

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
State Road Commissioner

Chapter 17-2A  
(1966)

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
State Road Commissioner

Chapter 17-2A  
Series V  
(1966)

Subject: Traffic and Safety Rules and Regulations

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Section 1. General

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

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

1.03. Effective Date.--These rules and regulations are promulgated on October 14, 1966, and become effective October 14, 1966.

1.04. Filing Date.--These rules and regulations were filed in the Office of the Secretary of State on October 14, 1966.

1.05. Certification.--These rules and regulations are certified authentic by the State Road Commissioner by certification number

Section 2. Uniform Traffic Control Devices

2.01. Uniform Sign Manual Adopted.--The State Road Commission 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 Joint Committee on Uniform Traffic Control Devices, American Association of State Highway Officials, Institute of Traffic Engineers, National Committee on Uniform Traffic Laws and Ordinances, National Association of County Officials, American Municipal Association, issued by the U. S. Department of Commerce, Bureau of Public Roads, Washington, D. C., June, 1961, and any supplements thereto hereinafter promulgated and set forth.

Section 3. Speed Controls

3.01. Commissioner's Order.--Whenever the Commissioner 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 shall enter an order to such effect in the Commissioner's Order Book, in the manner provided in Section 2, Series I, 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 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 or 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.

3.02. 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. At the approach to any bridge or elevated structure, such signs shall be erected 100 feet beyond each end thereof.

Section 4. Traffic Regulation by Local Authorities

4.01. Procedure for Establishment of Local Traffic Regulations.--Whenever local authorities desire to alter a speed limit or to establish a speed zone upon a state highway or extension thereof in a municipality, pursuant to the provisions of Chapter 17C, Article 6, Section 3, Code, 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 State Road Commissioner 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 State Road Commissioner and such speed zone or limit so established by local authorities shall not be effective until approved by the State Road Commissioner by order entered in the Commissioner's Order Book in the same manner as provided in Section 3.01 hereof. Appropriate signs giving notice of the speed zone or limit so established shall be erected in the same manner as herein

required of the State Road Commissioner in the establishment of a state speed zone or limit, which such signs shall be erected, altered or removed only by State Road Commission forces.

Section 5. Other Traffic Controls

5.01. Establishment of No-Passing Zones, One-way Roadways, Use of Controlled Access Roadways, Through Highways, Stop Intersections, No Stopping, Standing or Parking Areas.--The State Road Commissioner may, pursuant to statutory authority, designate a no-passing zone upon a portion of a highway, designate a road or portion thereof as a one-way roadway, prohibit the use of a controlled access roadway by pedestrians, bicycles or other non-motorized traffic, or by any person operating a motor driven cycle, designate a highway grade crossing of a railroad as particularly dangerous, designate a through highway and erect stop signs at specified entrances thereto, or designate any intersection thereto as a stop intersection, prohibit the stopping, standing, or parking of vehicles on any highway or portion thereof where the same would be dangerous to those using the highway or would unduly interfere with the free movement of traffic thereupon. Appropriate signs or markings shall be erected designating the beginning and end of such no passing zones, indicating the highway or part thereof

limited to one-way traffic, prohibiting the use of a controlled access highway by pedestrians, bicycles, etc., designating dangerous crossings, through highways and stop intersections thereto, or prohibiting the stopping, standing or parking of vehicles on designated highways or portions thereof. Stop signs at intersections upon through highways shall meet the following requirements:

(a) Every stop sign shall bear the word "Stop" in letters not less than six inches in height and such sign shall at night time be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

(b) Every stop sign shall be erected as near as practicable to the nearest line of the cross walk on the near side of the roadway.

5.02. Implementation.--The provisions of this Section may be implemented without the entry of an order in the Commissioner's Order Book.

Section 6. Signs

6.01. 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 State Road Commissioner, or any local authority, pursuant to any requirement of law or any rule or regulation issued by the State Road Commissioner, or pursuant to any order entered by the State Road Commissioner, 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 2.01 hereof.

Section 7. Lighting Devices; Safety Glass; Seat Belts

7.01. 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 State Road Commissioner 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. (Reference, Chapter 17C, Article 15, Code).

7.02. Definitions: Lighting Device; Safety Glass; Seat Belt.

(a) 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.

(b) 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.

(c) 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.

