

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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197 JUN 30 10 9 15
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: Department of Highways TITLE NUMBER: 157

CITE AUTHORITY: WV Code §17C-2, 3, 6, 7, 12, 13, 15, 17 and §17-2A-12

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

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

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____


TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This Emergency Rule is being filed in order to comply with West Virginia Code §17C-17-2, 4 and 11(b). Additionally, these rule changes are necessary to promote public safety through the establishment of travel time restrictions for mobile homes. Increased fees for Special Permits and for Blanket Permits for oversized loads are also established with this rule change to ensure public safety by providing adequate funding for the administration of these permits including the support of an adequate number of inspectors. Finally, the maximum over dimension permit limitations for mobile home length and combination length have been increased to coincide with neighboring states to prevent the hinderance of interstate transport of mobile homes.

Use Additional Sheets If Necessary.



W. S. Ritchie, Jr., Commissioner
West Virginia Department of Highways

FILING OF LEGISLATIVE RULES

BY THE

DEPARTMENT OF HIGHWAYS

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WEST VIRGINIA LEGISLATIVE RULES
COMMISSIONER OF HIGHWAYS

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CHAPTER 17C
SERIES 5

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. -- June 30, 1987.

1.4. Effective Date. -- ^{June 30}~~July 1~~, 1987.

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Series 5, Sec. 6.6

hearing not to be in compliance with 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. (Code, W.Va., Chapter 17C, Article 15, Section 30.)

Section 7 Special Permits.

7.1. General. -- Pursuant to authority vested in him by law, the Commissioner 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, Chapter 17C, Article 17, Section 11, Code.)

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 travelling public and the probable effects of 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 ofr nature, or for overweight vehicles or loads which are likely to cause damage to any roads or roadway structures or for any vehicle or load which can be reduced to legal limitations of size and weight.

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

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

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Series 5, Sec. 7.4

7.4. General Conditions for Issuance of Special Permits. -- Whenever a special permit is issued, the Commissioner of the Department 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 the Department 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 the Department of 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 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.

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(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.

(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

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(except as otherwise herein provided in Section 7.13(4) (b), Series 5, 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 5, of these rules and regulations.

(13) False Information; Penalty - False information, or erroneous information, given in the application for 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.

7.5. Excessive Loads. - The District Engineer, after approval by the Maintenance Division, and the Structures Division of the Department 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.

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Leg. Rule, 17C
Series 5, Sec. 7.5

(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 the Department of Highways may require and directed to any officer duly authorized by the Commissioner 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.

(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 the Department 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.

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Leg. Rule, 17C
Series 5, Sec. 7.6

(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 \$.03 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.

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 the Department of Highways for movements through the state. Provided, however, that a 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 Department of Highways project or from one project to another project.

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Leg. Rule, 17C
Series 5, Sec. 7.9

(2) Commercial Haulers on Road Projects - Commercial haulers transporting materials to projects under contract for the West Virginia Department 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 West Virginia 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, Chapter 17C, Article 17, Sections 2, 4, and 11(b), Code.)

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Series 5, Sec. 7.13

| | |
|---------------------|--|
| COMBINATION LENGTH: | 8055 FEET 8860 FEET (DESIGNATED HIGHWAY) |
| MOBILE HOME LENGTH: | NO REGULATION |
| WIDTH: | 8 FEET <u>8 FEET 6 INCHES</u> (DESIGNATED HIGHWAY) |
| HEIGHT | <u>13 FEET 6 INCHES</u> (DESIGNATED/HIGHWAY) |

(3) Permit Information

(a) A permit to move a mobile home over legal dimensions may be obtained at the West Virginia Department of Highways, Vehicular Permit Section, ~~Roadside~~ Services Maintenance Division, 1900 Washington Street, East, Charleston, West Virginia, 25305, (Telephone 348-3736).

(b) Maximum over dimension permit limitations:

| | |
|---------------------|----------------------|
| COMBINATION LENGTH: | 8891 FEET |
| MOBILE HOME LENGTH: | 7076 FEET |
| WIDTH: | 14 FEET |
| HEIGHT: | 13 FEET 6 INCHES |

(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.

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(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 14' 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.

