manufactured home so built as to conform to the H.U.D. Manufacturers Home Construction and Safety Standards and so placarded.

(6) Safety Regulations

(a) Permit applicant shall maintain and operate all equipment covered by permit in accordance with all applicable laws of the State of West Virginia.

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

(c) The ~~pilet, towing, and escort~~ vehicles must be marked at the appropriate location with a sign containing the message, "OVERSIZE LOAD". The sign must be at least 18" high, at least 6' but not over 8' long; the height of the black letters shall be 10" 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 so mounted that the bottom of the sign shall not be less than 6' above the roadway. The signs may be removable devices made of durable material. "OVERSIZE LOAD" signs shall be removed or covered when not required.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 7.13

(d) The towing vehicle and mobile home shall be flagged both front and rear with six (6) red flags not less than 16" square and made of plastic or cloth which shall be placed as follows:

One at each end of front bumper of towing vehicle and one on each of the top corners of the mobile home.

(e) ~~The Pilot, towing, and escort~~ vehicles shall be equipped with 4-way amber flashing lights spaced not less than 6' above the roadway. All running lights must be burning while on the highway.

(f) ~~Pilot, Towing,~~ and escort vehicles shall have 2-way radio communications.

(g) When one-way or narrow bridges or restrictive structures are encountered, the driver of the pilot and/or escort vehicle shall, if oncoming traffic is present, act as a flagger at the end of the structure to insure the safe passage of mobile homes and traffic over or through the constricted area.

(h) 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" from the ground.

(i) The towing vehicle of all mobile homes must be of a capacity of at least 1-ton for mobile homes up to 12' wide and of 2-ton capacity for mobile homes 14' wide or greater and must be equipped with 4-speed transmission and dual drive wheels.

(j) The driver of the towing vehicle shall not permit a buildup of traffic to the rear exceeding five (5) vehicles if roadway will permit pull-off of towing vehicle or passing.

(k) Driver of towing vehicles on 14' wide or greater mobile homes must have a minimum of two (2) years experience in towing oversize mobile homes.

(l) Movers of all mobile homes which 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. The movement of any mobile home in excess of 14'-6" on any bidirectional highway shall be accompanied by any police or enforcement officer at all times while traveling upon the highway.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 7.13

(m) The towing vehicle on mobile homes shall be equipped with safety chains and brake load devices of sufficient strength to hold all weights being towed.

(n) 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 deemed to be necessary to determine if they are in compliance with these regulations and applicable highway laws.

(o) The maximum speed of vehicles towing mobile homes shall be 40 miles per hour, provided however that on multiple-lane highways it shall be 45 miles per hour.

(p) Every such mobile home permit which requires the use of an escort vehicle, the escort vehicle or vehicles shall conform to the provisions in Section 7.14, Series V, of these rules and regulations.

~~(p)~~ (q) A multiple trip permit may be issued at the discretion of the Commissioner of Highways for the operation of mobile homes with widths not exceeding 14' 16' and not exceeding the gross weight limit as set forth in WV Code, Chapter 17C, Article 17, Section 9, as amended.

Said permits shall be issued subject to the following conditions:

A book of coupons containing no less than five or more than twenty shall be attached to each permit. Each coupon shall be issued in the following form and manner:

Date _____ Coupon No. _____, Applicant
Is Hereby Granted Permit No. _____ Validation No. _____
Overall Length _____ Width _____ Height _____
Ser. _____ Lic. _____
Tow Truck _____ Ton _____ Lic. _____
From _____ To _____
Rts. _____
Dates to Travel _____

FORM MUST BE FILLED OUT IN INK. VOID IF ALTERED OR CHANGED

Division of Highways
Leg. Rule, 17C
Series V, Sec. 7.13

~~(q)~~ (r) Each coupon representing a trip must be validated by the Permit Section, Maintenance Enforcement Division, of the West Virginia Division of Highways. After validation, the original or blue copy of the coupon shall be mailed to the Permit Section, Maintenance Enforcement Division, within 48 hours after the completion of each trip. Failure to mail the original or blue copy of the coupon within the specified 48 hour period will constitute grounds for immediate cancellation of this permit. The yellow carbon copies shall remain in the book of coupons attached to the permit and shall be subject to inspection at all times by authorized personnel of the West Virginia Division of Highways or any other West Virginia Law Enforcement Agency.

~~(r)~~ (s) Multiple trip permits are issued on a cash basis only, with no refunds.

~~(s)~~ (t) 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 and further, the certificate must be signed by a West Virginia Resident Agent pursuant to West Virginia Code Section §33-12-7.

~~(t)~~ (u) 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 such operations.

(7) The Division of Highways reserves the right to place such additional restrictions and exceptions on the movement of mobile homes of greater than legal dimensions as may be deemed necessary. Any such 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 their exercise of this discretion and in the event of violation of State laws or any provisions of these regulations, the permit may be cancelled.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 7.14

7.14 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:

(1) The escort vehicle must be either a truck of not more than 8,600 pound GVWR or an automobile of not less than 2,000 pounds, a vehicle weighing more than 2,000 pounds with a manufacturer's gross weight rating less than 10,000 pounds and must be properly licensed.

(2) 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.

(3) All escort vehicles must be equipped with either a rotating or strobe amber yellow plastic, acrylic or glass covered flashing light which;

(a) Is visible from at least 500 feet, and

(b) Has a horizontal placement which shall be visible from all directions three hundred sixty (360) degrees.

(4) Escort vehicles shall display bumper mounted or roof mounted yellow 5' x 12" signs reading "OVERSIZE LOAD" with black letters eight (8) (10) inches high, one and one-half (1 1/2) inch wide brush stroke, which must be visible from front or rear.

(5) Two flags, red or safety orange, a minimum of 18" 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 corners of the vehicle.

(6) All for-hire escort vehicles shall contain the following miscellaneous equipment:

(a) CB radio, or any other two way communication device with the permitted load

(b) 2-5 lbs. fire extinguishers (type A-B-C)

(c) STOP and GO paddle (24" with 6" letters)

(d) Safety orange vest, shirt or jacket
(which must be worn by operator directing traffic)

(e) Red hand-held flag (18" in size)

(f) Two oversized load banners (Yellow with
black lettering)

(g) Three reflecting triangles or 18" traffic
cones

(7) Nothing in these standards shall prevent motor
carriers of property from providing their own escort services
related to their vehicle load transportation with their own
drivers and equipment, provided the above public safety
requirements are fulfilled relating to the escort vehicle.

Section 8. Other Safety Regulations

8.1. Increase of Weight, Height, and Length Limitations Upon State Highways by West Virginia Commissioner of Highways -- Pursuant to the provisions of WV

Code, Chapter 17C, Article 17, Sections 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 WV Code, Chapter 17C, Article 17, Section 4, can be increased without undue damage to any such highway, or without undue risk of damage to any such 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 said gross

weight, height or length limits of vehicles which may be operated upon such highway or portion thereof and may establish the limitations which shall be applicable thereto, subject, however, to the maximum limitations imposed by said WV Code, Chapter 17C, Article 17, Sections 11a and 11b.

(1) Commissioner's Order for Increase of Weight,
Height and Length Limitations - Whenever the Commissioner of Highways increases the said limits as above provided he shall enter an order to such effect in the Commissioner's Order Book, as provided in Section 2, Series I, of these rules and regulations. Such order shall set forth the

Division of Highways
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Series V, Sec. 8.1

reasons for his decision and shall designate and accurately describe the highway or portion thereof to which such increase in weight, height or length limits is applicable.

8.2. Restrictions Upon Right to use Highways by West Virginia Commissioner of Highways. -- Pursuant to the provisions of WV Code, Chapter 17C, Article 17, Section 12, and subject to the restrictions therein contained, 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 such highways, whenever any such state highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereon reduced, and the Commissioner of Highways may prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated state highways.

(1) Commissioner's Order - Whenever the Commissioner of Highways shall prohibit the operation of vehicles upon any state highway or impose weight restrictions thereon as above provided, the Commissioner of Highways shall enter an order to such effect in the Commissioner's Order Book, as provided in Section 2, Series I, of these rules and regulations. Such order shall set forth the reasons therefor and shall designate the road district and accurately describe the state highway or portion thereof upon which such prohibitions or limitations are to be applicable.

(2) Signs - The order of the Commissioner of Highways imposing such prohibitions or weight restrictions shall not be effective until appropriate signs giving notice thereof are erected and maintained at each end of that portion of any highway thereby affected. All such signs shall comply with the specifications described in Section 2, Series V, of these rules and regulations.

8.3. Unsafe Bridges. -- The Commissioner of Highways shall inspect all bridges upon state roads and if any bridge is found to be unsafe, the Commissioner of Highways shall promptly condemn, close, and repair such bridge. Except in the case of emergency, the Commissioner of Highways' determination to condemn and close any unsafe bridge upon a state road shall be

Division of Highways
Leg. Rule, 17C
Series V, Sec. 8.3

manifested by an order duly entered in the Commissioner's Order Book as provided in Section 2, Series I, of these rules and regulations. Such order shall set forth the reasons for condemning and closing said bridge and shall designate and accurately describe the road district and the road upon which said bridge is located. Appropriate signs shall comply with the provisions of Section 2, Series V, of these rules and regulations.

(1) Emergencies - In case of an emergency, all District Engineers or any other authorized personnel of the Commissioner of Highways' office shall have authority to condemn and close an unsafe bridge prior to the entry of an order by the Commissioner of Highways as aforesaid. In such event an order shall be entered as above provided as soon as possible after the closing of the bridge. Appropriate signs must be erected by Highways personnel, as provided in the preceding paragraph.

8.4. 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 regulations: (WV Code, Chapter 17-2A-8-(24).)

(1) 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 such vehicle in a conspicuous place a red flag not less than 24 inches square with the word "DANGER" in white letters 6 inches in height.

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

(3) 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.

(4) 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.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 8.4

(5) 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.