7.03. General Conditions for Issuance of Certificate of Approval.

(a) All lighting devices shall conform to the current standards and specifications of the S.A.E. (Society of

Automotive Engineers) Handbook applicable to such equipment.

(b) 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."

(c) All seat belts shall conform to the current standards and specifications of the Society of Automotive Engineers prescribed for such equipment.

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

(e) 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.

(f) 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.

(g) The issuance of a Certificate of Approval by the State Road Commissioner 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.

7.04. Application for Certificate of Approval.

(a) 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 State Road Commissioner and both copies shall be submitted to the Director of the Safety, Claims and Weight Enforcement Division, State Road Commission, 1800 Washington Street, East, Charleston, West Virginia.

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

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

(d) 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 7.03 hereof.

7.05. Approval by State Road Commissioner.---The State Road Commissioner 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.

7.06. Revocation of Certificate of Approval.

(a) When the State Road Commissioner 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 Article 15, Chapter 17C, Code, 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 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.

(b) After such hearing the State Road Commissioner 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.

(c) 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 State Road Commissioner that the lighting device, or type of safety glass, or seat belt, as thereafter to be commercially sold, does not comply with the provisions of Article 15, Chapter 17C, Code, or meet the requirements of these rules and regulations, the Commissioner 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 Article 15, Chapter 17C, Code, and the provisions hereof, and the Commissioner 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 Article 15, Chapter 17C, Code, and the provisions hereof.

(d) The State Road Commissioner 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 the provisions of Article 15, Chapter 17C, Code, 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.

Section 8. Special Permits

8.01. General.--Pursuant to authority vested in him by law, the Commissioner may, in his discretion, upon application in writing and good cause being shown therefor, 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, Chapter 17C, Article 17, Section 11, Code).

8.02. 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 travelling public and the probable effects the issuance of such 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.

8.03. Officials Authorized to Issue Special Permits.--

Special permits may be issued by the State Road Commissioner, the Maintenance Division, the Safety, Claims and Weight Enforcement Division, the District Engineers, the County Maintenance Offices, and such other personnel as may be authorized by the State Road Commissioner.

(a) Permits Issued Solely by Safety, Claims and Weight Enforcement Division.--Blanket permits, and special permits for house trailers and mobile homes, will be issued only by the Safety, Claims and Weight Enforcement Division of the State Road Commission.

(b) Permits Issued by County Maintenance Office.--County Maintenance Offices may issue special single trip hauling permits for intradistrict movement only, which authority shall relate solely to overdimensional and moderately overweight equipment to be transported over short distances. County Maintenance Offices may issue a single trip permit to allow a vehicle to proceed to its destination where there has been a conviction for violation of the weight laws and a receipt

showing payment of a fine therefor, signed by a state police officer, or authorized representative of the Safety, Claims and Weight Enforcement Division of the State Road Commission, has been presented to such office.

8.04. General Conditions for Issuance of Special Permits.---

Whenever a special permit is issued, the State Road Commissioner, 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 State Road Commissioner:

- (a) 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 State Road Commissioner granting such permit, and no person shall violate any of the terms or conditions of such special permit.
- (b) 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.
- (c) Maximums not to Be Exceeded.--The maximum size limitations and the maximum axle, axle combination and vehicle weights authorized by a permit shall not be exceeded.
- (d) Excesses to Be Kept to a Minimum.--Property transported under a permit shall be loaded to reduce to a

minimum the excess over statutory size or gross weight limitations, and an oversize vehicle used for transporting loads under a permit shall be reduced to statutory size limitations if practicable when being operated without load. The load shall be properly secured and fastened to the transporting vehicle.

(e) 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 will be required for each.

(f) 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.

(g) Vertical Clearance; Effect of Permit.--Nothing

contained in these rules and regulations shall be construed to require the state, any agency thereof, 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.

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

(i) 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.

(j) 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.

(k) Limitations on Movement Under Permit.--No movement of vehicles under special permit shall be allowed on Saturdays, Sundays, or legal holidays (except as otherwise herein provided in Section 8.13.3(o), Series V, of these rules and regulations), 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.

(l) 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 8.06(d), Series V, of these rules and regulations.

(m) False Information; Penalty.--False information, or erroneous information, given in the application, or the omission of information from the application, or failure to comply with the conditions of a permit, 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.