~~(b)~~(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 Chapter 17C, Article 17, Section 11(c) of the Code of West Virginia, 1931, as amended.

~~(c)~~(d) The movement of 14' 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 Permit Section, ~~Roadside/Services~~ Maintenance Division, West Virginia Department of Highways.

~~(d)~~(e) Manufacturers and distribution and sales organizations of 14' 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.

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

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~~(f)~~(g) 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.

(c) 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) 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 pilot 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. All other highways will require a pilot vehicle at the front and an escort vehicle at the rear of mobile homes over 12' wide.

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(c) The pilot, 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.

(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) 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 flagman 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 and must be equipped with 4-speed transmission and dual drive wheels.

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(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 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.

(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) A multiple trip permit may be issued in at the discretion of the Commissioner for the operation of mobile homes with widths not exceeding 14' and not exceeding the gross weight limit as set forth in Chapter 17C, Article 17, Section 9 of the Official Code of West Virginia, 1931, as amended.

Said permits shall be issued subject to the following conditions:

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

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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

(q) Each coupon representing a trip must be validated by the Permit Section, Roadside/Services Maintenance Division, of the West Virginia Department of Highways. After validation, the original or blue copy of the coupon shall be mailed to the Permit Section, Roadside Services Maintenance 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 Department of Highways or any other West Virginia Law Enforcement Agency.

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

(s) Insurance: No permit will be issued unless there is submitted with the application a certificate from any good reputable and solvent insurance company authorized to do business in West Virginia 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.

(t) Exemption from Liability for Damages: The applicant shall save harmless the Commissioner and any and all officers, agents, and employees of the West Virginia Department 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 West Virginia Department of Highways for any damage to its property as a result of such operations.

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(7) The West Virginia Department 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 Department 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.

Section 8. Other Safety Regulations

8.1. Increase of Weight, Height, and Length Limitations Upon State Highways by West Virginia Department of Highways Commissioner. -- Pursuant to the provisions of Sections 11a and 11b, Article 17, Chapter 17C, Code, whenever in the opinion of the West Virginia Highways Commissioner, the design, construction and safety of any highway or portion thereof are such that the gross weight 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 any such highway, or to bridges, municipal or utility facilities, traffic signs and signals, or roadway structures of other kind of 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.

(1) 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.

8.2. Restrictions Upon Right to use Highways by West Virginia Highways Commissioner. -- Pursuant to the provisions of Section 12, Article 17, Chapter 17C, Code, and subject to the restrictions therein contained, the Highways Commissioner may prohibit the operation of vehicles, or any



WEST VIRGINIA DEPARTMENT OF HIGHWAYS

1900 Washington Street, East
Charleston, West Virginia
25305

ARCH A. MOORE, JR.
GOVERNOR

WILLIAM S. RITCHIE, JR.
COMMISSIONER

June 30, 1987

Legislative Rule-making Review Committee
State Capitol Building
Charleston, West Virginia 25305

Re: Legislative Rules
Highways Commissioner
Emergency Rules
Traffic and Safety
Rules and Regulations,
Series 5

Gentlemen:

Enclosed are fifteen (15) copies of Emergency rules filed with the Secretary of State's office on June 30, 1987. These Emergency rules are being filed in order to comply with West Virginia Code §17C-17-2, 4 and 11(b). Additionally, these rule changes are necessary to promote public safety through the establishment of travel time restrictions for mobile homes. Increased fees for Special Permits and for Blanket Permits for oversized loads are also established with this rule change to ensure public safety by providing adequate funding for the administration of these permits including the support of an adequate number of inspectors. Finally, the maximum over dimension permit limitations for mobile home length and combination length have been increased to coincide with neighboring states to prevent the hinderance of interstate transport of mobile homes.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. S. Ritchie, Jr.", written over a horizontal line.

W. S. Ritchie, Jr.
Commissioner

WSR:Cj
Attachment



WEST VIRGINIA DEPARTMENT OF HIGHWAYS

1900 Washington Street, East
Charleston, West Virginia
25305

ARCH A. MOORE, JR.
GOVERNOR

WILLIAM S. RITCHIE, JR.
COMMISSIONER

June 25, 1987

During the past forty-two years, numerous changes have occurred in the movement of oversize and overweight equipment throughout the state, such as automobile transports, twin trailers, overlong semi-trailers, drilling equipment, truck cranes, to name a few. Due to the opening of the interstate system and the Appalachian corridors throughout West Virginia, the state became a transportation gateway, north, south, east and west.