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

(8) 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 35 miles per hour; 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, transporting explosives on streets or highways shall be done only during daylight hours.

(9) Avoiding Public - Motor vehicles transporting explosives shall avoid, so far as practicable, driving into or through congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts and dangerous railroad crossings. So far as practicable, this shall be accomplished by prearrangement if routes.

(10) Railroad Crossings - Vehicles transporting explosives shall come to a full stop before crossing any railroad track or main highway, and then proceed with caution, and conform to all other traffic safety measures.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 8.4

(11) Passengers - Passengers or other unauthorized persons shall not ride on a vehicle transporting explosives. Smoking or carrying of matches and smokers' articles shall not be permitted on or around a vehicle transporting explosives.

(12) 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.

(13) Careful Handling - Packages or containers of explosives shall not be thrown or purposely dropped while being loaded or unloaded or otherwise handled, but the same shall be carefully deposited and stored or placed in such manner as to prevent the packages or containers from sliding or falling or being otherwise displaced.

(14) 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.

(15) Storage of Explosives During Unloading - Motor vehicles shall not be unloaded if explosives already unloaded have not been safely stored.

Section 9. Studded Tires

9.1. General. -- These rules and regulations, relating to the design, construction and use of studded tires, are promulgated by the Commissioner of Highways pursuant to the authority specifically delegated to him in the premises by the terms and provisions of WV Code, Chapter 17C, Article 15, Section 37.

9.2. Definitions. -- As used in these rules and regulations.

(1) "Stud" - shall mean a pin type device prepared for installation in the tread design of a motor vehicle tire. It shall consist of a tungsten carbide core bonded to an outer casing or shell of plastic, aluminum or steel.

Division of Highways
Leg. Rule, 17C
Series V, Sec. 9.2

(2) "Studded tire" - shall mean a motor vehicle tire fitted with studs in the tread design in openings moulded or drilled for that purpose.

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

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

(2) The tungsten tip of the stud shall project no more than seven-sixty-fourths of an inch from the surface of the tire.

(3) The diameter of the stud, inclusive of the stud casing, shall not exceed three-eighths of an inch.

(4) The contact area of the total number of studs shall not exceed three per centum of the total contact area of the tire.

(5) In the interest of highway maintenance studs shall not be installed in tires which are operational with a recommended air pressure greater than forty pounds per square inch.

(6) The studs shall be firmly and securely seated in the tire, which may be tested by applying a tensile force to each of five 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 thirty pounds.

(7) Failure of compliance in any of the above areas ([1], [2], [3], [4], [5], and [6]) shall be deemed a violation of the provisions of WV Code, Chapter 17C, Article 15, Section 37, and subject to the penal sanctions imposed by WV Code, Chapter 17C, Article 18, Section 1.

9.4. Use of Studded Tires. -- No studded tires shall be used on the highways of the State except during the period November 1st to April 15th in any calendar year.

NOTE: THIS PAGE FOR DISTRICT & COUNTY MAP --- PAGE 28

Division of Highways
Leg. Rule, 17C
Series V, Sec. 9., Appendix B

WEST VIRGINIA DIVISION OF HIGHWAYS
DISTRICT ENGINEERS

DISTRICT	ADDRESS TO	LOCATION	TELEPHONE
One	District Engineer, W. VA. DOH	Charleston, West Virginia 25301	348-3001
Two	District Engineer, W. VA. DOH	Huntington, West Virginia 25721	528-5600
Three	District Engineer, W. VA. DOH	Parkersburg, West Virginia 26102	420-4595
Four	District Engineer, W. VA. DOH	Clarksburg, West Virginia 26301	842-1500
Five	District Engineer, W. VA. DOH	Burlington, West Virginia 26710	289-3521
Six	District Engineer, W. VA. DOH	Moundsville, West Virginia 26041	843-4008
Seven	District Engineer, W. VA. DOH	Weston, West Virginia 26241	269-0400
Eight	District Engineer, W. VA. DOH	Elkins, West Virginia 26452	637-0215
Nine	District Engineer, W. VA. DOH	Ronceverte, West Virginia 24970	647-7450
Ten	District Engineer, W. VA. DOH	Princeton, West Virginia 24740	425-2155

DATE: AUGUST 16, 1993

TO: LEGISLATIVE RULE MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA DEPT. OF TRANSPORTATION, DIVISION OF HIGHWAYS

RULE TITLE: TRAFFIC AND SAFETY RULES AND REGULATIONS, SERIES V

SUMMARY OF RULE CONTENT - This series was promulgated under the authority of Chapter 17C, Articles 2, 3, 6, 7, 12, 13, 15, 17 and Chapter 17, Article 2A, Section 12 of the Code of West Virginia. This series establishes general rules for the control of traffic and the promotion of safety on the public highways.

STATEMENT OF CIRCUMSTANCES REQUIRING CHANGES TO THE RULE - The mobile home manufacturers and dealers of West Virginia are presently unable to offer West Virginia buyers a complete line of available mobile homes. This limitation on mobile homes is a result of Highways' Legislative Rules pertaining to the issuance of Special Permits for the "Movement of Mobile Homes in Excess of Legal Dimensions" (Series V, Section 7.13). These rules limit the issuance of Special Permits for transporting mobile homes no larger than 14 feet wide and 76 feet long.

Therefore, the purpose of this filing is to grant authority to the Highways' Commissioner to issue special permits for the movement of mobile homes up to 16 feet wide and up to 80 feet long upon the State's highways.

The proposed Amendments are submitted in the public interest and in the interest of the manufactured housing dealers and manufacturers. The amendments will permit the full range of mobile home size options to be sold and transported on the State's highways. No increase in operational costs to the State are expected from these proposed amendments.

In addition to the proposed increase in maximum size are specific requirements for escort vehicles. The proposed requirements for escort vehicles are considered necessary for the preservation of the public safety when mobile homes are being transported over the State's highways.



**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**

1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • 304/558-0444

Gaston Caperton
Governor

Charles L. Miller, P.E.
Secretary

May 12, 1993

Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Hechler:

Emergency Amendment to an
Existing Legislative Rule and
Notice of Public Hearing and Comment Period
Division of Highways, Series V

The attached information is being submitted by the Commissioner of Highways with my consent and agreement in accordance with the provisions of Chapter 5G, Article 1 of the State Code. These proposed amendments grant the Commissioner of Highways the authority to issue permits for the movement of mobile homes up to 16 feet wide and up to 80 feet long upon the State's highways.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles L. Miller".

Charles L. Miller, P.E.
Secretary

CLM:c
Attachment

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series V, Traffic and Safety Rules and Regulations
 Type of Rule: Legislative Interpretive Procedural
 Agency: Division of Highways
 Address: Building 5, 1900 Kanawha Boulevard, East,
 Charleston, West Virginia 25305-0430

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

The established operational and administrative costs of Highways' Special Permits program for the transport of overweight and oversized vehicles will not be effected by the proposed amendments.

3. Objectives of this rule:

To grant the Commissioner of Highways the authority to issue permits for the movement of up to 16 feet wide and up to 80 feet long mobile homes upon the State's highways. The proposed amendments also describe the requirements for any escort vehicle used in the movement of any permitted oversize vehicle.

Rule Title: Traffic and Safety Rules and Regulations

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government:

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens:

The proposed amendments should increase the selection and sales of mobile homes throughout the state.

C. Economic Impact on Citizens/Public at Large.

The proposed amendments should increase the selection and style of manufactured housing available to the general public.

May 12, 1993



Fred VanKirk
Commissioner
State Highway Engineer

DATE: AUGUST 16, 1993

TO: LEGISLATIVE RULE MAKING REVIEW COMMITTEE

FROM: DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS

LEGISLATIVE RULE TITLE: TRAFFIC AND SAFETY RULES AND REGULATIONS

1. Authorizing statute(s) citation §17C-2, 3, 6, 7, 12, 13, 15, 17 &
§17-2A-12

2. a. Date filed in State Register with Notice of Hearing:

May 26, 1993

b. What other notice, including advertising, did you give of the hearing?

Advertised in the Charleston Newspapers, released to the
Associated Press & a letter of notice was sent to all 10
Division of Highways' District offices.

c. Date of hearing(s): June 25, 1993

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:

filed with Secretary of State's office on August 16, 1993
printing in State Register expected August 20, 1993

f. Name and phone number(s) of agency person(s) to contact for additional information:

C. Cameron Lewis, 558-2881

Dan Blackwood, 558-3723

Alan Cuervo, 558-3475

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice or the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

b. Date of hearing: Not Applicable

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

Not Applicable

d. Attach findings and determinations and reasons:

Attached Not Applicable

DATE: AUGUST 16, 1993

AGENCY APPROVED RULE FILING: TRAFFIC AND SAFETY RULES AND REGULATIONS,
SERIES V

FROM: WEST VIRGINIA DEPT. OF TRANSPORTATION, DIVISION OF HIGHWAYS

PUBLIC HEARING REVIEW & AMENDMENTS TO PROPOSED RULE

Attached is a summary of the subject hearing proceedings held June 25, 1993 by Highways moderator, Paul Lister. Also, a listing of the attendees (8 persons) and a listing of those giving formal statements (8 persons) are attached. A tape recording of the hearing was made; however, it was not transcribed, since only one commentor was opposed to the proposed amendments. The one commentor in opposition submitted a letter for the record and did not present it orally at the hearing.

Included with this information is a copy of all letters submitted at the public hearing as well as those letters submitted during the comment period.

COMMENTORS IN FAVOR OF THE PROPOSED AMENDMENTS: All those attending the public hearing were generally in favor of the primary issue to increase the maximum size limit for special permits up to 16 feet wide and 80 feet long for the transporting of mobile homes. Also, those that submitted letters, save one, were also in favor of the proposed amendments.