8.05. Excessive Loads; Emergency Conditions.--The District Engineer, under proven emergency conditions and after approval by the Maintenance Division of the State Road Commission, 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:

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

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

8.06. Procedure for Issuance of Special Permits.

(a) Applications; Form.--An application for a special permit shall be in writing and signed by the applicant or his duly authorized representative. Such application shall be made on such form as the State Road Commissioner may require and directed to any officer duly authorized by the Commissioner to issue special permits.

(b) Information Required.--The application for a special

permit shall specifically set forth the following information.

(1) 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, all permits shall show gross load and licensed gross vehicle weight.

(2) A sketch shall be made upon the face of the application showing the axle spacing and weight distribution of the vehicle.

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

(c) Registration Card Required.--Except in case of applications received by telegram the applicant shall be required

to present the registration card of each vehicle involved in the proposed operation to verify the declared gross vehicle weight.

(d) 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 State Road Commissioner, 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.

(e) Applications Made at County Maintenance Offices.--Applications made at County Maintenance Offices for a special single trip hauling permit for intradistrict movements shall be made on the above denoted forms, setting forth the information therein required, and shall be made in person by the applicant.

(f) 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 operator subject to a fine for exceeding the legal size and weight limitation.

8.07. Application by Telegram.--Where the circumstances are such that an applicant cannot complete or present the application form furnished by the Commissioner, which form requires the signature of the applicant, then an application may be made and a special permit issued by telegram. The following regulations shall govern the issuance of such permits:

(a) Agreement To Be Signed by Applicant.--Any person who regularly applies for and receives a permit by telegram shall sign and acknowledge on a form prescribed by the Commissioner an agreement to the effect that he is familiar with the statutes and the rules and regulations of the Commissioner relating to excess size and weight, and that he agrees to be bound thereby.

(b) Information Required.--If the above agreement has been signed, an application may be made by telegram,

which shall contain all the information and data required by Section 8.06(b) of this series of rules and regulations, except the sketch of axles mentioned therein. The weight carried by each axle and the distance, center to center of axles shall be specified in the telegram.

(c) Issuance of Permit by Telegram.--If the above requirements have been fulfilled, the Commissioner may issue a special permit by telegram which shall have the same effect as a permit issued in the regular manner described in Sec. 8.06 of this series of rules and regulations.

8.08. 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.

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

(b) Licensed and Unlicensed Out-of-State Vehicles.--If the state of domicile or origin does not require a vehicle used in interstate commerce to be registered or licensed, the vehicle shall not be required to be registered or licensed before issuance of a special permit by the State Road Commissioner for movements through the state. Provided, however, that if special equipment (such as truck cranes, euclids, well drills, etc.) is worked within the state, no permit shall issue for the movement and removal of the same unless a license has been obtained.

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

(a) Contractor's Equipment.--A special permit for excess size and weight shall be obtained by a contractor who moves equipment and materials to a State Road Commission project or from one project to another project.

(b) Commercial Haulers on Road Projects.--Commercial haulers transporting materials to projects under contract for the State Road Commission, a political subdivision of the state, or the federal government, shall obtain special permits for excess size and weight.

8.10. State and Federal Government Vehicles.--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.

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

8.12. 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.

8.13. Movement of Mobile Homes In Excess of Legal Dimensions.

8.13.1. Authority of the State Road Commissioner 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, the State Road Commissioner 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.

8.13.2. 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, Chapter 17C, Article 17, Sections 2, 4, and 11(b), Code).

(a) Width	8 feet
(b) Length	50 feet
Length, designated highways	55 feet
(c) Height	12 feet, 6 inches
Height, designated highways	13 feet, 6 inches

8.13.3. Rules and Regulations Applicable to All Over-Dimensional Vehicles.--Subject to the following conditions and regulations, the State Road Commissioner may issue a single trip permit to move or operate a mobile home or house trailer of greater than legal dimensions over West Virginia highways:

(a) Scope and Duration.--Each permit will be issued on a single trip basis, and shall be valid for a period of five days.

(b) Routes.--The movement of mobile homes of greater than legal dimensions shall be made only upon and over the route or routes specified in the permit by the issuing authority.

(c) Insurance.--No permit will be issued unless there is submitted with the application a certificate from an insurance company authorized to do business within this state, showing that the applicant carries public liability insurance in the following amounts: property damage liability - \$50,000.00; personal liability - \$100,000.00 for each person, and \$300,000.00 for each accident.

