

## PERMITS

### 15.01 INTRODUCTION AND GENERAL REGULATIONS

The West Virginia Division of Highways has responsibility for preserving the operational safety, integrity, and function of our highway facilities. This responsibility includes controlling the use of all portions of the right of way. Motor Vehicles Laws established by the West Virginia Code controls the normal use of our highways and allows the Division of Highways to regulate special occasion uses for specific needs, such as overweight and over-dimensional hauling. The West Virginia Code also provides for establishing regulations relative to access and use of Division of Highways right of way by adjacent property owners, public utilities, and other commercial enterprises.

#### 15.01.01 OCCUPANCY OF HIGHWAY RIGHTS OF WAY BY OTHERS

The manner in which driveways and utilities occupy State highway rights of way can materially affect the safe operation, maintenance and appearance of the highway; therefore, it is necessary that such use and occupancy be reasonably regulated.

The guidelines herein have been established in the interest of developing and preserving safe roadways, and for minimizing possible interference and impairment to highway surfaces, structures, appurtenances, appearance, operation, and maintenance.

It is in the public interest that public utilities and driveway approaches be accommodated on the rights of way of State highways, when such use and occupancy does not interfere with the free and safe flow of traffic, impair the highway or its scenic appearance, and does not violate provisions of Federal, State, or local laws.

Regulation of use applies to all public, private and commercial installation within Division of Highways right of way limits. These installations include, but are not limited to, electric, communication, gas, oil, petroleum products, chemical, water, steam, sewage, drainage, private and commercial driveways, and similar facilities that are to be located within State highway rights of way.

Regulations provide for location, installation, adjustment and maintenance of utilities and driveway approaches onto State highway rights of way. The provisions of the AASHTO Manual "*A Regulation on the Accommodation of Utilities within Freeway Rights of Way*," and the Division of Highways' driveway manual "*Rules and Regulations for Constructing Driveways on State Highway Rights of Way*" are supplemented by this Manual.

##### 15.01.01.01 STATE LAWS PERTAINING TO PERMITS

Provisions set forth in various portions of Chapter 17 of the West Virginia Code, adopted in 1931, as amended, applies to the issuance of permits.

### **15.01.01.02 USE OF PERMIT FORM**

A permit application form must be obtained from the Division of Highways whenever any opening is to be made; a structure is to be placed in, on, or over any highway; any structure previously placed is to be altered or removed; any highway opening is made for the purpose of laying or placing a pipeline, poles, wires or any other purpose; new plantings on the rights of way or existing plantings to be removed; private or commercial driveways to be constructed; or work of any nature is performed within the rights of way.

The permit application may be secured from the District or County Headquarters, or from the Maintenance Division Office in Charleston.

When a permit is required for any of the above, it must be approved by the District Engineer and/or the Director of the Maintenance Division. The original and five copies of the application, containing detailed plans of the proposed work, must be submitted to the District Engineer of the district in which the work is to be performed. The District will supply, when necessary, construction standards and specifications which may be attached to and will become a part of the permit application. Every application must be signed by the applicant, who may be required to furnish a certified check, money order, or bond in an amount determined by the Division. This amount will be large enough to cover any damage the Division may sustain by reason of granting the permit, including any expense incurred in restoration of the road or rights of way, and may be held for a period of one year after the completion of the work authorized. When applicable, the District Engineer will submit, with his recommendations, the permit to the Maintenance Division for approval.

### **15.01.01.03 INSPECTION AND FOLLOW-UP**

No work shall be undertaken to construct any utility installation or driveway approach on Division of Highways rights of way until the permit has been approved and the bond, if required, has been provided by the applicant.

Inspection of utilities and driveways being constructed will be assigned as follows: All driveway permits to the Maintenance Assistant or County Maintenance Supervisor; all reimbursable utility permits to the District Utility Supervisor. To properly fulfill their duty, it is necessary for all Maintenance Assistants and County Maintenance Superintendents to be familiar with standard requirements for driveways as detailed in the Division's manual titled "Rules and Regulations for Constructing Driveways on State Rights-of-Way," and for all Utility Supervisors to be familiar with the manual titled "Accommodations of Utilities on Highway Rights of Way." In all instances where inspection is required, the Maintenance Engineer or Construction Engineer must assign a qualified Division representative to inspect the work.

The applicant is required to notify the appropriate Division representative at least 48 hours prior to starting work. Upon receipt of this notification, the designated Division representative will arrange to visit the location the first day of work to insure compliance with Division regulations and answer any questions that may arise.

## **15.01.02 DRIVEWAY ENCROACHMENTS**

### **15.01.02.01 CRITERIA**

Increasing traffic volumes on our highways, accompanied by the intense development of private and commercial areas adjacent to the highways, creates a situation with the potential for hazard and inconvenience to the traveling public. Uncontrolled and indiscriminate access to the highway from roadside establishments seriously reduces the capacity of the highway and creates conditions conducive to accidents.