COMMENTORS NOT IN FAVOR OF THE PROPOSED AMENDMENTS:

1. Mr. Leff Moore, of the West Virginia Manufactured Housing Association, stated approval at the hearing of increasing the maximum mobile home size limit for special permits, but offered the following two recommendations.
 - a) Change the maximum height limitation to 14'-10" from the current 13'-6" with the understanding that routing review would still be required.
 - b) Change the proposed amendments' limitation on the Gross Vehicle Weight for escort vehicles to 12,000 lbs. GVWR from 8,600 lbs. GVWR as proposed.
2. A letter from Mr. Garland S. Martin, President of Martin's Mobile Home & Housing (dealer), was presented at the hearing for record. This commentor wished to go on record in opposition to the proposed amendments for the following reasons.
 - a) "I feel the movement of these sized homes is dangerous to the point that someone is going to be seriously hurt or someone will have a run in with one of our school buses or emergency vehicles and I am sure that I, for one, do not want this on my back."

DATE: AUGUST 16, 1993

AGENCY APPROVED RULE FILING: TRAFFIC AND SAFETY RULES AND REGULATIONS,
SERIES V

FROM: WEST VIRGINIA DEPT. OF TRANSPORTATION, DIVISION OF HIGHWAYS

PUBLIC HEARING REVIEW & AMENDMENTS TO PROPOSED RULE

Page Two

2. (Continued)

- b) "It is propoganda when members of our Association (WV Manufactured Housing Association) state that we as retailers have lost sales because of our inability to move eighty foot (80') long or sixteen foot (16') wide homes here in West Virginia."

SUBSEQUENT AMENDMENTS TO RULE:

1. Mr. Leff Moore's recommendations were duly considered and the proposed rule has been amended as follows.

- a) Section 7.13 has been amended to show a maximum over dimension permit limitation for height of 15 feet - 0 inches for mobile homes.
- b) Section 7.14 has been amended to specify an escort vehicle size/weight limitation which is in accordance with the latest recommendations of the Southern Association of State Highway Transportation Officials (SASHTO). The escort vehicle size limitation has been amended to "weighing more than 2,000 pounds with a manufacturer's gross vehicle weight rating less than 10,000 pounds."

Additionally, the height of the lettering for the "Oversize Load" sign to be attached to the escort vehicle has been amended to 10 inches from 8 inches.

Adoption of the SASHTO recommendations permits a standard between the member states that is generally recognized as being in the best interest of all parties.

2. In response to Mr. Garland S. Martin's concerns, the amendments to the West Virginia Division of Highways rules for issuance of special permits for mobile homes has not been made without consideration for safety. The increase in permitted mobile home transport size is being proposed only with a commensurate increase in safety requirements, such as:

- a) mobile homes in excess of 14'-6" wide shall have an additional escort vehicle at the rear (one in front and 2 at the rear) on multi-lane highways with a 24' minimum pavement width;
- b) for all other highways, mobile homes in excess of 12' wide shall have an escort vehicle at the front instead of just the pilot or towing vehicle, and;

DATE: AUGUST 16, 1993

AGENCY APPROVED RULE FILING: TRAFFIC AND SAFETY RULES AND REGULATIONS,
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PUBLIC HEARING REVIEW & AMENDMENTS TO PROPOSED RULE

Page Three

2. (Continued)

- c) for any bi-directional highway, mobile homes in excess of 14'-6" wide shall be accompanied by any police or enforcement officer at all times while traveling on the highway.

In recognition of these added safety requirements, the increase in permitted mobile home transport size proposed by these amendments is not considered to be a threat to the public safety.

Public Hearing: Report On
Project: Traffic And Safety Rules And Regulations
Series V (Permits For Manufactured Homes)
Charleston, West Virginia
(Building 7, Conference Room D, Capitol Complex)
Friday, June 25, 1993, 2:00 PM

Project Description:

The purpose of this formal hearing was for the Division of Highways of West Virginia to coordinate and participate in an informational public hearing concerning changes to Traffic and Safety Rules and Regulations, Rule Series Number V, relating to control of traffic and promotion of safety on public highways.

Amendments are being filed to grant authority to the Highway Commissioner to issue special permits for movement of mobile homes up to 16 feet wide and up to 80 feet long upon the state's highways and to present specific requirements for escort vehicles considered necessary to preserve public safety when mobile homes are being transported over state highways.

The project is identified as: Amendments, Series 5, Traffic and Safety Rules and Regulations.

Hearing Description:

This was a formal hearing covering the proposed changes, public's right of input, with public statements being received relating to the stated changes. This meeting started at 2:00 p.m., Friday, June 25, 1993 in Conference Room D, building 7, State Capitol Complex in Charleston, West Virginia (Kanawha County). The meeting lasted until all persons had been given an opportunity to ask questions or make statements concerning the proposed changes. A tape recording was made of the entire hearing and is made a part of this record. No court reporter was utilized and a full transcript was not made of the meeting. The recording can be utilized by interested parties to study the meeting or, if needed, to transcribe the full meeting.

An oral presentation of the changes, along with a handout of those changes, was given by Mr. C. Cameron Lewis, Division of Highways from the Charleston office. The members of the general public present were, it seemed, all very knowledgeable about the rules and regulations and had come prepared to make statements for the record concerning their views. All written statements received from the meeting with the public are made a part of this record and are enclosed.

At the conclusion of the discussion by Mr. Lewis each person was given the microphone and they either read their statements or gave them from notes. The meeting lasted for approximately one hour. Preaddressed forms were given to those who desired them that allows statements to be mailed directly to the Commissioner of Highways, Fred VanKirk.

The meeting was conducted with the public seemingly in favor of the changes with some wanting to insure that certain rough spots were addressed in the final drafts.

A notice of the public hearing was contracted for publication in state newspapers. A copy of the contracting newspaper letter to Charleston Newspapers and the Associated Press is enclosed in this record.

Letters of notice to depositories were sent to all the Division of Highways office of the District Engineer of the ten districts around the state of West Virginia, and Secretary of State. Study materials were made available to public and interested parties.

Participation:

The public hearing was attended by representatives of the Division of Highways, financial institution, mobile home movers and mobile home dealers (See attached signature roster for the names of those in attendance). No one from the news media was recognized or made themselves known to the moderator.

After a brief opening by Paul Lister, moderator from the Public Affairs Office of the Division of Highways in Charleston, a presentation was made by Division of Highways representative Cameron Lewis of Enforcement. A handout was prepared by Courtney Joslin, Division of Highways, and distributed to all present (Copy of Handout enclosed in record). Mr. Lewis discussed the changes briefly and answered questions from the public. Then the general public was invited to speak for the record and submit any documentation they might wish on the subject. A list of the speakers and the order of their remarks is enclosed. That list, Register For Formal Statements, also lists the organizations that the speaker represented.

There were some very good points discussed by the speakers that they requested the final draft incorporate prior to adoption. Their concerns were noted by Mr. Lewis and Mr. Joslin. Copies of their statements are enclosed in the record along with other comments that have been mailed to the Division of Highways.

The public was informed about the given comment sheets for their mailing and/or sending to the Commissioner of Highways. Mr. Lewis was present to take comments if needed. A cut-off date and its importance was discussed.

Next Step:

Mr. Lewis has established a cut-off date for further comments to be accepted by himself or Commissioner VanKirk. After that date the Commissioner will render his decision on the subject or give notice of any other meetings concerning this requested changes.

Informational Notes:

The meeting location in conference room D was marked by the use of several signs letting the general public know exactly the way to the meeting site. The arrival of the participants and public at the specified time evidenced the usefulness of the many signs to avoid missing the meeting site. All signs were removed and the meeting room secured by the Moderator after the meeting was adjourned.

Prepared by: Public Information Officer Paul Lister
Division of Highways-Public Affairs Office
Charleston, West Virginia

WEST VIRGINIA DEPARTMENT OF HIGHWAYS

PUBLIC MEETING/HEARING PLAN

1. Project: Name TRAFFIC AND SAFETY RULES AND REGULATIONS
Number(s) SERIES V (16 FEET BY 80 FEET MOBILE HOMES)
2. Meeting Purpose: System _____ Corridor _____
Location _____ Design _____
Abandonment _____ Other CHANGE REGULATIONS
3. Meeting Type: Hearing _____ Meeting Workshop _____
Opportunity for Hearing _____
4. Public Notices: Date _____
Published CHARLESTON NEWSPAPERS (TWICE) 1st AVAILABLE 9TH 24 JUN 93
Depositories ALL TEN DISTRICT ENGINEERS OFFICES AROUND STATE
SECRETARY OF STATES OFFICE

5. Identifying Potential Participants
Interests Identified MOBILE HOME MANUFACTURERS / PUBLIC
Organizations and Individuals Identified NONE
6. Meeting Space
Total Number of People Expected: FEW IF ANY
Seating Arrangement Type: TABLES WITH CHAIRS
7. Meeting Time: 2:00 PM Date: FRIDAY 25 JUN 93 Hours: 2-3:00 PM
8. Meeting Place(s): CONFERENCE ROOM D, 2ND FLOOR, BUILDING 5
Address: CAPITOL COMPLEX, CHARLESTON, WV
Contact Person: DAN BLACKWOOD Phone: DOH-ENFORCEMENT
Rental Fee: No Yes _____ \$ _____
Central Location _____ YES
Public Transportation Access _____ YES
Suitable Parking _____ LIMITED BUT AVAILABLE
Safe Area _____ YES
Adequate Facilities _____ YES
Arrangements:
Sound System _____ PAUL LISTON
Chalkboard or Easel _____ ON SITE
Chairs _____ YES
Tables _____ YES
Meeting Room Set-up _____ PAUL LISTON
Meeting Room Clean-up _____ MAINTENANCE
9. Meeting Sponsorship & Coordination
DOH City _____ County _____
Others N/A

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
PUBLIC HEARING/MEETING
ATTENDANCE SHEET

Project: MOBILE HOMES-RULES &
REGULATIONS-SERIES V
(MOBILE HOMES 16' X 80')