(d) Tow Vehicle.--All mobile homes of greater than legal dimensions being moved on state highways shall be towed by a towing vehicle of not less than one ton capacity, with four-speed transmission and dual-drive wheels.

(e) Permit Must Be Carried in Towing Vehicle.--Any permit issued under the authority of these rules and regulations

must be carried in the towing vehicle at all times.

(f) Cancellation.--In the event of violation of any provision of the road and motor vehicle laws of the State of West Virginia, or any provision of these rules and regulations, the permit may be cancelled or revoked by the Commissioner, or his duly authorized representative, including any member of a State Road Commission weighing crew.

(g) Flags.--The tow vehicle and mobile home being towed shall be flagged both front and rear with six (6) red flags not less than sixteen (16) inches square, and made of plastic or cloth, which shall be placed as follows: One at each end of the front bumper of towing vehicle, and one on each of the top corners of the mobile home.

(h) Signs.--The tow vehicle shall be marked on the front and the mobile home on the rear with signs reading "OVER-SIZE LOAD", which signs shall be at least fourteen (14) inches in height and six (6) feet in width. The letters shall be at least twelve (12) inches high, black in color

on a yellow background. The sign affixed to the rear of the mobile home shall be mounted so that the bottom of the sign will not be less than six (6) feet above the roadway. The aforesaid signs may be removable devices, made of durable material.

(i) Lights Required.--The towing vehicle shall keep headlights on at all times.

(j) Safety Devices.--The towing vehicle and mobile home shall be equipped with safety chains and break-away devices of sufficient strength to pull all weight being towed.

(k) Brakes.--The mobile home shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, and shall be so designed as to be capable of application by the driver of the towing vehicle. Such brakes shall be so designed and connected that in case of a break-away from the towing vehicle the brakes will be automatically applied.

(l) Inspection.--All tow 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 necessary to determine if they are in compliance with the requirements of law and these rules and regulations.

(m) Speed.--The maximum speed for tow vehicles towing mobile homes shall be 40 miles per hour.

(n) Duty to Maintain Traffic.--It shall be the duty of the driver of the tow vehicle to take all reasonable action toward the end of preventing interruptions of the normal flow of traffic in either direction, and, if necessary, to move the vehicle off the traveled portion of the highway in order to maintain such normal flow of traffic.

(o) Restrictions on Movement.--Notwithstanding the issuance of a permit, mobile homes of greater than legal dimensions 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. No such units shall be moved on the highways between sunset and sunrise, or on Saturdays or Sundays, or on the following legal holidays: New Year's Day; Memorial

Day; Independence Day; Labor Day; Veteran's Day;  
Thanksgiving Day; Christmas Day.

No such units shall be moved on Friday, if any of the  
above holidays fall on Saturday, or on Monday, if any  
of the above holidays fall on Sunday.

(p) Exemption from Liability for Damages.--The applicant  
shall save harmless the Commissioner, and any and all  
officers, agents, and employees of the State Road Com-  
mission or the Commissioner, from any and all claims for  
damages that may arise as an incident of operations upon  
the highways pursuant to any permit, and shall, as well,  
make full restitution to the State Road Commission for  
any damage to its property as a result of such operations.

(q) Special Restrictions.--The State Road Commissioner  
reserves the right to place such additional restrictions on  
the movement of mobile homes of greater than legal dimensions  
as he may deem necessary. Any such special restrictions  
shall be recorded on the face of the permit.

(r) Cost of Permit.--A charge of \$5.00 shall be made to

defray the expense and cost of issuance of a permit. Permits shall be issued for a single trip only, and without regard to the distance to be traveled. Each application shall be accompanied by a remittance in the required amount made payable to the State Road Commission of West Virginia.

(s) Pilot Vehicle.--A pilot vehicle shall precede the movement of mobile homes which are over the legal width. The following regulations shall be applicable to all pilot vehicles preceding the towing vehicle and mobile home combination:

(1) The pilot vehicle shall be a legally licensed motor vehicle.

(2) The pilot vehicle shall be marked on the front thereof with flags and signs, in the same manner as prescribed in Sections 8.13.3(g) and (h) above, for the front of the towing vehicle.

(3) The headlights of the pilot vehicle shall be kept on at all times.

(4) When one-way or narrow bridges, or restrictive structures are encountered, the driver of the pilot vehicle shall, if on-coming traffic is present, act as a flagman to insure the safe passage of the mobile home over or through the constricted area.