Improperly located and constructed entrances can greatly increase the cost of maintaining roadways if surface water is directed onto the shoulder and the traveled way, or if existing roadway drainage facilities are blocked.

Individual design of each entrance will be required and approval of all designs must be obtained from the Division prior to construction of any private or commercial driveway.

For detailed rules, regulations, and standard plans, which include a site plan and profile or cross sections and maps covering the various types of entrances, see the manual titled "*Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way.*"

### **15.01.02.02 REQUIREMENTS AND RESPONSIBILITIES FOR SECURING DRIVEWAY PERMITS**

Applicants desiring to construct or establish one or more driveways on Division of Highways rights of way to connect with any State highway must secure a permit. Application for a driveway permit must be made to the District Engineer in whose district the installation will be located.

The proposed design will be reviewed for compliance with Division requirements. In most situations a field check of existing conditions will be made by the Maintenance Assistant or authorized Division representative responsible for permits. If the design is unacceptable, revisions must be made by the applicant. Upon approval of the permit application, one copy will be returned to the applicant. The remaining copies will be distributed to the Director of Maintenance and the appropriate County Maintenance Superintendent, with the original remaining in the District file.

### **15.01.02.03 SPECIAL ROAD CROSSING PERMIT**

The West Virginia Code, Chapter C, provides for the temporary crossing of a highway by overweight and/or overdimensional equipment. A "Special Permit for Temporary Crossing" may be issued to allow the repeated crossing of a State highway by a licensed overweight and/or overdimensional vehicle. The Commissioner's approval is required for permits of this nature. A condition of the approval will be the

installation of suitable traffic control devices by the applicant, as specified by the Traffic Engineering Division.

### **15.01.03 UTILITY ENCROACHMENTS**

#### **15.01.03.01 CRITERIA**

Utility lines should be located to minimize adjustments necessary to accommodate planned future highway improvements, and to permit servicing such lines with minimum interference to highway traffic.

In addition, all underground installations shall use metallic color coded marking tape for ease of locating the installations. The required coding is as follows:

**RED:** Electric power lines, cables, conduit, and lighting cables.

**YELLOW:** Gas, oil, steam, petroleum or gaseous materials.

**ORANGE:** Communication, alarm or signal lines, cables, conduit.

**BLUE:** Water, irrigation and slurry lines.

**GREEN:** Sewers and drain lines.

These colors conform to current industry standard. The recommended location of the tape is 12" to 18" below the finished grade directly above the location.

In developing areas along controlled access highways, utilities shall install distribution or feeder lines along both sides of the highway. This minimizes the need for crossings for service connections to serve consumers in a general area. In areas where utility services are not available within a reasonable distance along the side of a controlled access highway, crossings for utility service connections may be permitted.

Longitudinal installations should not be permitted on controlled access highways if at all possible. In the event no other location is available, the utility may be permitted provided certain criteria are met.

To the extent feasible and practicable, utility line crossings of the highway should be at right angles to the highway alignment. Manholes are not to be located in the pavement or shoulder of any Expressway, Trunkline or Feeder highway. Exceptions may be made on streets at locations where manholes are essential parts of existing lines that are permitted to remain in place under existing and proposed highways. Manholes may be retained or installed on some State Local Service roads. On high traffic volume roads manholes should not be permitted unless approved by the Maintenance Engineer. Such installations should avoid street intersections and be designed and located in a manner that will cause the least interference to other utilities and future highway expansion, and are not to be placed in the wheel path of vehicles.

**Manholes located in the pavement or paved shoulders shall be placed so that the cover is flush with the pavement surface. Manholes placed in unpaved shoulders shall have the cover 6" below the finished shoulder elevation. Manholes placed in the ditch line shall have the cover 12" below the ditch flowline.**

**The horizontal and vertical location of utility lines within the highway rights of way should conform to the clear roadside policies applicable for the type of highway and specific conditions for the particular highway section involved. In all cases, full consideration shall be given to sound engineering principles, overall economic aspects, protection of the integrity and scenic appearance of the highway, maintenance operations, and the safety of highway traffic.**

#### **15.01.03.02 DESIGN**

**The applicant is responsible for the design of the utility facility to be installed within the highway rights of way or attached to a highway structure. The Division is responsible for review and approval of proposals with respect to the location, design considerations, construction materials, and construction methods. All utility installations must be of durable materials, relatively free from routine servicing and maintenance, and meet the following minimum requirements:**

