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HOUSE BILL NO. 2403

Offered January 17, 2011

A *BILL to amend and reenact § 46.2-1140 of the Code of Virginia, relating to authority to use certain streets and highways in cities and towns; permits.*

Patron—Cox, J.A.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1140 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1140. Authority to use certain streets and highways in cities and towns.

When the Commissioner issues a permit to a person to move a vehicle of excessive size and weight along specified highways in Virginia, the Commissioner may also include within such permit, after coordinating with the authorities of a city or town, the authority to use specified highways at specified times within any such city or town which highways constitute extensions of any part of the primary highway system.

A. Notwithstanding any other provisions of this chapter authorizing local authorities of cities and towns to issue overweight or oversize permits, the Secretary of Transportation, in consultation with the Commonwealth Transportation Board, shall have the authority to limit control for oversize and overweight permitting purposes for certain roads solely to the Commissioner. In determining routes to be controlled for permitting purposes by the Commissioner, the Secretary may consider the Commonwealth's corridors of statewide significance pursuant to § 33.1-23.03 and portions of such corridors; access roads to and from any port facility administered by the Virginia Port Authority; and any other roads considered by the Commonwealth Transportation Board to be sufficiently significant to the movement of commerce within the Commonwealth to warrant limiting control for permitting purposes to a single authority.

B. No city or town otherwise having jurisdiction over its highways, shall have authority to prohibit the use of its highways to a person holding a permit issued by the Commissioner so long as such person travels upon the highways specified in the permit and meets the requirements and restrictions specified in the permit.

C. The Secretary of Transportation, in consultation with the Commonwealth Transportation Board, may provide that a portion of any nonadministrative fee assessed and collected upon issuance of a permit pursuant to this section be distributed to cities and towns maintaining roads and structures along the route of the permit.

D. The local authorities of cities and towns shall provide the Virginia Department of Transportation any engineering and inspection data for the highways and structures located within their respective jurisdictions that the Department of Transportation deems necessary to support the engineering analysis required by subsection G of § 46.2-1139.