Date: FRIDAY 25 JUNE 1993

Location: CONFERENCE ROOM D
BLDG. 7-CAPITOL COMPLEX
CHARLESTON, WV

PLEASE PRINT

<u>Name</u>	<u>Organization</u>
1. <u>Paul G. Lister</u>	<u>WUDOH-PAO-CHARLESTON</u>
2. <u>HEROLD BERTIN JR.</u>	<u>INTERSTATE FLAG CAR, MORGANTOWN</u>
3. <u>JOHN FIZER</u>	<u>WV FLAG CAR ASSOCI</u>
4. <u>LEFF MOORE</u>	<u>WV MFL HOUSING ASSOC</u>
5. <u>Joyous P. Belas</u>	<u>Belas Inc - DBA - Belas Homes</u>
6. <u>Thomas Belas</u>	<u>Belas Mkt Sales, Inc. - Bridgeport WV</u>
7. <u>Steven Marks</u>	<u>Pleasant's County Bank, St. Marys, WV</u>
8. <u>Mr & Mrs H. Z. Fritzsche</u>	<u>Newark Truck Home, Inc.</u>
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

(TOTAL 12)

ALSO ATTENDING
* (Amanda Lewis DOT - ENFORCEMENT OVER)
* COURTNEY JOSLIN " "

* 2 persons NOT SIGN

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

PUBLIC HEARING

REGISTER FOR

NORMAL STATEMENTS

Project: MOBILE HOMES-RULES/REGULATIONste: CONFERENCE ROOM D
 SERIES V Location: BLDG. 7, CAPITOL COMPLEX
(16' X 80') CHARLESTON, WV

PLEASE PRINT * (Less lots in) *START AT ZERO
 UHAW LOTS IN STATEMENT
 FLOW HEAD.

Name	APPROX. (Less <u>lots</u> in)	Organization
HEROLD BERTHY JR.	✓ 145	S.C.R.A. + INTERSTATE FLAG CAR, INC.
LEFF MOORE	✓ 225	WVA MF'D HOUSING ASSOC
ANDY BROWN	✓ 447	WV Division of Labor
Steve Marks	✓ 495	Pleasants County Bank
Thomas Belasco	✓ 580	Belasco M/H Sales, Inc.
Joseph Belasco	✓ 629	Belasco Inc DBA - Belasco Home Sales
H.L. Fitzsimmons FITZSIMMONS	✓ 5120 5120	HOWARD'S Mobile Home, etc
John Fizer	✓ 20	WV Flag Car Assoc.

↑
TAP MEASUREMENTS

1

ATTACHMENTS FROM
LEFF MOORE FOR RECORD
25 JUN 1993
MOBILE HOME REGULATIONS

COMMENTS BEFORE THE
WEST VIRGINIA DIVISION OF HIGHWAYS

PUBLIC HEARING

Revision of the Traffic & Safety Rules and Regulations

June 25, 1993
Conference Center - Room D
Building 7
State Capitol Complex
Charleston, WV 25301

These comments submitted on
behalf of

West Virginia Manufactured Housing Association
205 First Avenue
Nitro, WV 25143

My name is Leff Moore; and I appear here as the Executive Director of the West Virginia Manufactured Housing Association. This organization represents two hundred ninety business firms from throughout West Virginia and neighboring states who manufacture, retail, install, finance and provide services to the purchasers of manufactured homes. Manufactured homes provide housing for 358,400 West Virginians or 36% of our states population. Even more important figures come from the West Virginia Housing Development Fund. Their studies indicate that 60% of all new housing in West Virginia in the past three decades has been manufactured homes. Manufactured homes sold by our industry are the primary source of new housing for all West Virginians. Our role in furnishing affordable housing to our states citizens results in West Virginia leading the nation with 74.1% of our states citizens owning their own home. West Virginia also is in the top five states in the nation in the per-capita consumption of manufactured housing.

Our industry is grateful to the West Virginia Department of Transportation, the West Virginia Division of Highways and those agencies personnel in recognizing the need to amend, and modernize, and revise its traffic and safety rules and regulations. Our industry would seek and does support the changes that are proposed in Legislative Rule 157-5.

Like West Virginia highways system and the highway system generally in this country, our transportation capabilities have been ever expanding just like West Virginia's need for safe, decent, affordable housing. Our highways have developed, over the years, to handle more vehicles as well as larger vehicles. With the advent of the interstate system, the completion of the West Virginia Turnpike to interstate standards and the continued development of the Appalachian Corridor System, West Virginia highway transportation system is today more representative of a modern transportation system. These proposed rules will bring West Virginia's traffic regulations in line with those regulations in surrounding states, in order to enable the transportation of manufactured housing structures to and from and through the State of West Virginia.

Currently all neighboring states and all states in this region of the nation provide for the transportation of home sections with an overall unit length of 80 feet when in the travel mode. West Virginia's current restriction of overall traveling lengths of 75 feet effectively prohibit interstate commerce through our state and deny the citizens of West Virginia the ability to legally purchase and own new modern housing units of this type and size. Market demand for these housing units has been long standing and well documented. Unfortunately, many West Virginians have sought to solve their housing needs by going to neighboring states purchasing the readily available larger homes and transporting them to West Virginia home sites. It is estimated that many hundreds of these homes exist in West Virginia

although they are transported here without the benefit of a legal permit issued by the Division of Highways. Eastern Kentucky, Pennsylvania, Western Virginia, Southwest Maryland and other mountainous regions of our nation have a long, successful track record in transporting these units on their highways. Likewise, these are the areas from which many West Virginians go to purchase their housing. These purchases in other states hurt West Virginia businesses but most importantly deprive the West Virginia purchaser and homeowner of the consumer protection laws, board codes and standards that protect our industry customers when they purchase from West Virginia businesses. Loss of tax revenue, jobs and business growth negatively impact West Virginia as a result of the current regulation. The West Virginia Division of Highways has recognized this needed change and has proposed to change the length requirements in this rule revision. We wholeheartedly support this effort outlined in 7.13 of the rule.

The proposed change of permissible widths on West Virginia highways to an overall special permit width of 16 feet, with special restrictions, is similarly required, needed and supported by our industry for the same reasons outlined above. Indiana, Ohio, Tennessee and Kentucky account for a high percentage of the manufacturing locations that ship homes to West Virginia. For a long period of time factories in those states have been building and shipping 16 foot sections throughout the country and particularly to our border states of Kentucky and Ohio. West Virginians are denied the opportunity to purchase the more spacious, cost

efficient, architecturally desirable homes because of those restrictions currently in the highway rules. The housing consumers in West Virginia, along with our industry, whole heartedly endorses and supports the proposed change to permit overall home sections of 16 feet to be moved, under special conditions, on West Virginia Highways.

While the West Virginia Manufactured Housing Association is enthusiastically supportive in the proposed changes outlined the rule, our organization has two areas of concern and recommendations for your consideration.

Recommendation #1 - We have done a comparative analysis of neighboring states on the permitted height provisions for oversized loads. We understand that oversized load permits already restrict the current maximum height of 13' 6" to routes that will accommodate these heights. We understand that any change in the overall permitted height would also contain similar restrictions.

In the attached comparative height analysis (Appendix 1), you will note that Indiana, Kentucky, and Ohio, all states where major manufacturing facilities are located, permit the movement of heights up to 15' 6" (Kentucky; 14' 10" (Ohio); and 15" (Indiana). Since Indiana is a major manufacturing state, the 15' limitation would be

appropriate; however, Indiana cannot ship through Ohio those heights in excess of the Ohio regulation. Our Association urges that the Division of Highways consider amending its draft to allow heights equal to those in Ohio or 14' 10". We know that such height permits would require the same review as to routing etc., as is now provided with the 13' 6" figure.

Recommendation #2 - Our second concern surrounds the gross vehicular weight rating allowable for escort vehicles. Your proposed rule limits the GVWR of trucks serving as escort vehicles to 8600 pounds. In reviewing the draft, many industry firms indicate that dual wheel pick-up trucks and smaller specialty trucks many times have GVWR in excess of the limits imposed by the draft. Based on industry consensus, a 12,000 GVWR would be more appropriate. This limit would prohibit large trucks as escort vehicles while allowing commonly used larger pick-ups, etc., to perform this important function.

West Virginia manufactured housing industry gratefully acknowledges the work of the Division of Highways in preparing and proposing change in these important rules. It is apparent that there is a keen awareness on the part of this agency as to the important role that our transportation system places in providing our states

citizens with one of life's basic necessities, shelter. Because of West Virginians overwhelming acceptance of manufactured housing and because of their great dependence on our industries factory built structures, we are especially aware of the demands in the marketplace and the concerns of our consumers. I am today, providing the Division of Highways a representative number of letters and correspondence we have received relative to the needs and wants of West Virginians in purchasing housing that is currently now denied to them by antiquated and out dated regulations. I am also presenting as part of my comments, letters from industry firms both within and outside of West Virginia. Each of these letters from those active in the marketplace all support and indicate that the West Virginia Division of Highways is clearly supported in its efforts to revise its rules governing traffic and safety.

We respectfully request that the rule be amended to address those issues outlined in these comments relative to height and escort vehicles weight restrictions. We strongly support and urge the ultimate adoption of this rule change by the Division of Highways, the Department of Transportation and the West Virginia Legislature. We gratefully acknowledge the West Virginia Department of Highways important role that it has played over the years in assisting our industry in West Virginia moving tens of thousands of homes to hundreds of thousands of West Virginians on our state highway system.