- 1) Electric power and communication facilities must conform to the National Electrical Safety Code.**
- 2) Water lines must conform to the specifications of the American Water Works Association and the State Division of Health.**
- 3) Sewer lines must conform to regulations of the State Division of Health.**
- 4) Pressure pipelines must conform with the applicable sections of the American National Standards Institute, Title 49 CFR, Parts 192, 193 and 195, and applicable industry codes.**
- 5) Liquid petroleum pipelines must conform to applicable recommended practices of the American Petroleum Institute for pipeline crossings under railroads and highways.**

**Any pipeline carrying hazardous materials shall conform to the rules and regulations of the U. S. Division of Transportation governing the transportation of such materials.**

**No sewage or other obnoxious drainage matter shall be run into any highway storm drainage structure or ditch.**

**Utility facilities should be of a design compatible with the scenic appearance of the specific highway section, subject to reasonable consideration of engineering and economic feasibility. New installations or adjustments of existing utility lines, particularly those located underground or attached to structures, should be planned so**

as to minimize hazards and interference with highway traffic when additional facilities are installed at some future date.

#### **15.01.03.03 CONDITIONS OF ACCOMMODATIONS**

The following general conditions and stipulations are given concerning the use and occupancy of highway rights of way by permit or utility relocation agreement:

- a) Unless utility facilities are being located or adjusted in conjunction with a utility relocation agreement, all requests to perform work within State highway rights of way shall be made on a standard Division permit form signed by a duly authorized representative of the applicant, and submitted to the District Engineer in whose district the work is to be performed.
- b) Complete information, including a plan, shall be given detailing the work to be done. A cross-section of the highway will be required for all crossings. (See Figures 15-1 and 15-2).
- c) The applicant must agree to hold the State harmless of liability for any damages to persons or property which may arise during the progress of or by reason of the work performed.
- d) Facilities must be kept in a good state of repair both structurally and in appearance.
- e) The Division will assume no liability for damage to the maintenance operations.
- f) The installation shall be removed by the applicant, at no cost to the Division, when required for improvement of the highway, except on specific Federal-aid new or reconstruction projects (see West Virginia Code, Chapter 17, Article 4, Section 17.)
- g) Traffic must be protected at all times in accordance with the current edition of the manual "Traffic Control for Street and Highway Construction and Maintenance Operations", published by the Division. The road must be adequately maintained for the safe and convenient use of the traveling public. Erection and maintenance of all warning devices, barricades and danger signals, including cleaning, is the responsibility of the permit holder.

#### **15.01.03.04 MAINTENANCE OF FACILITIES ON CONTROLLED ACCESS RIGHTS OF WAY**

Facilities are to be maintained and serviced in accordance with the AASHTO publication "Policy on the Accommodation of Utilities on Freeway Rights-of-Way", which is available from the Division upon request.

#### **15.01.03.05 EMERGENCY SITUATIONS**

In an emergency where immediate action is necessary for protection of the public, to minimize property damage, or to restore essential utility service, the utility may at its sole risk and responsibility repair its facilities provided appropriate safety methods and devices are used to provide adequate warning and protection to persons and property. The utility assumes full responsibility for its operations, and shall save the Division harmless from liability in all respects. In all such cases, a confirming permit containing complete information shall be prepared and processed for approval in the regular manner.

#### **15.01.03.06 PRESERVATION, RESTORATION AND CLEANUP**

##### **15.01.03.06.01 DISTURBED AREAS**

The size of the disturbed area shall be kept to a minimum. Construction methods, erosion control, and re-vegetation must be in accordance with Division specifications. Adequate measures shall be taken to restore vegetation and prevent erosion of the entire construction area. Unsatisfactory re-vegetation or erosion control work shall be promptly corrected by the utility owner. As a last resort, restoration work may be accomplished by the Division and billed to the utility owner.

##### **15.01.03.06.02 DRAINAGE**

Care must be taken to avoid disturbing existing drainage facilities. Underdrains and outlets are to be provided where necessary to prevent entrapped water.

##### **15.01.03.06.03 SPRAYING, CUTTING AND TRIMMING TREES**

Spraying, cutting, and trimming trees on highway rights of way are allowed with written permission of the District Engineer. In general, where permission is given, only light trimming will be permitted. When the removal of a tree is permitted, the stump must be cut to the ground or removed. All debris, refuse and waste must be removed from the site.

##### **15.01.03.07 UTILITY INSTALLATIONS**

For in-depth detail on all utility installations see the Division's current manual "*Accommodations of Utilities on Highway Rights-of-Way*". The sections dealing with the following subjects are particularly important: PIPELINES; ELECTRIC AND COMMUNICATION LINES; and INSTALLATIONS ON HIGHWAY STRUCTURES.

