WEST VIRGINIA CODE: §17-16A-13A

§17-16A-13a. Public notice and meeting requirements.

(a) Notwithstanding any provision of the law to the contrary, on and after the effective date of the amendment and reenactment of this section in 2017, the Parkways Authority is authorized after prior public notice and meeting, as set forth in this section, to:

(1) Fix initial rates, tolls or charges along any portion of a parkway project and fix fees for any single fee program implemented in accordance with section six of this article including, without limitation, fixing initial rates, tolls or charges that may be subject to adjustment or escalation from time to time, or approve any proposal or contract that would require the Parkways Authority to fix any initial rates, tolls or charges along any portion of a parkway project or any fees under any single fee program;

(2) Increase any rates, tolls or charges along any portion of the parkway project, increase fees for any single fee program implemented in accordance with section six of this article, or approve any proposal or contract that would result in or require an increase in any rates or tolls along any portion of the parkway project or any fees under any single fee program: Provided, That the Parkways Authority may not increase any passenger vehicle rates, tolls or charges without establishing either a single fee program pursuant to subdivision (16), subsection (a), section six of this article or a passenger motor vehicle unlimited use single fee EZ Pass transponder discount program pursuant to section twenty-nine of this article: Provided, however, That the program shall extend at least through the period that any rates, tolls or charges are imposed: Provided further, That the single annual fee proposed to be charged under either such program may not exceed:

(A) An amount of $25 per year: Provided, That the Parkways Authority may adjust this amount every three years: Provided, however, That an increase in such amount may not exceed five percent of the amount at each adjustment; and

(B) A usage fee for the EZ Pass transponder, radio frequency identifying tag or other device issued by the Parkways Authority to participate in such program, which fee shall not exceed the actual cost of issuing such device;

(3) Issue any parkway revenue bond pursuant to section ten of this article or any parkway revenue refunding bond pursuant to sections twenty-one and twenty-two of this article which would require the Parkways Authority to increase or adjust rates, tolls, fees under any single fee program, or charges whether at the time of issuance of the bonds or at any time during the term of any bonds;

(4) Approve any contract or project which would require or result in an increase in the rates, tolls or charges along any portion of the parkway project or fees under any single fee

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program implemented in accordance with section six of this article; or

(5) Take any other action which would require or result in an increase in the rates, tolls or charges along any portion of the parkway project or fees under any single fee program implemented in accordance with section six of this article.

(b) The Parkways Authority shall publish notice of any proposed contract, project or bond which would require the Parkways Authority to fix any initial toll rates or charges or fees or result in an increase of any toll rates or charges or fees, along with the associated initial rate or fee and rate or fee increase, by a Class II legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code, published and of general circulation in each county which borders the parkway project or proposed parkway project affected by the proposed contract, project or bond.

(c) Once notice has been provided in accordance with the provisions of this section, the Parkways Authority shall conduct at least one public meeting at a reasonable time and location in any county which borders the parkway project or proposed parkway project affected by the proposed contract, project or bond, to allow interested members of the public an opportunity to ask questions and give written comments during the meeting respecting the proposed contract, project or bond which would require the Parkways Authority to fix any initial toll rates or charges or fees or result in an increase of any toll rates or charges or fees. Any citizen may also communicate by writing to the Parkways Authority his or her opposition to or approval of such proposal, initial rate or toll or fee, rate or toll or fee increase or amended bond terms. The public notice and written public comment period shall be conducted not less than forty-five days from the publication of the notice and the affected public must be provided with at least twenty days' notice of any scheduled public meeting.

(d) All studies, records, documents and other materials which were considered by the Parkways Authority before recommending the approval of any such project or recommending the adoption of any such initial rate or increase shall be made available for public inspection for a period of at least twenty days prior to the scheduled meeting at a convenient location in each county where a public meeting is held or online.

(e) Any final action taken by the Parkways Authority to approve or implement any proposed initial rate or fee, rate or fee increase, contract or project which would require or result in a proposed initial rate or toll or fee or a proposed increase of any rate or tolls along any portion of a parkway project or fee for any single fee program without first satisfying the public notice and meeting requirements of this section, shall be null and void.

(f) Nothing in this section shall be construed to permit or authorize the Parkways Authority to charge tolls or fees on any existing road without express legislative authorization for the charging of such tolls or fees: Provided, That an existing road does not include the West Virginia Turnpike, new lanes or new sections of an existing road, the replacement or construction of any bridge or tunnel, or related facilities.

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