As far back as 1945, the cost of issuing special permits for single trips has been as follows:

\$1.00 basic fee
\$1.00 per each over dimension
\$.02 per ton mile overweight

Through the ensuing years, the only change has been to increase the overweight charge from \$.02 to \$.03 per ton mile overweight. This was done in 1948. Since that time, the fees have remained unchanged.

Since the inception of telecommunications, a new method of issuing permits was devised. This method entailed the issuance of permits by means of a facsimile machine which transmitted permits throughout the United States. This necessitated the establishment of a Central Permit Office in 1978 and the hiring of ten additional employees. The Central Permit Office currently issues 80% of all permits in the State of West Virginia.

Prior to the opening of the interstate system, two weigh stations existed in West Virginia. Since that time six permanent weigh stations, one weigh-in-motion facility and eight roving crews with portable scales have

WEST VIRGINIA DEPARTMENT OF HIGHWAYS

- 2 -

June 25, 1987

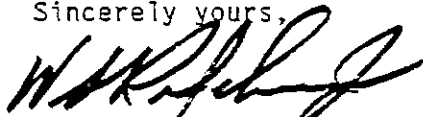
been established. Currently the fees being assessed for oversize and overweight permits do not cover administrative costs of operating the Central Permit Office and weight enforcement of said permits. This does not include the cost of permits issued by districts and counties.

Therefore, effective July 1, 1987, the basic fee for special permits for single trips will be increased to \$20 per trip. This basic fee of \$20 will cover any oversize dimension, whether it is a length, width or height violation, or a combination of all three. The overweight fee of \$.03 per ton mile will remain unchanged. This will bring West Virginia in line with neighboring states.

The blanket permit fee for continuous movement, oversize not overweight, will be \$20 basic fee and \$5 per coupon per trip. These permits will be issued for specific sizes and routes only, and be subject to the approval of the Central Permit Office.

Your cooperation will be appreciated.

Sincerely yours,



W. S. Ritchie, Jr.
Commissioner

WSR:HK

cc: All Districts
All Divisions

2/25/87

SUBJECT: Suggested Increases in Permit Charges

DATE:

| | | |
|---------------------------------------|---|--|
| CC- COMMISSIONER | RP- PLANNING DIVISION | HM- CHIEF OF MAINTENANCE |
| CA- ASSISTANT COMMISSIONER | RL- PERSONNEL DIVISION | MH- HIGHWAY SERVICES DIVISION |
| CR- DEPUTY COMMISSIONER | RI- PUBLIC INFORMATION DIVISION | MM- MAINTENANCE DIVISION |
| CH- STATE HIGHWAY ENGINEER | HD- CHIEF ENGINEER-DEVELOPMENT | ME- EQUIPMENT DIVISION |
| CB- BUSINESS MANAGER | DB- ENVIRONMENTAL SERVICES DIVISION | BP- PROCUREMENT DIVISION |
| CL- LEGAL DIVISION | DD- DESIGN ENGINEER | BF- FINANCE DIVISION |
| EA- ENGINEERING ADVISOR | DR- RIGHT-OF-WAY DIVISION | BZ- OFFICE SERVICES DIVISION |
| EB- BAMS | DS- STRUCTURES DIVISION | SI- SYSTEMS SERVICES & PROCEDURES DIV. |
| AA- AUDITING DIVISION | DT- TRAFFIC ENGINEERING DIVISION | DISTRICT ENGINEERS |
| ER- RESEARCH AND SPECIAL STUDIES | DV- ROADWAY DESIGN DIVISION | |
| PC- PROJECT CONTROL DIVISION | HS- CHIEF ENGINEER—CONSTRUCTION | |
| RE- EQUAL EMPLOYMENT OPPORTUNITY DIV. | SC- CONSTRUCTION DIVISION | |
| RC- CORRESPONDENCE AND CENTRAL FILES | ST- MATERIALS CONTROL SOIL & TESTING DIV. | |

| FROM | TO | MEMORANDUM | INITIALS |
|------|----|------------|----------|
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MM CC

I am submitting the following in accordance with our conversation.