##### **15.01.04 RAILWAY GRADE CROSSINGS**

The Division guidelines relating to railroad at-grade crossings are contained in greater detail in the Division's "*Highway-Railway Manual*". For purposes of this manual, the following shall apply:

- 1) The railroad crossing surface material should extend through the highway shoulder or a minimum of 3' beyond the edge of the pavement, whichever is greater.
- 2) At all locations where the new crossing surface is at the same elevation or less than 1" above the existing highway approach pavement, the Division should install the approach pavement if this can be coordinated with the railroad.
- 3) The railroad is required by law to notify the Division where a track raise of 1" or more is proposed through the highway. At these locations the approach pavement shall be tapered at a rate of not less than 8' per inch of track raise and all approach work will be performed at the railroads' expense.
- 4) When the Division encounters an existing railroad crossing surface on a resurfacing project, the pavement shall be transitioned to the railroad surface.
- 5) Railroad shall maintain the track structure and all roadway surface material located thereon. Division shall maintain all roadway approach pavement material up to the track crossing surface header of each track.

#### **15.01.05 SPECIAL HAULING PERMITS**

Motor Vehicle Laws have been established to impose certain restrictions on vehicles using State highways. The West Virginia State Code contains Articles specifically dealing with: the dropping of an object from a vehicle; leakage from a vehicle; shifting of a vehicle's load; weight limitations; and the size (height/width/length) of vehicle loads.

Section 17-C-11 of the West Virginia Code authorizes the Division of Highways to issue permits and charge permit fees for overweight and overdimensional loads under specific conditions. This chapter of the Code also authorizes Division Weight Crews and police officers to stop vehicles for weighing and measuring, as well as providing for the penalty for convicted violators.

#### **15.01.03.06.04 VEGETATION REMOVAL FOR SIGHT ENHANCEMENT**

##### **A) GENERAL POLICIES AND RESPONSIBILITIES**

The Division of Highways will make every attempt to cooperate with private enterprises to allow for the maintenance of an adequate viewing area of commercial facilities, including licensed outdoor advertising, by the traveling public. This cooperation will extend to the limited cutting of vegetation on right of way, including controlled access right of way, as approved by the Division of Highways on a case by case basis.

##### **B) REQUEST**

The request for an approved permit is to be submitted by the adjoining landowner or the signboard owner. The request will be initially submitted to the



applicable District Maintenance office. The requesting party will have to submit proof of current bonding in an amount determined by the applicable District. Bonding requirements will be site specific; however, a blanket bond may be accepted when several permit requests are expected from one source. The bond amount shall be site specific, and in no case will the amount be less than \$2,500.

The request must include a completed Division of Highways Permit Form, a plat (which may be adapted from Division of Highways plan sheets) giving planned dimensions of work area and two color photographs. Additional information may be requested by the Division of Highways which could include plans for erosion control, clean-up, and replanting. The request may also require approval and/or certification by the State Forestry Division, Soil Conservation Service, Division of Natural Resources, and Division of Environmental Protection, as deemed necessary.

The Enforcement Division will review all requests received in the District pertaining to signboards to determine if: 1) the signboard is legally licensed and 2) the signboard has been legally in place a minimum of five years prior to the date of request.

#### **C) APPROVAL**

The request may be denied by the District Engineer. If the District Engineer does not deny the permit, it will be forwarded to the Maintenance Division for review and approval. Maintenance Division will forward the permit to the Divisions of Enforcement, Roadway Design and Right of Way for comment prior to approval. The Environmental Section of the Engineering Division will review the permit to ensure that the vegetation clearance does not conflict with environmental commitments for the project. Permits for vegetation removal will not be allowed in areas which are landscaped with Federal funds without the express, written approval of the Division Administrator of the Federal Highway Administration.

All permits will be granted only for a one time operation at a single location. No continual site maintenance permits will be granted.

An approved request will be returned to the District office for delivery and coordination with the requesting party.

#### **D) INSPECTION**

The applicable District Maintenance office must be notified three days prior to the start of the permitted activity.

Inspection may be required by the District, and the holder of the permit will be responsible for full reimbursement of all reasonable inspection costs. The absence of an inspector will not release the holder of a valid permit from any provisions of that permit.

## **E) SCOPE OF WORK**

**Only work specifically addressed in the request will be allowed by the permit.**

**All vegetative matter cut at the site will be removed from the site.**

**Removal of dead vegetation and waste debris not created by the requesting party may be required by the permit.**

**Access to the site will be by the approved route for servicing said signboard or through adjacent property. Access will not be granted from highways on controlled access right of way.**

**Re-vegetation will be in accordance with Division of Highways Standard Specifications 651 through 656.**

**Clearing and grubbing will be in accordance with Division of Highways Standard Specification 201.**

**No trees that are more than two inches in diameter will be eliminated. Selective thinning of small trees will be allowed on an individual basis to enhance the health and growth of the best trees. Brush and limbs up to two inches in diameter may be removed on a site by site basis. No leader branches shall be cut off in such a manner as to retard the normal upright growth of the tree. Certain larger trees that are diseased may be removed when approved by the District Engineer.**

