

# WEST VIRGINIA CODE: §17-16A-6

## §17-16A-6. Parkways Authority's powers.

(a) The Parkways Authority is hereby authorized and empowered:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain an office at such place or places within the state as it may designate;
- (4) To sue and be sued in its own name, plead and be impleaded. Any and all actions against the Parkways Authority shall be brought only in the county in which the principal office of the Parkways Authority is located;
- (5) To construct, reconstruct, improve, maintain, repair, operate or finance projects, at such locations within the state or adjacent to the state pursuant to a reciprocal toll enforcement agreement as may be determined by the Parkways Authority: Provided, That after July 1, 2010, the Parkways Authority is prohibited from constructing new tourism projects or new economic development projects, but this prohibition shall not prevent the authority from entering into lease agreements, development agreements or other agreements with private businesses or companies allowing and providing for such private businesses or companies to acquire, develop, construct and operate motels, lodging facilities or other businesses and business facilities on land owned by the authority and located adjacent to the Tamarack project and facilities at Exit 45 of the West Virginia Turnpike;
- (6) To issue parkway revenue bonds of the State of West Virginia, payable solely from toll revenues, for the purpose of paying all or any part of the cost of any one or more parkway projects;
- (7) To issue parkway revenue refunding bonds of the State of West Virginia, payable solely from toll revenues, for any one or more of the following purposes:
  - (A) Refunding any bonds which shall have been issued under the provisions of this article or any predecessor thereof; and
  - (B) Repaying to the state all or any part of the state funds used to upgrade the West Virginia Turnpike to federal interstate standards;
- (8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway project constructed or improved or financed by it, by the Department of Transportation or by the West Virginia Turnpike Commission: Provided, That the Parkways Authority may not charge tolls or fees for transit over an existing road without express legislative authorization

for the charging of such tolls or fees: Provided, however, That an existing road does not include the West Virginia Turnpike, new lanes or sections of an existing road, the replacement or construction of any bridge or tunnel, or related facilities;

(9) To fix and revise, rents, fees or other charges, of whatever kind or character, for the use of each tourism project or economic development project constructed by it or for the use of any building, structure or facility constructed by it or financed in connection with a parkway project;

(10) To acquire, hold, lease and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article;

(11) To acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements and interests, as it may deem necessary for carrying out the provisions of this article. No compensation shall be paid for public lands, playgrounds, parks, parkways or reservations so taken, and all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;

(12) To designate the locations of, and establish, limit and control such points of ingress to and egress from, each project as may be necessary or desirable in the judgment of the Parkways Authority to ensure the proper operation and maintenance of such project and to prohibit entrance to such project from any point or points not so designated;

(13) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, architects, construction and financial experts, trustees, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation. All such expenses shall be payable solely from the proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the provisions of this article or from toll revenues;

(14) To make and enter into all contracts, agreements or other arrangements with any agency, department, division, board, bureau, commission, authority or other governmental unit of the state to operate, maintain or repair any project;

(15) To receive and accept from any federal agency grants for or in aid of the construction of any project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(16) To study, investigate, evaluate and, if feasible, develop and implement a "single fee"

program the purpose of which is to charge a flat fee to owners of motor vehicles registered in this state who opt into any such program or any other state which opts into any such program: Provided, That any single fee program shall apply only to passenger motor vehicles, divided into classes based on size and usage, and shall not apply to commercial motor vehicles. The flat fee shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated to be received by the authority at the time of fixing any such rate or amount, or any increase thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen of this article and to cover the administrative costs of any such single fee program. The separate fee shall be collected by adding it to the annual cost of vehicle registration as an additional fee payable solely to the authority pursuant to section seventeen, article ten, chapter seventeen-a of this code. A registered motor vehicle for which such single program fee has been paid shall be entitled to traverse all toll roads within the state without stopping to pay individual tolls during the effective period of said vehicle registration. The single fee program may also include comparable provisions which would allow vehicles registered in other states to traverse West Virginia toll roads in like fashion to West Virginia vehicles as set forth in this section upon the payment of a single fee for each and every vehicle registered in such state, in accordance with the same classification system adopted for West Virginia vehicles. The Parkways Authority, in consultation with the Division of Motor Vehicles, shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement any single fee program under this subdivision (16);

(17) To enter into reciprocal toll enforcement agreements with other toll agencies in this state or in any other state or foreign country;

(18) To do all acts and things necessary or convenient to carry out the powers expressly granted in this article; and

(19) To file the necessary petition or petitions pursuant to federal bankruptcy laws.). The State of West Virginia hereby consents to the application of Title 11 of the United States Code to the Parkways Authority.

(b) Nothing in this article shall be construed to prohibit the issuance of parkway revenue refunding bonds in a common plan of financing with the issuance of parkway revenue bonds.