According to Chapter 17C, Article 17, Section 11, paragraph (c), "The commissioner may charge a fee not to exceed five dollars for the issuance of a permit for a mobile home and a reasonable fee for the issuance of a permit for any other vehicle under the provisions of this section to pay the administrative costs thereof".

I would assume that the administrative costs would include the cost of operating the Permit Section of Maintenance Division as well as the Weight Enforcement Section of Highway Services Division. Currently these costs are between 2.5 and 3 million dollars, and this does not include the cost associated with the cost of permits issued by Districts and Counties. The Department's income for issuing overweight and over-dimensional permits is approximately 1/2 million dollars per year.

Currently the Department's basic fee for a permit is \$1.00; while the fee in Ohio is \$10, Kentucky \$30, Maryland \$30, Pennsylvania \$15, Virginia \$10. The cost for a permit in West Virginia for overlength, overwidth and overheight is a total of \$4.00; the fee in Ohio is \$25, Kentucky \$30, Maryland \$30, Pennsylvania \$15, Virginia \$10. West Virginia Turnpike Commission currently charges \$10.00 for all permits for which the Department receives nothing.

It is suggested that the Department go to a basic fee similar to our sister states and not charge an additional fee for over-dimensional, only for overweight. This would greatly reduce the time spent in calculating various fees. (The average time is 13 minutes per permit.)

West Virginia requires a separate permit for the movement of a mobile home or modular section while Pennsylvania, Virginia, Kentucky, Ohio and Maryland do not. All permits are issued for oversize from the same section.

It is also suggested that West Virginia issue permits for the movement of mobile homes the same way as our sister states; that is, include them as an over-dimensional vehicle and charge a basic fee.

SUBJECT: Suggested Increases in Permit Charges

DATE: 2/26/87

| | | |
|---------------------------------------|--|--|
| CC- COMMISSIONER | RP- PLANNING DIVISION | HM- CHIEF OF MAINTENANCE |
| CA- ASSISTANT COMMISSIONER | RL- PERSONNEL DIVISION | MH- HIGHWAY SERVICES DIVISION |
| CR- DEPUTY COMMISSIONER | RI- PUBLIC INFORMATION DIVISION | MM- MAINTENANCE DIVISION |
| CH- STATE HIGHWAY ENGINEER | HD- CHIEF ENGINEER-DEVELOPMENT | ME- EQUIPMENT DIVISION |
| CB- BUSINESS MANAGER | DE- ENVIRONMENTAL SERVICES DIVISION | BP- PROCUREMENT DIVISION |
| CL- LEGAL DIVISION | DD- DESIGN ENGINEER | BF- FINANCE DIVISION |
| EA- ENGINEERING ADVISOR | DR- RIGHT-OF-WAY DIVISION | BZ- OFFICE SERVICES DIVISION |
| EB- EAMS | DS- STRUCTURES DIVISION | BI- SYSTEMS SERVICES & PROCEDURES DIV. |
| AA- AUDITING DIVISION | DT- TRAFFIC ENGINEERING DIVISION | DISTRICT ENGINEERS |
| ER- RESEARCH AND SPECIAL STUDIES | DV- ROADWAY DESIGN DIVISION | |
| PC- PROJECT CONTROL DIVISION | HS- CHIEF ENGINEER-CONSTRUCTION | |
| RE- EQUAL EMPLOYMENT OPPORTUNITY DIV. | SC- CONSTRUCTION DIVISION | |
| RC- CORRESPONDENCE AND CENTRAL FILES | ST- MATERIALS CONTROL, SOIL & TESTING DIV. | |

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| FROM | TO | MEMORANDUM | INITIALS |
|------|----|------------|----------|

Page 2

MM

CC

For your information the basic single trip fees cited above were changed as follows:

- Ohio in 1980 changed from \$2.00 to \$10.00
- Kentucky in 1982 changed from \$15.00 to \$30.00
- Maryland in 1983 changed from \$15.00 to \$30.00
- Virginia in 1987 changed from \$5.00 to \$10.00
- Pennsylvania in 1975 changed from \$5.00 to \$15.00

As you can see it is probably time for some of the states to increase their fees again. Therefore, I would suggest that the DOH begin immediately charging a basic fee of \$25.00 for all single trip permits with the exception of mobile homes whose fees are dictated by the Code cited above. It is believed that sometime in the near future (possibly the next session of the Legislature), a bill should be introduced to increase the fee for mobile homes.