APPENDIX I

WEST VIRGINIA MANUFACTURED HOUSING ASSOCIATION
COMPARATIVE HEIGHT ANALYSIS

STATE	MAXIMUM HEIGHT
WV	13'6"
IN	15'
VA	13'6"/DEPENDS ON ROUTING/SPECIAL PERMITS AVAILABLE
OH	14'10"/NO MAX IN CODE DEPENDS ON ROUTING
KY	15'6"
PA	13'6"/UNTIL 5/15/93 POSSIBLY TO BE RAISED 4"/HAS SEEN NOTHING WRITTEN
NC	13'6"/DEPENDS ON ROUTING/SPECIAL PERMITS AVAILABLE
SC	13'6"/CODE READS 6" LESS THAN OVERHEAD STRUCTURE
TN	13'6" OR BY SPECIAL PERMIT
GA	13'6"
FL	14'6" OR BY SPECIAL PERMIT AND RESTRICTIONS

SEVEN STATES (WV,VA,PA, NC,SC,TN,GA) HAVE 13'6" HEIGHT RESTRICTIONS UNLESS SPECIAL PERMITS ISSUED DEPENDING ON ROUTING (BRIDGES AND OVERPASSES ETC.) RESTRICTIONS

ONE STATE (FL) HAS 14'6"
ONE STATE (OH) HAS 14'10"
ONE STATE (IN) HAS 15"
ONE STATE (KY) HAS 15'6"

SPECIAL PERMITS AND RESTRICTIONS INCLUDE FLAG CAR RESTRICTIONS

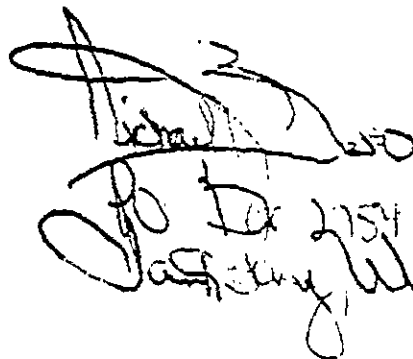
JUNE 2, 1993

TO WHOM IT MAY CONCERN:

At the present time I am in the market for a new home. In my search for something affordable and large enough to meet my personal needs yet something I could move in the event it would become necessary, I came across a 16 x 80 mobile home. However, to my dismay I am told these are not allowed in our state. For the life of me cannot understand why. They are nice sized and a person could put one on private property or in a mobile home park and best of all if you have to move you could take your home with you.

I have done some checking and it seems this size home is allowed in most all the states around us and more, it seems very unfair and discriminatory that we cannot have them also. I am definately in the market for a new home and of course my hope is that I will be able to purchase exactly what I want and need to fulfill my needs in a home. I have exhausted most all of the other options in order to own my home the alternatives are just not good. Please reconsider this law and allow 16 x 80's into West Virginia.

SINCERELY,


David L. W. 20
20 Dr 2754
Washington, WV

26302.

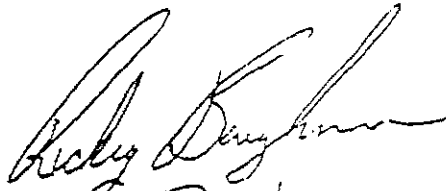
JUNE 22, 1993

TO WHOM IT MAY CONCERN:

PRESENTLY I AM THE OWNER OF A 14 X 76 MOBILE HOME AND LOVE IT AS I MAY IT IS JUST NOT QUITE LARGE ENOUGH TO SUIT MY NEEDS. FOR THREE YEARS I HAVE BEEN SEARCHING FOR A HOME THAT WOULD MEET MY NEEDS AND I HAVE LOOKED IN BOTH THE CONTRACT BUILT HOMES AS WELL AS THE MOBILE HOME AND SECTIONAL HOME MARKET. THE CONTRACT BUILT HOMES ARE PRICED WAY OUT OF MY REACH FOR THE QUALITY THAT I WANT AND I CANNOT FIND ANY PROPERTY TO PUT A SECTIONAL ON SO THAT LEAVES ME WITH A NEW SINGLE WIDE. BUT AS IT STANDS NOW I ALREADY HAVE AS LARGE AS THE LAW WILL ALLOW.

ON A VISIT IN ANOTHER STATE I CAME ACROSS THE PERFECT SIZE HOME FOR MY NEEDS , A 16 X 80 ! ITS LARGE ENOUGH TO SUIT ME AND YET IT'S NOT TOO LARGE FOR ME TO PUT A THE MOBILE HOME PARK THAT I AM LIVING IN NOW. MY NEXT STEP IS TO PURCHASE MY NEW HOME, AND I AM TOLD THAT WE CANNOT HAVE THIS SIZE HOME IN W.V. THIS NOTE IS A PLEA FOR YOU AND WHOEVER HAS TO MAKE THIS DECISION TO THINK ABOUT RECONSIDERING. I AM IN NEED OF A LARGER HOME AND SOMEHOW I MUST IMPROVE MY LIVING SITUATION AS SOON AS POSSIBLE. AS IT STANDS NOW MY OPTIONS ARE NOT GOOD.

SINCERELY,


Rickey Baughman
124 Thompson Dr
Bpont WV 26330
(304) 842-8343

I am a single mother with a handicapped daughter and an elderly Mother. My Mother should be living with me in our trailer but we lack the room needed for another person. I have looked and looked for a trailer that was large enough for our needs but they are just not available in West Virginia. A few more feet would mean a huge difference. I like living in a trailer and can't afford a house but I'm becoming more and more tired of not enough space because I know its available elsewhere.

Mary Griffin

UNDERWOOD MANUFACTURED HOMES, INC.

PRESENTED FOR
RECORD 25 JUN 93

2

Star Rt. 83 Box 5 Mobile
Ellenboro, WV 26346 Home
Phone (304) 869-3310 REES

June 23, 1993

To Whom It May Concern:

I am a manufactured home dealer located 15 miles from the state of Ohio. I have many customers coming to my sales lot and telling me about seeing 16 x 80 ft. manufactured homes in Ohio and wanting to know why I am not selling them.

It would add to my sales if I could sell these homes. I feel that there is a demand for the 16 x 80 ft. homes, and am very much in favor of allowing them in the state of West Virginia.

Sincerely,



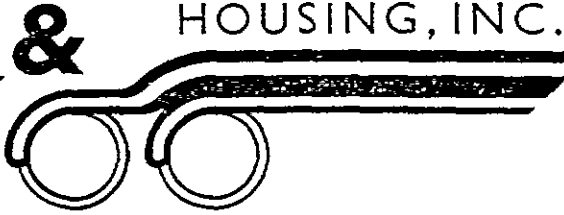
Gail D. Underwood,
President
Underwood Mfg. Homes,
Inc.

MARTIN'S

M
MOBILE HOME

PRESENTED
FOR RELOAD
25 JUN 93

MOBILE HOME
RULES



Garland S. Martin
President and Treasurer

Rt. 4, Box 173
Martinsburg
West Virginia 25401
telephone: (304) 263-4872

Patricia I. Martin
Vice-President and Secretary

✓ OH-Handle direct.
Advise action
taken.

cc: RC, DOT 6/15/93

June 10, 1993

West Virginia Department of Highways
Capitol Complex
Charleston, WV 25317

Gentlemen:

This is for the record: I am receiving information from the West Virginia Manufactured Housing Association that they are pushing to get approval of sixteen foot (16') wide and eighty foot (80') long mobile homes on the highways of and in the State of West Virginia.

I am a retail mobile home dealer here in the Eastern Panhandle and I also have PSC rights to transport mobile homes over West Virginia Roads.

I am sure that if Leff Moore (Director, WVMBA) has anything to do with it that he will be lobbying heavily to get these bills approved.

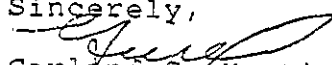
I want to go on record (as of this date) in stating that I am opposed to these bills. I feel the movement of these sized homes is dangerous to the point that someone is going to be seriously hurt or someone will have a run in with one of our school buses or emergency vehicles and I am sure that I, for one, do not want this on my back.

It is propaganda when members of our Association state that we as retailers have lost sales because of our inability to move eighty foot (80') long or sixteen foot (16') wide homes here in West Virginia.

I would appreciate your consideration into this matter.

Thanking you in advance, I remain,

Sincerely,


Garland S. Martin
President

RECEIVED
BY DEPT OF HIGHWAY
93 JUN 15 PM 3:07
CONSPIROCY
GENERAL FILES

APR 10 09 11 02

BELASCO MOBILE HOME SALES INC.
1201 WEST MAIN STREET
BRIDGEPORT, W.V. 26330
304-623-5353

4

PRESENTED FOR
RECORD AT
25 JUN 93
MOBILE HOME
RULES

June 24, 1993

Mr. C. Cameron Lewis
Division of Highways
Bldg. 5, Rm A-304
1900 Kanawha Boulevard, E
Charleston, W.V.

Dear Mr. Lewis,

I feel the State of W.V. is long overdue in making the necessary changes in regulations for the movement of longer and wider homes into and through our state.

Our surrounding states all permit the movement of 80' homes, plus two adjacent states permit the 16 wide homes.

It is evident that this situation has been very unfair to the people of our state who are demanding larger mobile homes.

We all hear of proposed economic growth, creating jobs, and bringing our state forward. However, there seems to always be a stumbling block. We as a state cannot seemingly put it in motion.

The people of West Virginia are demanding bigger and better housing, of which they are entitled. We can no longer deprive a man a home that he can afford and will suit his needs. The low interest rates of today are making it more possible than ever for a man to own a home.

We have developed a manufactured home community in which the lots have been planned to accomodate the larger size homes in order to fill the demand of the new FBI facility within our area. Our development has been under construction for the past three years, awaiting approval for the larger homes, which are most definately in demand.

We have had no help from the state in recognizing the needs of the people of W.V. nor to supply the housing needs of the FBI people.

We can no longer continue with our present home sizes. We are being singled out as always - BACK WOODS, W.V. Let us push forward immediately and get in a position with meighboring states and hold the statue that we are geared toward economic develop-ment and provide the proper housing as afforded elsewhere in the country. WE CANNOT WAIT ANY LONGER!