**All State highways have load and dimension restrictions/limits established by law. All changes to these load and dimension restrictions must be confirmed by a Commissioner's Order. The Commissioner may issue an order raising the load limit of a specific highway when the previous specified limit can be exceeded without undue damage to the highway. Load restrictions may also be lowered whenever heavy and/or concentrated hauling threatens the destruction of roadway surfaces and bases on highways which were not constructed with sufficient strength to continuously support maximum legal loads. Special Hauling Permits may be issued, within certain limits, which specify designated routes for the movement of overweight/overdimensional vehicles.**

**Blanket permits for the continuous operation of overdimensional vehicles, such as mobile homes/house trailers, are issued only by the Permit Section of the Maintenance Division. Single Trip Permits for the movement of all other overdimensional or overweight vehicles are issued at all District, most County, and the Maintenance Division permit offices.**

### **15.01.05.01 GENERAL INFORMATION AND LAW**

**The gross weight imposed on any highway by any one vehicle axle shall not exceed 20,000 pounds.**

The gross weight imposed on any highway by the tandem axle of a vehicle shall not exceed 34,000 pounds.

The gross weight imposed on any highway by any group of axles of a vehicle shall not exceed the load in pounds as set forth in the Gross Load Table (see Figure 15-3).

The gross weight imposed on the highway by all axles of a vehicle or combination of vehicles shall not exceed the gross weight for which such vehicle or combination of vehicles is registered (licensed).

Certain highways and portions of highways have been designated by the Commissioner as having a permissible gross weight limit of 80,000 pounds while others are allowed 73,500 pounds. The respective highways are designated on a Gross Weight Load Limit Map available from the Maintenance Division, Permit Section.

All highways not having a restricted gross weight limit, or not designated for a permissible gross weight of 80,000 or 73,500 pounds, will fall under the statutory vehicular gross weight limit of 65,000 pounds.

The Commissioner may restrict highways, portions of highways, bridges and/or other structures to a gross load limit less than the statutory 65,000 pounds. The appropriate signing of the restricted highway, portion of highway, bridge or structure will be the responsibility of the District Traffic Services Section. The signing will give advance notice of the gross weight limitation.

Disregard of the posted/signed limited gross weight restriction will subject the violator(s) to arrest and liability for any damage to the highway or structure.

All single axle loads, tandem axle loads, group axle loads and gross weights recorded in this Chapter are subject to a tolerance of five percent (5%).

Vehicles equipped with an auxiliary axle ("dummy" or "cheater") cannot consider that axle as a unit of a tandem axle since a connecting mechanism is not present to equalize the auxiliary axle's load with the drive axle. If an auxiliary axle is separated from the drive axle by a distance of at least 40", then the auxiliary axle may be considered as a one axle group, provided that:

- 1) The load transmitted to the road by the auxiliary axle's wheels extends across the full width of the vehicle.
- 2) The wheels of the auxiliary axle must be equipped with brakes as required by law.

#### 15.01.05.02

#### VEHICLE DIMENSIONS REQUIRING A SPECIAL HAULING PERMIT

Unless a Special Hauling Permit is obtained, no vehicle or combination of vehicles, including the load thereon, shall be operated on any highway if one (1) or more

of the vehicle or combination of vehicles overall dimensions exceed the dimensions shown in Figure 15-4.

#### **15.01.05.03**

#### **LEGAL GROSS LOADS LIMITED BY NUMBER AND SPACING OF AXLES**

The statutory gross load allowable on West Virginia highways is 65,000 pounds; except that on certain highways or portions thereof, the allowable gross load has been increased to 73,500 or 80,000 pounds by Order of the Commissioner.

The Gross Load Table sets forth the maximum group axle loads allowable. These weights are applicable to all of the above referenced gross load limits (see Figure 15-3).

#### **15.01.05.04 VEHICLE WEIGHT RESTRICTIONS REQUIRING A SPECIAL HAULING PERMIT**

Unless a Special Hauling Permit is obtained, no vehicle or combination of vehicles, including the load, shall be operated on any highway if one (1) or more of the following weight conditions exist:

- 1) The vehicle or combination of vehicles Gross Weight is in excess of the vehicles registered weight.
- 2) The vehicle or combination of vehicles Gross Weight is in excess of the gross load limit designated or posted for the highway(s) or bridge(s) over which the vehicle travels.
- 3) The weight on any single axle exceeds 20,000 pounds.
- 4) The weight on any group of axles exceeds the allowances listed in the Gross Load Table, Figure 15-3.

#### **15.01.05.05 SPECIAL HAULING PERMIT APPLICATION**

The Single Trip Special Hauling Permit Form utilized for issuing permits is self explanatory. The conditions, definitions, and fees for the different types of vehicles, and instructions are printed on the reverse of the form. Applicants shall sign each copy of the permit application unless the application is received by wire service.