8.13.4. Where and How to Obtain Permits.

(a) Place of Issuance.--A permit for the movement of over-dimensional mobile homes (not over twelve (12) feet in width) may be obtained from the Safety, Claims and Weight Enforcement Division, State Road Commission, 1800 Washington Street, East, Charleston, West Virginia. Telephone: 346-8312 (Area Code 304).

In addition, a permit to move a mobile home of legal width and height, if its overall length, inclusive of towing vehicle, does not exceed sixty (60) feet, may be obtained at the office of the State Road Commission District Engineer in whose district the trip is to originate, or at a State Road Commission County Office within the District. (See district-county map, and list of addresses of District Engineers, Appendix A and Appendix B, of Series V, of these

rules and regulations).

(b) Applications.--Application may be made by telephone, telegraph, letter, or in person between the hours of eight o'clock in the morning (8:00 A.M.) and five o'clock in the evening (5:00 P.M.) Monday through Friday, except on the following legal holidays:

New Year's Day (January 1st)

Lincoln's Birthday (February 12th)

Washington's Birthday (February 22nd)

Good Friday

Primary Election Day (Tuesday following the first  
Monday in May of even numbered years)

Memorial Day (May 30th)

West Virginia Day (June 20th)

Independence Day (July 4th)

Labor Day (first Monday in September)

Columbus Day (October 12th)

General Election Day (Tuesday following the first  
Monday in November of even numbered years)

Veteran's Day (November 11th)

Thanksgiving Day (fourth Thursday in November)

Christmas Day (December 25th)

(c) Information Required.--The applicant shall furnish the following information:

- (1) Name, address and telephone number of applicant;
- (2) Driver's name and address;
- (3) Description of mobile home, including make, year, model, serial number, license number, overall length and width;
- (4) Description of towing vehicle, including capacity, make, year, model and license number;
- (5) Name and address of insurance company and expiration date of insurance (see in this connection 8.13.3(c) above);
- (6) Description of routes to be traveled.

Section 9. Other Safety Regulations

9.01. Increase of Weight, Height and Length Limitations Upon State Highways by State Road Commissioner.--Pursuant to the provisions of Sections 11a and 11b, Article 17, Chapter 17C, Code, whenever in the opinion of the State Road Commissioner, the design, construction and safety of any highway or portion thereof are such

that the gross weight limitations prescribed by Section 9, Article 17, Chapter 17C, or the height or length limitations prescribed by Section 4, Article 17, Chapter 17C, can be increased without undue damage to any such highway, or without undue risk of damage to vehicles lawfully using such highway, or to bridges, municipal or utility facilities, traffic signs and signals, or roadway structures of other kind or nature, the Commissioner 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 Sections 11a and 11b, Article 17, Chapter 17C. Code.

(a) Commissioner's Order for Increase of Weight,

Height and Length Limitations. --Whenever the Commissioner 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 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.

9.02. Restrictions Upon Right to Use Highways By State Road Commissioner.--Pursuant to the provisions of Section 12, Article 17, Chapter 17C, Code, and subject to the restrictions therein contained, the State Road Commissioner 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 may prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated state highways.

(a) Commissioner's Order.--Whenever the State Road Commissioner shall prohibit the operation of vehicles upon any state highway or impose weight restrictions thereon as above provided, the Commissioner 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.

(b) Signs.--The order of the Commissioner imposing such prohibition or weight restriction 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.

9.03. Unsafe Bridges.--The Commissioner shall inspect all bridges upon state roads and if any bridge is found to be unsafe, the Commissioner shall promptly condemn, close, and repair such bridge. Except in the case of an emergency, the Commissioner's determination to condemn and close any unsafe bridge upon a state road shall be manifested by an order duly entered in the Commissioner's Order Book as provided in Section 2, 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 be erected giving notice thereof, which signs shall comply with the provisions of Section 2, Series V, of these rules and regulations.

(a) Emergencies.--In case of an emergency, all District Engineers or any other authorized personnel of the State Road Commissioner's office shall have authority to condemn and close an unsafe bridge prior to the entry of an order by the Commissioner 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 Commission personnel, as provided in the preceding paragraph.

9.04. 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:

(a) Signs on Vehicle.--Any vehicle transporting explosives shall be marked on the front, both sides, and the rear with the word "EXPLOSIVES" in letters not less than 8 inches in height and colors contrasting with the background; or there

shall be displayed on the rear of 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.