Yours truly,

Donna Belasco
President

May 14, 1993

Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

Re: Road Movement Revisions For West Virginia

I am writing in response to the need of allowing 80 foot length homes to be able to ship into West Virginia. We have two plants in North Carolina that serve retail locations in West Virginia. We are unable to ship our 80 foot homes into these locations. This has resulted in lost sales for West Virginia as well as our manufacturing losses. We have product to ship into the state as quickly as the restrictive rule is removed. Your assistance is greatly appreciated.

David O'Neal
David O'Neal
General Manager
N.C. Operations
Redman Homes

Rivers Mobile Home Movers

927 Strawberry Road St. Albans, WV 25177 (304) 722-2332

May 20, 1993

Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

Re: 16 x 80 Manufactured Home Movement

Dear Sir:

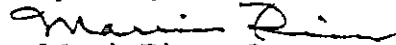
We need your immediate action and assistance in protecting emergency rules that would allow the movement of manufactured homes with an overall length of 80 feet on West Virginia highways.

West Virginia is limited to the legal movement of homes no greater than 76 feet while surrounding states are permitted the movement of 80 ft. With this limitation, West Virginia manufactured home transporters have lost moves due to retailers being unable to sell this size home.

Quick action is needed to supply our market area with their requests for these competitive sizes.

Thank you for considering this letter.

Respectfully submitted,


Marvin Rivers, Owner

TRI~STATE

HOME CENTER, INC.

I-64 NITRO EXIT

P.O. BOX 576

NITRO, WEST VIRGINIA 25143

(304) 755-0181

May 20, 1993

Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

Re: 16 x 80 Manufactured Home Movement

Dear Sir:

We need your immediate action and assistance in protecting **emergency** rules that would allow the movement of manufactured homes with an overall length of 80 feet on West Virginia highways.

West Virginia is limited to the legal movement of homes no greater than 76 feet while surrounding states are permitted the movement of 80 ft. With this limitation, retailers have lost sales because of the inability to move 80' long and 16' wide homes.

Quick action is needed to supply our market area with their requests for these competitive sizes. We feel pressured from surrounding states where customers are going out of state to purchase housing. We have lost market in West Virginia because of customer demand for larger homes that we have been unable to fill because of the restricted road movement.

Thank you for considering this letter.

Respectfully submitted,



J. Carroll Saunders, General Manager

MIDDLETOWN HOME SALES

Offering the Finest in Manufactured Housing



5-24-93

Mr. Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

Dear Charles;

We've been in the manufactured housing business for many years and have gone through many changes. The changes, overall, we feel were in the customers' best interest. However, the needs of our customers continues changing and they're demanding larger, more spacious homes.

Retailers in our neighboring states offer these larger homes and advertise extensively in our area. (A copy of an ad from a large Pa retailer that ran in our local paper last month is enclosed).

The restriction on road movement regulations prohibits 80 foot homes on our highways. It is terribly unjust that folks surrounding West Virginia can enjoy the amenities and benefits of larger homes while West Virginians can not due to this restriction. These rules need to be changed immediatley so we can begin to accommodate the needs of our "West Virginia" customers and to keep them investing in West Virginia retailers as opposed to out-of-state ones.

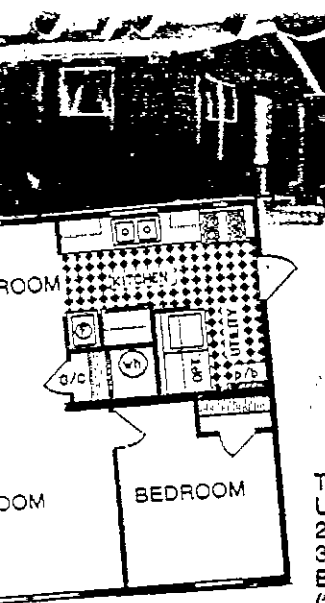
We feel that we can obtain a larger percentage of the total housing market by offering larger homes to our customers. Please act as quickly as possible to pass this legislation through the appropriate channels.

Thank you in advance for your prompt attention to this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bonasso". The signature is fluid and cursive, written over a faint, illegible typed name.

Michael Bonasso
General Manager



SIMILAR HOME WITH ALL WE GIVE YOU \$3,000 MORE AT COMPETITION

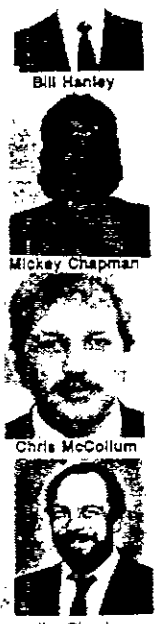
- SHINGLED ROOF**
- HARDBOARD SIDING**
- 10" ROOF OVERHANG**
- 3 BEDROOMS**
- 2 FULL BATHS**

(5 Models In Stock Only)

YOU ADD ALL THIS UP AND YOU GET \$3,000 MORE FOR YOUR MONEY

This beautiful ranch style home is definitely not a "Stripped Down Cheapie" ...has everything! Up grade carpet, 90" drywall ceiling with 16" rafters. Self store storms, R-11-11-19 insulation, 2 door refrig., oven/range with power & lighted range hood. Stainless sink, bedroom ceiling lites, 30 gal. W.H. residential door & storm door. Cottage rear door. Wire for dryer, plum. for washer. Brass door knobs, all drywall interior. Base & center cab. shelves, shutters, full length drapes. (2) 1 pc. fiberglass tubs (not plastic), skylight.

MORE THAN ALL COMPETITORS COMBINED

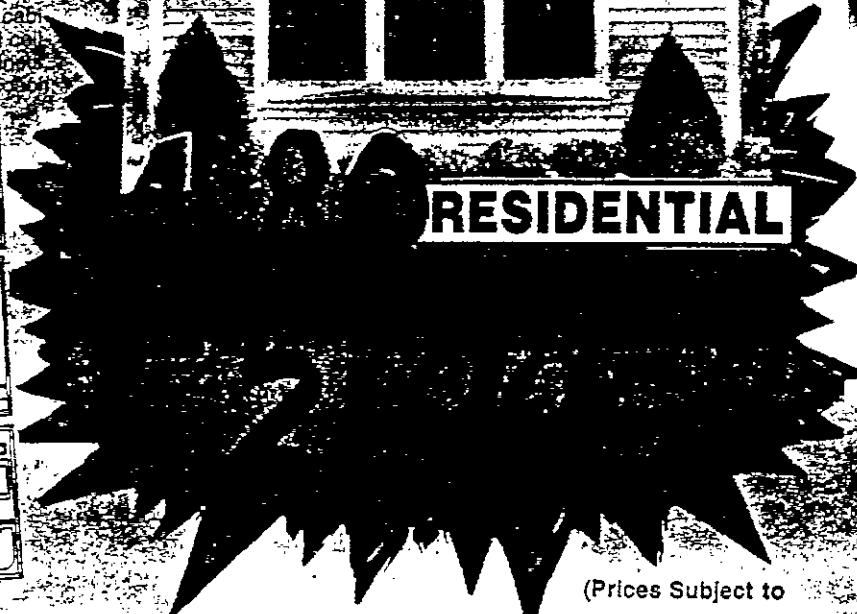
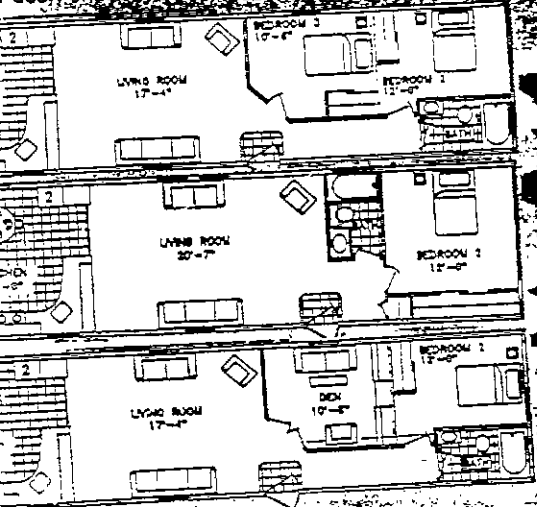


Bill Hanley
Mickey Chapman
Chris McColium
Jim Chesky

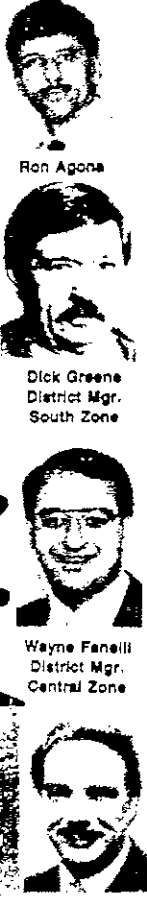
Options in Our Deal From Factory
(dealer in N.E. USA) we held out for this fantastic special (no other dealer got this money saving special purchase.)

YOU GET... \$21,995

Bedroom Models
on, high waist, floor, great free ref. raised panel cabi...
dix, jump...
irror featur...
r door, onl...



RESIDENTIAL



Ron Agona
Dick Greene
District Mgr.
South Zone
Wayne Fanelli
District Mgr.
Central Zone
Larry Wolf
District Mgr.
North Zone

(Prices Subject to Factory Price (increases))

Floor Plans 30 Models on Display

HOURS:
DAILY 9 TO 8
SAT. 10 TO 4
(Closed Sun.)

★ FINANCING NO PROBLEM!
We Take Care In Arranging
The Difficult Deals

★ CONVENTIONAL MORTGAGES

RIVERVIEW

EDGEWOOD
Count Home Sales
Rt. 56 1 Mile East of
Sollo (412) 478-1991

BUTLER
COUNTY DISCOUNT HOMES
5 Mi. N. of Butler on Rt. 8
(412) 282-4666

ROUTE 22
Mobile Home Mart
Rt. 22 Between Blairsville &
New Alexandria (412) 668-2297

RIVERVIEW
CARMICHAELS
Rt. 21, Midway Between Waynes-
Burg & Uniontown (412) 966-5056

GREENSBURG
Mobile Home Mart
Rt. 119 Between Greensburg
& Youngwood (412) 834-3980

*RAN IN APRIL, 1993
IN THE "TIMES-HERALD" A FAIRMONT WV*

Dutch Housing Inc.