The permit application requires a general description of the vehicle and load, manufacturer's name and model number of equipment being transported, or detailed description of the cargo. The gross load, the cargo weight, and the licensed gross vehicle weight of the cargo bearing vehicle must be stated on the application. Any omission or error in this data can make the actual permit legally invalid, thereby making the operator or company subject to fines/penalties.

#### **15.01.05.06 RETURN TRIP AND PERMIT LIFE**

When Special Hauling Permits are issued to include the return trip, the regular fee shall be collected for each direction of travel.

As a general rule, Special Hauling Permits are limited to a period of 5 days from the issuance date and the allowable travel dates shall be shown on the permit. Generally, no movement of vehicles under Special Hauling Permits shall be allowed on

Saturdays, Sundays, legal holidays or when roadway surfaces are hazardous due to inclement weather conditions.

#### **15.01.05.07 MILITARY CONVOY PERMITS**

Fleet or convoy permits shall be issued only to military vehicles owned by the State or Federal government. Such permits enable simultaneous fleet movements of 2 or more identical vehicles and loads for a single trip. A patrol vehicle must accompany such convoy movements and must carry the single permit which lists all license numbers of the vehicles in the convoy. A separate permit must be obtained if the vehicles' weight or dimensions vary.

#### **15.01.05.08**

#### **SPECIAL HAULING PERMITS – EXCEPTIONALLY HEAVY/EMERGENCY**

Occasionally, applications will be received for the movement of exceptionally heavy cargo which cannot be disassembled. Each such application will be evaluated and a decision made relative to issuance. Under proven emergency conditions, special single trip permits may be approved by the Director of Maintenance Division.

When deemed to be necessary, the Division may impose the following restrictions relative to the issuance of single trip permits for the movement of exceptionally heavy loads:

- 1) Bridges must be reinforced at applicant's expense and in accordance with specific instructions of the District Engineer.
- 2) A bond must be furnished, as recommended by the District Engineer, and approved by the Director of Maintenance Division, to cover the expense of repairing all possible damage to bridges and/or highways.

#### **15.01.05.09 SPECIAL HAULING PERMITS - DISTRICT ISSUANCE**

Overweight or overdimensional vehicles which cannot be disassembled or whose loads cannot be divided and transported separately are required to have Special Hauling Permits to travel on West Virginia Highways. Single Trip Permits for the movement of all overdimensional or overweight vehicles may be requested and generated at each Division of Highways District Office. Blanket Permits for the continuous operation of overdimensional vehicles must be requested and generated at the Maintenance Division, Permits Section.

The District Permit Offices may issue/approve permits based on the following maximum gross vehicle weights:

Single Axle	28,000 pounds
Tandem Axle	45,000 pounds
Triple Axle	50,000 pounds
5 Axles	104,000 pounds
6 Axles	110,000 pounds

Permits may be issued for gross vehicle weights exceeding the 110,000 pound restriction; however, approval must be obtained from the Director of Maintenance Division. It is the responsibility of the District to review all such permit applications prior to making the request to the Maintenance Division. This review should encompass the current condition of all highways and bridges to be traversed, and insure that the load in question cannot be dismantled to further reduce the weight.

#### **15.01.05.10 SPECIAL HAULING PERMITS - COUNTY ISSUANCE**

County personnel may be designated to issue/approve Special Hauling Permits for intra-district movement only. These County approved Special Hauling Permits are further confined to overdimensional and moderately overweight vehicles.

The weights shall not exceed:

Single Axle	20,000 pounds
Tandem Axle	34,000 pounds
Triple Axle	39,000 pounds
Gross Weight	70,000 pounds

For vehicle weights in excess of those listed, and for permit requests for movement outside the district, the County personnel must furnish the pertinent information to the District Permit Office. The County, upon approval of the District Permit Office, may issue Special Hauling Permits in excess of the noted weights and for movements outside the district.

#### **15.01.06 PERMITS FOR MOVING HOUSES AND OTHER BUILDINGS**

Permits for moving houses and other buildings will be issued in accordance with the following provisions and requirements:

When no other routing is available and a routing over State highways is feasible, a permit may be issued for the movement of a building for a limited distance, generally not more than 6 miles, over State highways. Factors to consider when determining feasibility are: height, width, and weight of the building, as well as possible traffic control problems.

Approval for the movement of a building that may cause a traffic control problem, detouring of normal traffic, or damage any State highways or bridges must be obtained from the Maintenance Division, Permit Section. Applicants must apply at least 10 days in advance of the anticipated move. A study of the

proposed route to determine pavement and shoulder widths, pavement and shoulder condition, anticipated traffic volume, and condition of bridges and other structures must be accomplished prior to approval.