ELK:m
E.K.

SINGLE TRIP - (NON MOBIKE HOME FEES)

Ohio: Basic Fee 2^{00} change 1980 to 10^{00} basic

KENTUCKY: BASIC FEE 15^{00} - CHANGED 1982 to 30^{00} BASIC

MARYLAND: Basic Fee 15^{00} 1983 change to 30^{00} Basic

VIRGINIA: Basic 5^{00} to 10^{00} on single trip 1981

PENNA: = Basic 5^{00} changed 1975 to 15^{00} Basic
(in Pa. all fees are controlled by legislation)

BASIC FEES FOR SPECIAL PERMITS

A) SINGLE TRIPS

As far back as 1945, (Ref. Maintenance Manual), the cost of issuing Special Trips for Single Trips has been as follows:

\$1.00 basic fee
\$1.00 per each over dimension
\$.02 per ton mile overweight

Through the ensuing years, the only change has been to increase the overweight charge from \$.02 to \$.03 per ton mile overweight. This was done in 1948. Since that time, the fees have remained unchanged.

It is our intent to present pertinent information regarding the reason and justification for requesting an increase in the basic fee to \$20.00. It is our recommendation that this increase become effective July 1, 1987.

According to Chapter 17C, Article ^{Section} 71, Paragraph (c), "The Commissioner may charge a fee not to exceed five dollars for the issuance of a permit for a mobile home and a reasonable fee for the issuance of a permit for any other vehicle under the provisions of this section to pay the administrative costs thereof."

We would assume that the administrative costs would include the cost of operating the Permit Section of Maintenance Division as well as the Weight Enforcement Section of Highway Services Division. Currently these costs are between 2.5 and 3 million dollars annually, and this does not include the costs associated with the costs of permits issued by Districts and Counties. The income from the Central Permit Office for issuing overweight and over-dimensional permits is approximately 1/2 million dollars per year.

Currently the Department's basic fee for a permit is \$1.00, while the fee in Ohio is \$10; Kentucky \$30; Maryland \$30; Pennsylvania \$15; Virginia \$10. The cost for a permit in West Virginia for overlength, overwidth and overheight is a total of \$4.00. The fee in Ohio is \$25; Kentucky \$30; Maryland \$30; Pennsylvania \$15; Virginia \$10. The West Virginia Turnpike Commission currently charges \$10 for all permits, of which the Department receives nothing.

For your information, the basic single trip fees cited above were changed as follows:

Ohio in 1980 changed from \$2.00 to \$10.00
Kentucky in 1982 changed from \$15.00 to \$30.00
Maryland in 1983 changed from \$15.00 to \$30.00
Virginia in 1981 changed from \$5.00 to \$10.00
Pennsylvania in 1975 changed from \$5.00 to \$15.00

It is suggested that the Department go to a basic fee similar to our sister states and not charge an additional fee for over-dimensional, only for overweight. This would greatly reduce the time spent in calculating various fees.

Therefore, it is our recommendation that, upon approval, the basic fee for Special Permits for Single Trips be increased to \$20.00 per trip. This \$20.00 basic fee will cover any oversize dimension, whether it is a length, width or height violation, or a combination of all three. The overweight fee of \$.03 per ton mile would remain unchanged.

B) CONTINUOUS MOVEMENTS (OVERSIZE NOT OVERWEIGHT)

The blanket permit for continuous movement consists of a basic permit at a cost of \$1.00, plus a coupon (\$1.00 each), for each anticipated trip. The recommended change would be for a \$20.00 basic fee and \$5.00 per coupon per trip. These permits would be issued for specific sizes and routes only, and be subject to the approval of the Central Permit Office.

L. E. Husson
5/19/87