P.O. Box 687 • 68956 U.S. 131 • White Pigeon, Michigan 49099

Phone: (616) 483-2333 • Fax: (616) 483-2292

June 3, 1993

Mr. Charles Miller, Secretary
West Virginia Department of Transportation
Building 5, Room A-109
Charleston, WV 25306

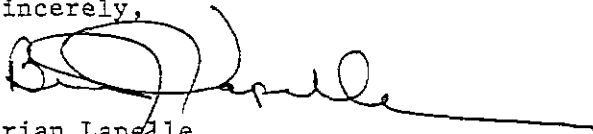
Dear Secretary Miller:

We were extremely disappointed by West Virginia's decision to reject the emergency ruling to allow the shipping of 80' manufactured housing into the state.

Dutch Housing Inc. has introduced new single wide product this Spring based upon the need for high quality housing maximizing greater construction and energy standards. We, and our retailer body, recognized that the only way their standards can be absorbed by the consumer was to increase the size of housing thus lowering the dollar per square foot cost and increasing the actual value to the consumer.

Since the introduction of this product over 92% of our sales have been of the 80' size to all states in the mid-west. We feel strongly that we and our West Virginia Retailers will be limited in their sales when consumers view the larger product in the surrounding states. We hope that with your help you will convince the State of the emergency need for this housing and the financial and limiting conditions the state is imposing on it's citizens and businesses.

Sincerely,



Brian Lapelle
President, Dutch Housing, Inc.

BL/mfm



St. Rd. 729 Industrial Pk.
P. O. Box 300
Danville, VA 24543
(804) 793-8811

June 8, 1993

Mr. Charles Miller
Secretary of Transportation
West Virginia Division of Highways
Building 5, Room A-125
Charleston, WV 25305

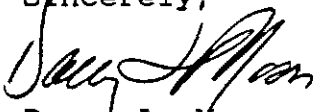
Dear Secretary:

As a producer of manufactured housing in Virginia that ships many units annually into West Virginia, I would request your immediate attention to a critical issue. I have dealers in your state that are losing business due to the fact that your highway laws restrict movement of units over 14' in width and 76' in length. I am able to ship 14' wide units with a 12" overhang and 80' in length in the state of Virginia. Many West Virginia dealers would have access to these types of units which they are competing against, especially on the fringe areas of your state, if they were allowed to stock and sell them.

I know the West Virginia Manufactured Housing Association, of which our company is a member, is working with your office to establish regulations which will enable dealerships in your state to be competitive with other states and increase revenues from transactions accomplished within the state.

Your immediate attention to this issue is needed and any cooperation you can give Leff Moore and his organization would be appreciated.

Sincerely,


Danny L. Moon
General Manager

DLM/bn

cc: ✓ Leff Moore
WV Manufactured Housing Association

6-14-93

To Whom It May Concern:

I am presently the owner of a 14 K 72 Fairmont Kingsley Mobile Home in Bidsport, WVa. In the next five years I am contemplating trading mine in on a newer model. However the most important factor in my purchase will be space. I truly wish mobile homes were wider and longer. There would be absolutely no question what I would purchase if these homes offered the additional space I most definitely need.

Originally I felt I could spend the rest of my life in a mobile home, but without the availability to obtain one with larger dimensions, I may be forced to consider other types of homes for the future.

Sincerely
Melvin B. Moorhead

6-18-93

To Whom It May Concern:

For years I have not only lived in but also rented out mobile homes. In deciding to upgrade myself and some of my rentals I began looking for something new and different. While out of state visiting I came across 16x80's. Upon careful study I decided this is what I wanted to buy at least for myself and maybe to rent. As when I returned to N.V. and continued to look I found to my dismay that 16x80's were not allowed.

I am writing this in hope it will help change this law - because 16x80 homes are much more practical than the smaller ones and I think they would make very nice size homes for those who still have to rent lots for their homes. I have had to refuse renters because I didn't have a home large enough to suit their needs. Please consider the need for this size home in N.V. and allow them into our state. The sales market is here for 16x80's.

Sincerely,
James L. Walls



June 23, 1993

West Virginia Department of Transportation,
Divisions of Highways

RE: Public Hearing Regarding 16' Wide and 80' Long Movement Addressed in the Proposed Rule Amending the Traffic and Safety Rules and Regulations on June 25, 1993.

To Whom It May Concern:

I write today in firm support of the proposed rule amendments passage. Briefly listed below are the reasons for my support.

1. West Virginia residents are, to date, denied access to these typically larger and more versatile homes. It should be noted that homes typically cost less per square foot as the overall size increases. Thus delivering more added value to the consumer. Additionally, the larger homes will offer more design flexibility and more living space. This is significant when compared to the current limitations of space availability in a 14'X76' three bedroom home.
2. West Virginia residents are seeing the 16' and 80' homes in neighboring states. For example, Ohio, Kentucky, Virginia, Pennsylvania, & Maryland. They are asking daily for these homes from West Virginia Dealerships who cannot accommodate them. Once a customer has seen a 16' or 80' home in another state, the West Virginia dealer is behind the eight ball. Commerce is then directly affected in a negative way for West Virginians under the current rule.
3. 16' and 80' homes have grown from 10% to 40% of sales volume since 1990. In states west of west Virginia this figure is closer to 65% of sales.
4. Because of the current rule, manufacturers must detour around West Virginia to reach destinations in neighboring states.
5. We have successfully and safely moved these 16' and 80' homes since 1989. These size homes have been delivered into areas of Eastern Kentucky for the last three years without incident.

Please consider these reasons in your discussions of the proposed rule change. I firmly believe West Virginia and its residents will benefit directly with approval.

Respectfully yours,

Gregg S. Dies,
Norris Homes, Inc.
West Virginia Factory Representative

GD/jsc

NORRIS, INC.

Superbly Built Housing

P. O. Box 99 Bean Station, Tennessee 37708

615-993-3343 Fax 615-993-2832

FAIRMONT HOMES, INC.
P.O. BOX 27
NAPPANEE, INDIANA 46550
219-773-7941

June 23, 1993

Mr. Charles Miller
Department of Transportation
State of West Virginia

Sir:

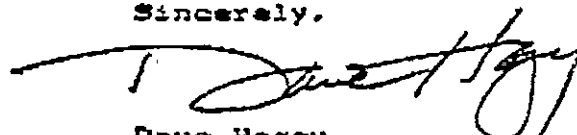
Fairmont Homes Inc. is very concerned about and would like to see a change take place in the transportation rules regarding movement of oversize loads into and through the state of West Virginia.

Over the twenty year history of Fairmont Homes, we have constantly enlarged our trade area to include many areas of West Virginia, Pennsylvania, Maryland and Virginia. The wall that has been built around your state has forced us to find alternate routes to skirt West Virginia and has added considerably to the cost of housing for the residents of your neighboring states.

Demand for more spacious housing has increased each year and the restrictive transportation laws in the state of West Virginia preclude even the possibility of filling this demand in West Virginia. As you may be aware, the actual cost per square foot is actually reduced as the size of a manufactured home increases, due especially to freight costs, which are generally the same regardless of the size of model being transported. Though the low interest rate environment of today makes owning a large home more possible than ever, West Virginia residents are being denied the right to obtain the better housing values that are readily available to residents of their neighboring states.

In fairness to the citizens of West Virginia, we urge you to adopt the more progressive stance toward over width and over length movements just as your sister states have.

Sincerely,



Dave Hagey,
National Sales Manager

City of BRIDGEPORT



156 Thompson Drive • P. O. Box 13
BRIDGEPORT, WEST VIRGINIA 26

June 23, 1993

Mr. Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

Post-It - brand fax transmittal memo 7671		# of pages - 1
To	LEE MOORE	From
Co	Belasco	Co.
Dept	Housing	Phone #
Fax #		Fax #

Dear Sir:

I am writing to you concerning a manufactured housing community owned by Mr. and Mrs. Thomas Belasco located in the Bridgeport area and also to enlighten you on the tremendous growth our area is experiencing.

Bridgeport is on the threshold of potentially doubling its population within the next five to seven years. With the construction of the FBI facility, expansion of the Bridgeport Benedum Airport, and increased activity within our industrial parks, we are going to have to be on our toes to supply the incoming workers with adequate housing, proper infrastructure, etc.

The Belasco's own and have operated for years a quality manufactured housing community that is adjacent to our city limits. We strongly support and urge the development of their final phase to provide additional housing sites. It seems only a matter of time until this area will be incorporated into our city limits. We applaud the Belasco's for providing a quality manufactured housing community for our present and future residents.

I hope this information proves beneficial. If my office can be of further service, please contact me at (304) 842-8218.

Respectfully yours,

Randy L. Spellman
Development Manager
City of Bridgeport

FRENCH CITY MOBILE HOMES, INC.

Manufactured Homes Sales

269 UPPER RIVER ROAD - GALLIPOLIS, OHIO 45631

(614) 446-9340

JUNE 24, 1993

WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES

CHARLESTON, WEST VIRGINIA

GENTLEMEN:

WE ARE A MANUFACTURED HOME DEALER IN OHIO AS FRENCH CITY MOBILE HOMES, INC. AND IN WEST VIRGINIA AS MOUNTAIN STATE HOMES IN POINT PLEASANT, WEST VIRGINIA.