Permits for the movement of houses or buildings will be issued for movement during non-peak traffic and daylight hours only. The regulations regarding Special Hauling Permit movements on Sunday may be suspended in this case if Sunday is judged to be the best non-peak traffic time.

When a building/house moving permit is issued, the mover is responsible for making arrangements for the handling of wires, cables, signs and signals, railroad crossings, and any necessary trimming of trees. The District Engineer shall request verification that a jurisdictional law enforcement agency will provide any required escort and direct traffic as may be required. The permittee shall notify the District representative assigned to supervise the specific permit move at least 48 hours in advance of initiating the move.

Turn-out locations shall be established by the mover to allow accumulated traffic to pass and to keep traffic delays to less than 15 minutes. Flaggers and pilot cars will be furnished by the mover if required by the District Engineer. All loose materials must be removed from the building prior to movement upon the highway.

House and building movement shall be made at a safe and reasonable speed and in such a manner as to cause a minimum of traffic interference. Permits for moving buildings whose total width exceeds 14 feet, or where a reasonable rate of speed cannot be maintained, will not be issued for Interstate highway routes.

#### **15.01.07 MOVING UNREGISTERED AND UNLICENSED VEHICLES**

The West Virginia Code requires that all vehicles moved on State highways must be registered and licensed, except as follows:

- 1) Vehicles moved with Dealer's license do not require registration.
- 2) Farm Vehicle -- with certain restrictions.

Farm vehicles are further defined in the State Code as those vehicles designed for agricultural purposes and used by the owner thereof, primarily in the conduct of the owner's agricultural operations. The State Code further states that any implement of husbandry (Farm Vehicle) which is only incidentally operated or moved upon a State highway is not required to be licensed.

The Division's Legal Division has further interpreted this section of the State Code as follows:

"The exemption as to size, weight, and load of implements of husbandry applies only when the implement is used by the owner in the conduct of his own agricultural operations, and the movement on the highway is incidental to his going from part of his land to another in such agricultural operations."

**"Hauling of such implements on a truck from farm to shop or from dealer to customer could not be an agriculture operation within the meaning of the law, and must be by Special Hauling Permit with fee charged."**

Farm tractors and equipment traveling from farm to farm on a rental or commercial basis, and such tractors/ equipment when used to travel from farm to town, farm to market, etc., are also subject to Special Hauling Permits and the associated fees.

#### **15.01.08 LICENSED AND UNLICENSED OUT-OF-STATE VEHICLES**

Where 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 Hauling Permit by the West Virginia Division of Highways for movements through this State. When an overweight Special Hauling Permit is issued for unlicensed out-of-state equipment, the charges shall be based on West Virginia legal load limits. If such equipment (usually truck cranes, well drills and other special equipment) is not just in transit, but is worked within the State, it shall obtain a West Virginia license, usually a Class "S" license. Unless a West Virginia license is obtained after work is begun, no Special Hauling Permit will be issued for movement on State highways.

#### **15.01.09 SPECIAL MOBILE EQUIPMENT**

Road scrapers or graders, rollers, shovels, rock trucks and similar vehicles must be licensed to travel over the highways with the exceptions noted above. These vehicles are defined as "Special Mobile Equipment," not designed or used for the transportation of persons or property and incidentally operated or moved over the highways.

These vehicles must obtain a Class "S" license from the Division of Motor Vehicles. The Class "S" license is valid for the same duration as other licenses. A vehicle that has an "S" license shall be assumed to be licensed for the legal loads and dimensions. Charges for overweight shall be computed for the excess weight over the legal gross weight or legal axle loads, whichever is the greater.

In the event such special mobile equipment is not overdimensional or overweight and is entirely equipped with rubber tires, no Special Hauling Permit is required, but if such vehicle is oversize, overweight, or has any material other than rubber in contact with the highway, it can be operated only upon obtaining a Single Trip Permit, subject to the same conditions and fees as other types of vehicles. Power shovels and similar heavy equipment mounted on steel tracks with cleats shall not be moved under their own power (trammed) over State highways without permission from the Director of Maintenance Division.

#### **15.01.10**

#### **JUSTIFICATION FOR GRANTING OR DENYING SPECIAL HAULING PERMITS**



The granting or denying of Special Hauling Permits is at the discretion of the Division of Highways, since the law does not stipulate that a permit must be issued regardless of conditions or restrictions. Proper justification shall be considered in order to protect the interest of the Division of Highways, and the safety of the traveling public. Permits shall not be granted for extradimensional vehicles which will unduly congest or endanger traffic over any roads or for overweight vehicles or loads which are likely to damage bridges or roads. Overloads shall be kept to a minimum by removing dozer blades and tracks, loader buckets and wheels, truck wheels and beds, shovel fronts, counterweights, etc. Heavy machinery shall be dismantled and transported on additional loads. Under no circumstances shall special hauling permits be issued for divisible loads that can be kept within legal limits.

