

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Maximum Weight Limits on Class IV, V, and VI Roads

Section 231:191

231:191 Maximum Weight Limits. –

I. The governing body of a municipality may establish maximum weight limits, seasonal or otherwise, which are more restrictive than limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal maintenance expense. Such posting shall be in accordance with currently acceptable practices and technology.

II. Maximum weight limits shall be posted, in the same manner as bridges are posted pursuant to RSA 234:39 and 266:18-c, at all entrances to the restricted highway or portion of such highway from other public highways. Such signage shall be legible, posted in a conspicuous location, and be of weather resistant materials.

III. It shall be unlawful for any person to drive a vehicle in violation of such maximum weight limits without written permission provided in an expeditious manner from the selectmen or highway agent in a town, or the mayor and aldermen or street commissioner of a city. The names of the officials authorized to grant written permission shall be posted prominently in the town office or city hall. Officials authorized to grant written permission may impose reasonable conditions and may establish reasonable regulations for bonding and restoring the highway.

IV. A person who violates such maximum weight limits shall be required to restore such highways if the municipality has reason to believe that the highway damage or disturbance is attributable to vehicles or activities under such person's control or responsibility. Upon request, the municipality shall provide such person with the municipality's reasons, including any inspection reports.

V. No vehicle or commercial enterprise serviced by such vehicle shall be exempt from such maximum weight limits because of prior highway use or existing use of abutting land; provided, however, that any owner of land or a commercial enterprise served by such highway, who demonstrates that such limits would entail practical difficulty or unnecessary hardship, and who complies with all conditions and regulations concerning bonding and restoration, shall be granted an exemption unless the exemption would be detrimental to public safety. For the purposes of this paragraph, "unnecessary hardship" shall include any weight restriction which results in significant interference with a commercial enterprise or land use which existed prior to the posting of the weight restriction.

VI. Any person who violates any provision of this section or the rules or regulations made under authority under this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

VII. The governing body of a municipality which establishes maximum weight limits more restrictive than the limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, seasonal or otherwise, which restricts a commercial or industrial company operated or located in that municipality, shall hold a hearing if requested by the impacted business. The hearing

shall be held within 15 working days of receipt of a certified letter by the local governing body from the impacted business requesting a hearing, otherwise enforcement of the maximum weight limits established by that municipality shall be suspended for the remainder of the year or until such hearing is held.

Source. 1995, 104:1. 2000, 110:1, 2, eff. July 7, 2000.