



**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

*Building 1, Room MB-49  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610  
(304) 347-4840  
(304) 347-4919 FAX*

*email: tanders@mail.wvnet.edu*

*Senator Mike Ross, Cochair  
Delegate Virginia Mahan, Cochair  
Debra A. Graham, Counsel*

November 20, 2002

*Joseph A. Altizer, Associate Counsel  
Connie A. Bowling, Associate Counsel  
Teri Anderson, Administrative Assistant*

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Jefferson L. Davis  
Highways, Division of  
710 Central Avenue  
Charleston, WV 25302

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Traffic and Safety Rule, 157CSR5**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

**SCANNED**

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Division of Highways  
Subject: Traffic and Safety Rules (157 CSR 5)  
Date: November 7, 2002  
Staff Counsel: Connie A. Bowling

FILED  
2002 NOV 13 A 10:12  
WEST VIRGINIA  
DEPT. OF STATE

---

PERTINENT DATES

Filed for public comment: June 14, 2002  
Public comment period ended: July 15, 2002  
Filed following public comment period: July 24, 2002  
Filed LRMRC: July 24, 2002  
Filed as emergency: N/A

Fiscal Impact: None

ABSTRACT

The proposed rule amends an existing rule regulating speed limits, signage, approval of lighting and other safety devices, issuance of special permits to operate a vehicle in excess of statutory height, weight and length standards, increase of such limits on highways by the Commissioner, inspection and closing of unsafe bridges, transportation of explosives and studded tires.

The proposed amended rule makes the following substantive changes:

- adding the phrase "designed or sold to be installed" on a motor vehicle to the definition of "lighting device";
- reducing the width of the total clear roadway required for the movement of oversize mobile homes from 36 feet to 28 feet;

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

None.

- increasing the size of traffic cones to be carried by for-hire escort vehicles from 18 inches to 24 inches;
- changing the means of road location identification from "highway district" to "county route and milepost";
- changing the term "unsafe bridges" to "structurally unsafe bridges".

The proposed rule also contains numerous technical changes, including correction of spelling and punctuation errors and changes in division names and addresses and job titles.

---

**AUTHORITY**

Statutory authority:

W. Va. Code § 17-2A-8:

In addition to all other duties, powers and responsibilities given and assigned to the commissioner in this chapter, the commissioner may:

\* \* \*

(24) Make and promulgate rules for the government and conduct of personnel, for the orderly and efficient administration and supervision of the state road program and for the effective and expeditious performance and discharge of the duties and responsibilities placed upon him or her by law;

W. Va. Code § 17-2A-12:

In the interest of safety and the convenience, coordination and control of pedestrian and vehicular traffic, the commission may from time to time cause surveys and findings to be made as to the necessity