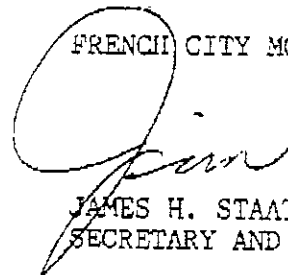
WEST VIRGINIA RESIDENTS ARE BEING DEPRIVED OF THE OPPORTUNITY TO OWN LARGER MANUFACTURED HOMES, NAMELY, 80 FT LENGTH AND 16 FT WIDTH. WE FEEL THAT WEST VIRGINIA CITIZENS SHOULD BE ABLE TO ENJOY THIS KIND OF HOUSING SINCE OUR NEIGHBORING STATES HAVE MADE THEM LEGAL.

WE FEEL THAT THE 80 FT LENGTH SHOULD BE MADE LEGAL AS WELL AS THE 16 FT WIDTH IN WEST VIRGINIA.

THANK YOU FOR YOUR COOPERATION.

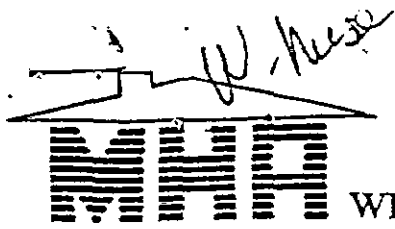
SINCERELY YOURS,

FRENCH CITY MOBILE HOMES, INC.



JAMES H. STAATS
SECRETARY AND TREASURER

JHS/WLH



WEST VIRGINIA MANUFACTURED HOUSING ASSOCIATION

205 First Avenue Nitro, WV 25143 (304) 727-7431

UTJ
#2
(Com Lewis)
attach.
7-15-93

July 14, 1993

Mr. Charlie Miller, Secretary
WV Division of Transportation
Capitol Complex
Charleston, WV 25305

Re: Public Comments on Proposed Rule Changes

Dear Secretary Miller:

Please include these written comments as part of the public comment process on the proposed rule Traffic and Safety Rules and Regulations, Series 5.

Thank you for your continued advocacy for the modernization of West Virginia's highway system and the rules and regulations governing its operation.

Sincerely,

Leff Moore
Executive Director

LM/slh

Enclosures

RECEIVED
JUL 14 1993

DEPT. OF TRANSPORTATION

RECEIVED
BY DEPT OF HIGHWAYS
93 JUL 15 AM 11:00
CENTRAL FILES

HS 8 07 03 1993
RECEIVED

Roy's Home Sales

Div. Roy's Travel Trailers Inc.

P.O. Box 146
Harman, WV 26270
(304) 227-4100

July 6, 1993

Charles Miller, Secretary,
WV Department of Transportation
State Capitol Complex
Charleston, WV 25305

Dear Mr. Miller

We are writing to voice our concerns regarding the decision to legalize the transportation of 16' wide and 80' manufactured homes.

We have already been receiving requests for the 80' homes here at Roy's Home Sales. There has also been interest in the 16' wide homes, which customers have seen available out west. The 80' long homes are legal in every surrounding state (OH, MD, VA, PA, and KY). We feel that the good people in this area deserve the same choices as others in surrounding states.

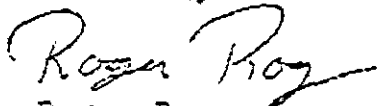
We realize that many 80' homes are already in West Virginia. Many are bought out of state and illegally brought in. This gives out of state dealerships a competitive advantage over us. That is unfair.

The 16' wides are available in Ohio and Kentucky creating another unfair advantage.

Could you please consider changing the requirements for delivery of homes into the state of West Virginia. This change would be greatly appreciated and again encourage fair competition.

Thank you for taking the time to read our concerns.

Sincerely



Roger Roy
President

Sunshine HOMES

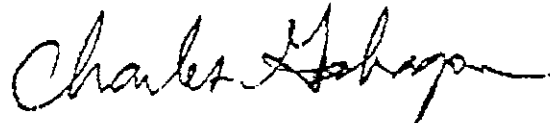
7-1-93

Mr. Charles Miller
Division of Highways
Building 5
Room A-125
Charleston, W.V. 25305

Dear Mr. Miller,

My name is Charles Gahagan. I am the dispatcher for Sunshine Homes, Inc. of Red Bay, Alabama. My primary job responsibility is to route mobile home deliveries to Sunshine's retail dealers in the most practical and cost effective manner to not only assure a safe delivery, but to limit damages to the mobile homes. We normally transport these mobile homes by way of 4-laned highways as much as possible to limit being hazardous to the travelling public and damage to the homes during transit. It is my understanding that West Virginia is considering legalizing 16 feet wide and up to 80 feet home length. If this legalization occurs we believe all concerned (Sunshine Homes, West Virginia consumers, and West Virginia mobile home retailers) would benefit tremendously. An example of the benefits would be a reduction in cost for our deliveries to Gallipolis, Ohio and Belpre, Ohio, where we now are forced to transport these destinations through Cincinnati, Ohio by way of a lot of 2-laned routes. If these homes could be transported via West Virginia we believe it would have a positive impact to all concerned. We would appreciate it if you can help to realize the legalization of 16 feet wide mobile homes movements and extending the maximum allowable length to 80 feet. It is my understanding that a lot of our dealers in West Virginia are being adversely effected in there business by not being able to market not only 80 feet homes, but the 16 wide units. Thanks for your consideration on our behalf.

Charles Gahagan
Dispatcher
Sunshine Homes, Inc.



SKYLINE

Skyline Corporation
Highway 93 North
Sugar Creek, Ohio 44681
(216) 852-2483

July 8, 1993

Charles Miller, Secretary
WV Department of Transportation
State Capital Complex
Charleston WV 25305

Dear Mr. Miller:

This letter is being written in support of the proposed changes that would allow for transportation of 80' long homes and 16' wide homes in West Virginia.

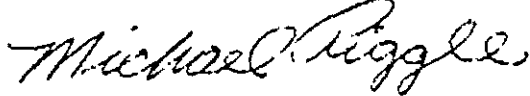
Skyline Corporation which was founded in 1951, now has 21 manufactured housing plants many of which have built 16' wide and 80' long homes for many years. These homes have become a large part of our home production. They just offer the customer so much more room and pleasure. We have built 16' wide homes since 1990. The customer interest and sales of the 16' wide home continues to rise. Many of our most popular models are in the 80' long home and the 16' wide home. They have become an immediate success everywhere we have introduced them.

Our experience in transporting these homes have been excellent. We have had no serious problems. The transportation and sale of these size homes will give the residents of West Virginia an equal choice as residents in other surrounding states have now.

Please consider this letter to be in full support of the 80' long home and the 16' wide home in West Virginia.

Sincerely,

SKYLINE CORPORATION



Michael E. Riggle
Div. Sls. Mgr.

Bringing America home.



Manufactured Housing Enterprises

R.R. 4 • Bryan, Ohio 43506

Phone 419-636-4511
FAX 419-636-9144
1-800-821-0220
Sales FAX (419) 636-4322

June 15, 1993

Mr. Charles Miller
Secretary of Transportation
WV Division of Highways
Building 5, Room A-125
Charleston, WV 25305

RE: Transportation of Homes

Dear Mr. Miller:

We are a manufacturer of mobile homes from Ohio and we transport homes through and to the state of West Virginia. We have produced many homes which are 80' in length and this is one of our top sellers.

I urge the rules to be changed immediately so that interstate commerce shipments can take place. With the current rules in effect, this may affect our business.

If you have any questions, please feel free to contact me at your convenience.

Sincerely yours,

Nathan E. Kimpel
President
Mobile Home Estates, Inc.

NEK:mjf



Route 3, Box 111D
Oxford, North Carolina 27565
(919) 693-2225

TO: MR LEFF MOORE
WVMHA EXECUTIVE DIRECTOR

DUE TO THE EVER TIGHTENING ECONOMIC CONDITIONS WE FIND IT NECESSARY TO EXPAND OUR SALES EFFORTS TO INCLUDE OHIO, PENNSYLVANIA, AND OTHER NORTHERN MARKETS. WE NEED TO BE ALLOWED TO TRANSPORT 14' X 80' HOMES THROUGH WEST VIRGINIA ON YOUR INTERSTATE HIGHWAY SYSTEM. WE ARE NOT ASKING FOR ANYTHING THAT ALL OTHER SURROUNDING STATES DO NOT CURRENTLY PERMIT. WE ARE MORE THAN WILLING TO PAY A REASONABLE FEE FOR OVERSIZE PERMITS ALL WE ASK IS YOUR PERMISSION TO DO SO. PLEASE BRING THIS TO YOUR HOUSING BOARDS ATTENTION IN THAT IT COULD BE BENEFICIAL TO ALL OF OUR MEMBERSHIP, ESPECIALLY TO THE MANUFACTURER MEMBERS.

YOURS TRULY,
DUDLEY CLAYTON
OXFORD/HENDERSON HOMES

Dudley Clayton - Sales Rep

John Moore

GEN. Mgr

OXFORD HOMES

1.
4/15/93

Dear Mr. Moore :

We are married West Virginia residents who are planning for our future.

I'm a Physician Assistant working near Morgantown. My husband is also a Physician Assistant and is planning on attending Medical School at WVU.

We would like to purchase a home large enough and spacious enough to adequately house our anticipated family. However, it is also a reality that we will be required to periodically relocate within West Virginia in the near future while my husband completes his medical rotations and internship.

Ideally, a large mobile home would be the best to suit the expansion of our family while still allowing us the mobility to follow my husband, and our children's father, wherever his medical training may take him in the state of West Virginia.

Unfortunately, though all or most bordering states to WV permit 80 foot (76' box) mobile homes to be transported on the state's roads, WV does not allow this as of yet.

(continued)

I am requesting and hoping for two things :

- #1 - Would you please grant us a Special Permit to allow us the transport of a new 80' mobile home into West Virginia while the amendments are being made to the current standing laws.
- #2 - We would certainly hope that these amendments may be expedited by this letter so as to quickly update the laws of the state of WV in reference to this subject matter.

Most Sincerely,
Mr. & Mrs. Charette

DENNIS & Shirley Charette
153 Meadowview Drive
Parkersburg, WV 26101
(304) 464-5760