Any condition or restrictions in addition to those described on the reverse of the Special Hauling Permit form that may be deemed proper or necessary shall be imposed at the discretion of the District Engineer. Examples are requiring the run be made at a certain time of day, or over routes other than the route requested, or the fording of a stream rather than the crossing of a bridge.

#### **15.01.11 MOVEMENT INVOLVING MORE THAN ONE DISTRICT**

Where inter-District movements of a vehicle(s) are concerned, the District in which the trip originates will generally issue the permit. That District shall consult with the appropriate permit personnel in the other District(s) involved and receive their approval prior to the issuance of the permit. This advance approval from the other Districts is very important because of the involvement of bridges. It is obviously impossible for a District to know the current condition of bridges in other Districts. After approval is received from other Districts, the District issuing the permit shall collect the fee.

#### **15.01.12 MOVEMENT OF CONTRACTOR'S EQUIPMENT**

No charge shall be made for the movement of contractor's equipment to a Division of Highways project or from one such project to another; nor shall a charge be made for the movement of the contractor's equipment from a Division of Highways project to the contractor's headquarters. No charge shall be made to a contract hauler of contractor's equipment to or from a project. The project number of destination is required on the permit.

When equipment is moved from a Division of Highways project to a destination other than another Division of Highways project, or to the contractor's headquarters, credit shall be given for the distance between the Division of Highways project and the contractor's headquarters. This applies to only one move regardless of the distance. The additional ton-mile fee shall be charged for any distance in excess thereof.

A fully executed Special Hauling Permit shall be obtained by the contractor regardless of whether or not a fee is charged for the movement.

Dealer's equipment moved to a Division of Highways project for demonstration purpose is strictly commercial hauling and the full fee shall be charged.

In no case shall permit fees be waived to commercial haulers transporting materials to projects under contract for the Division of Highways, political subdivisions of the State, or the Federal government.

**15.01.13 STATE AND FEDERAL GOVERNMENT VEHICLES**

Fees shall not be charged for movement of overweight or overdimensional vehicles when both the vehicle and load are wholly owned by the Federal government, the State, or a political subdivision of the State. A fully executed free permit shall be issued.

State and Federally owned vehicles require the same permits as privately owned vehicles.

**15.01.14 PROCEDURE AND RECORDS FOR HANDLING FEES**

The specific procedures and responsibilities for the handling, record keeping, and fee processing of Special Hauling Permits is detailed in Volume II of the Division of Highways Administrative Operating Procedures Manuals.

**15.01.15 CALCULATION OF FEES**

The basic fee for a single trip Special Hauling Permit covering overweight, overlength and overheight shall be \$20.00.

The fee for overweight vehicles is currently \$0.04 per ton-mile for the difference between the licensed or registered weight and the actual gross weight.

**15.01.15.01**

**EXAMPLE OF COMPUTATIONS OF CHARGE FOR OVERWEIGHT WEST VIRGINIA LICENSE**

This charge shall be based on the difference between the licensed gross weight of the vehicle and the actual gross weight for the single trip in question.

**EXAMPLE:**

A vehicle is licensed in West Virginia for 45,000 lbs. The actual gross weight for the proposed trip is 57,400 lbs. and the distance is 15 miles. The charge shall be for 57,400 lbs. minus 45,000 lbs. which equals 12,400 lbs., (6.2 tons). Since the charge shall be made for each ton or fraction thereof, the weight shall be considered as 7.0 tons. The computations will be:

7 tons x 15 miles = 105 ton-miles x \$0.04 =	\$4.20
Basic Fee (Includes all over dimensions)	\$20.00
Ton-mile or fraction @ \$0.04	4.20
<b><u>TOTAL:</u></b>	<b>\$24.20</b>

**15.01.15.02 CHARGE FOR OVERWEIGHT OUT-OF-STATE VEHICLE**

- 1) If an out-of-state truck is licensed for 45,000 lbs. gross weight and an application is made for a trip through this State with a gross weight of 65,000 lbs., the usual formula will be applied and the fee will be for 20,000 lbs. or 10 tons overweight.
- 2) When an overweight Special Hauling Permit is issued for unlicensed out-of-state equipment in transit, the fee shall be based on West Virginia legal loads.

**15.01.16**

**SINGLE TRIP PERMITS OVER ROUTES DESIGNATED FOR LOADING RESTRICTIONS**

As a general rule, overweight permits shall not be issued via routes where temporary loading restrictions have been designated by Commissioner's Order. If it is deemed advisable to issue such permits in certain emergency instances, the fee will be based on the difference between the maximum permissible gross tonnage named in the Commissioner's Order and the gross load applied for, regardless of the registered gross weight of the vehicle.