(b) 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.

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

(d) Spark or 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.

(e) Overloading Prohibited.--Vehicles transporting explosives shall not be overloaded, and in no case shall the explosives containers be piled higher than

the sides of the truck body. Any vehicle with an open body shall carry a tarpaulin to cover the explosives containers.

(f) Vehicle; Mechanical Condition.--All vehicles when used for transporting explosives shall be inspected to determine that: the brakes and steering mechanism are in effective working condition; the electric wiring is well insulated and firmly secured; the body and chassis are clean and free from accumulations of oil and grease; the fuel tank and feed line are secure and have no leaks; two 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.

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

(h) Vehicle Operator; Speed and Operating Prohibitions.--Vehicles transporting explosives shall be driven only by authorized persons not addicted to the use of, or under the influence of, intoxicants or narcotics. Vehicle speed shall not exceed 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.

(i) 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 crossings. So far as practicable, this shall be accomplished by prearrangement of routes.

(j) 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.

(k) 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.

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

(m) 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.

(n) Unloading at Rear of Vehicle.--Explosives cases or containers shall not be left immediately back of the exhaust tailpipe of automotive equipment during loading

or unloading. Motors of vehicles transporting explosives shall be stopped before loading or unloading the explosives.

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

Section 10. Studded Tires

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

10.02. Definitions.--As used in these rules and regulations:

(a) "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.

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

10.03. Design and Construction Standards and Specifications.--

All studded tires sold in this state, offered for sale in this state, or used on the highways of this state, shall comply with the following design and construction standards and specifications.

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

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

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

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

(e) 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.

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

(g) Failure of compliance in any of the above areas [(a), (b), (c), (d), (e) and (f)] shall be deemed a violation of the provisions of Chapter 17C, Article 15, Section 37, Code of West Virginia, and subject to the penal sanctions imposed by Chapter 17C, Article 18, Section 1, Code of West Virginia.

10.04. Use of Studded Tires.--No studded tires shall be used on the highways of the state except during the period November 1 to April 1 in any calendar year.

10.05. Prohibition of Sale or Use of Studded Tires.--In the event engineering, traffic, and/or safety studies reflect that the use of studded tires on the highways of this state is not in the public interest, the Commissioner shall have the right, any provisions of these rules and regulations to the contrary notwithstanding, to prohibit forthwith, by Commissioner's Order duly entered, without notice or hearing, the sale in this state, or use on the highways of this state, of any and all studded tires, and thereafter no studded tires shall be sold in this state, or used on the highways of this state, until further order or determination of the State Road Commissioner with respect to the sale or use, if any, of such tires. The State Road Commissioner further shall have the right to prohibit forthwith, by Commissioner's Order duly entered, without notice or hearing, the sale in this state, or use on the highways of this state, of a particular brand, make, or type of studded tire, including a retread product, which is not in compliance with the terms and provisions of these rules and regulations, or the sale or use of which in this state in the judgment of the Commissioner is not in the public interest, and thereafter no such brand, make or type of studded tire, including a retread product, shall be sold in this state, or used on the highways of this state, until

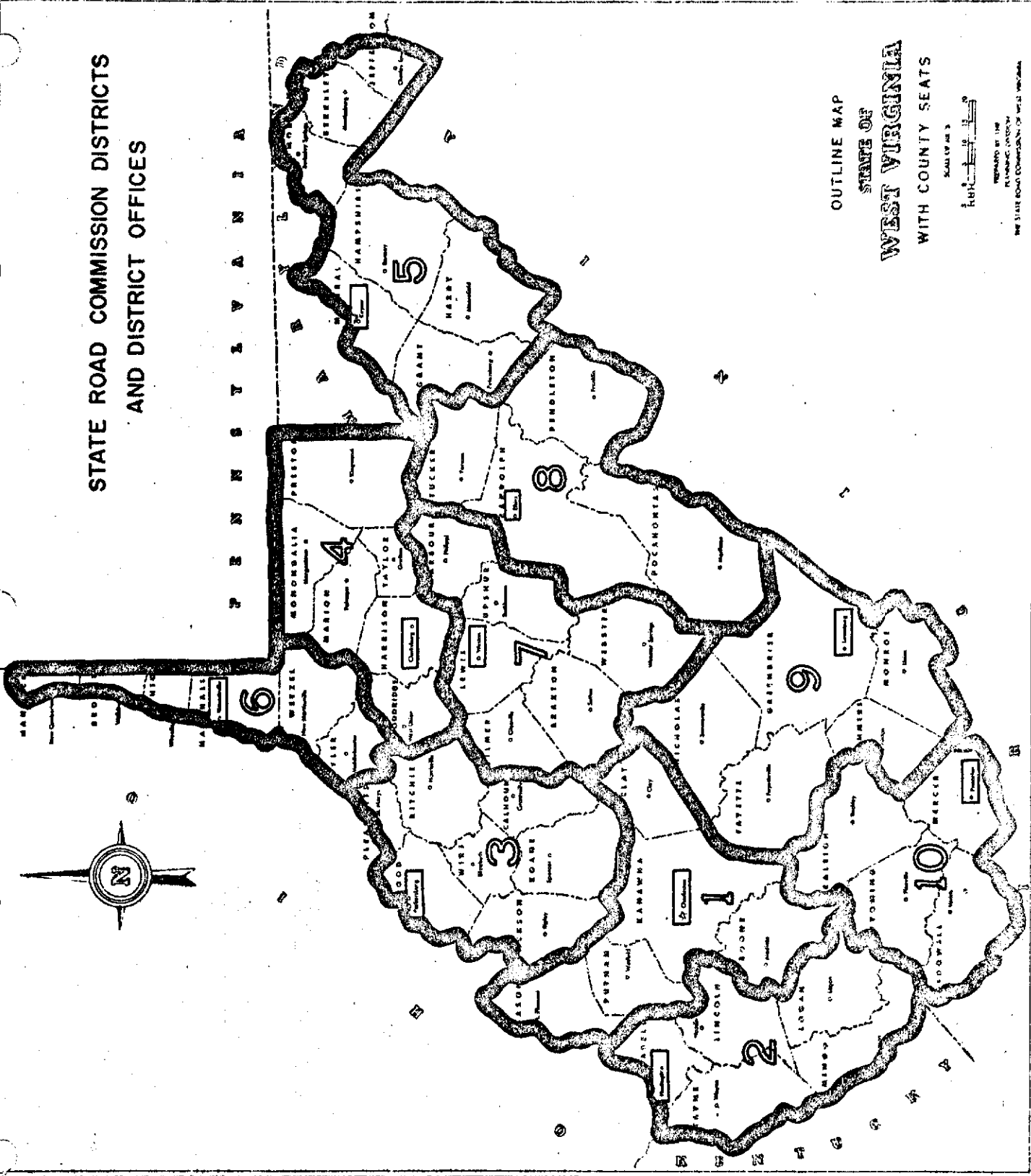
Adm. Reg. 17-2A  
Series V

further order or determination of the State Road Commissioner  
with respect to the sale or use, if any, of such brand, make or type  
of studded tire, including a retread product.

STATE ROAD COMMISSION DISTRICTS  
AND DISTRICT OFFICES

P E N N S Y L V A N I A

OUTLINE MAP  
STATE OF  
WEST VIRGINIA  
WITH COUNTY SEATS  
SCALE 1:62,500  
PREPARED BY THE  
PLANNING DIVISION  
OF THE STATE ROAD COMMISSION OF WEST VIRGINIA



APPENDIX B

THE STATE ROAD COMMISSION OF WEST VIRGINIA  
DISTRICT ENGINEERS

<u>DISTRICT</u>	<u>ADDRESS TO</u>	<u>LOCATION</u>	<u>TELEPHONE</u>
One	District Engineer, State Road Commission	Charleston, West Virginia	343-4411 ext. 3000
Two	District Engineer, State Road Commission	Huntington, West Virginia	523-8476
Three	District Engineer, State Road Commission	Parkersburg, West Virginia	485-6571
Four	District Engineer State Road Commission	Clarksburg, West Virginia	624-7661
Five	District Engineer, State Road Commission	Keyser, West Virginia	788-3411
Six	District Engineer, State Road Commission	Moundsville, West Virginia	845-2730
Seven	District Engineer, State Road Commission	Weston, West Virginia	269-2234
Eight	District Engineer, State Road Commission	Elkins, West Virginia	636-1624
Nine	District Engineer, State Road Commission	Lewisburg, West Virginia	645-1301
Ten	District Engineer, State Road Commission	Princeton, West Virginia	425-2155