WEST VIRGINIA CODE: §17-16A-5

§17-16A-5. Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Cost" means the cost of construction, reconstruction, maintenance, improvement, repair and operation of the project, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Parkways Authority or the Department of Transportation for such construction, reconstruction, maintenance, improvement and repair, the cost of all machinery, equipment, material and labor which are deemed essential thereto, the cost of improvements, the cost of financing charges, interest prior to and during construction and for one year after completion of construction, the cost of traffic estimates and of engineering, consultant, accounting, architects', trustees' and legal fees and expenses, plans, specifications, surveys, estimates of cost and of revenues, other costs and expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expenses and such other costs and expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation or to the operation of the project. Any obligation or expense hereafter incurred by the Department of Transportation with the approval of the Parkways Authority, regardless of whether the approval was authorized before or after the obligation or expense was incurred, for traffic surveys, borings, preparation of plans and specifications, and other engineering and consulting services in connection with the construction of a parkway project shall be regarded as a part of the cost of such project and may be reimbursed to the state out of the proceeds of parkway revenue bonds or revenue refunding bonds hereinafter authorized.

(b) "Department of Transportation" means the West Virginia Department of Transportation and each of its respective divisions and subordinate agencies, including, without limitation, the Division of Highways.

(c) "Economic development project" means any land or water site, structure, facility or equipment which the Parkways Authority may acquire, create, develop, construct, reconstruct, improve or repair, or previously may have acquired, created, developed, constructed, reconstructed, improved or repaired under the provisions of this article to promote the agricultural, economic or industrial development of the state, together with all property rights, easements and interests which may be acquired by the Parkways Authority for the development, construction or operation of such project.

(d) "Expressway" means any road serving major intrastate and interstate travel, including federal interstate routes.

WV Legislature

(e) “Feeder roads” means any road serving community-to-community travel or collects and feeds traffic to an expressway or turnpike.

(f) “Local service road” means any local arterialized and spur roads which provide land access and socioeconomic benefits to abutting properties.

(g) “Owner” means all individuals, co-partnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this article.

(h) “Park and forest roads” means any road serving travel within state parks, state forests and public hunting and fishing areas.

(i) “Parkways Authority” or “authority” means the West Virginia Parkways Authority, or if the Parkways Authority is abolished, the board, body, commission or authority succeeding to the principal functions thereof or to whom the powers given by this article to the Parkways Authority shall be given by law.

(j) “Parkway project” means any expressway, turnpike, bridge, tunnel, trunk line, feeder road, state local service road or park and forest road, or any portion or portions of any expressway, turnpike, trunk line, feeder road, state local service road or park and forest road, whether contiguous or noncontiguous to the West Virginia Turnpike or to any such portion or portions thereof, which the Parkways Authority or the Department of Transportation may acquire, construct, reconstruct, maintain, operate, improve, repair or finance under the provisions of this article, which shall include for all purposes of this article, any acquisition, construction, reconstruction, maintenance, operation, improvement, repair or financing that the authority may undertake by agreement with the Department of Transportation, or any expressway, turnpike or other road constructed by the West Virginia Turnpike Commission pursuant to the authority granted to it under the laws of this state prior to June 1, 1989, and shall embrace all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations and administration, storage and other buildings, which the Parkways Authority or the Department of Transportation may deem necessary for the operation of a parkway project, or which is used in the operation of a parkway project, together with all property, rights, easements and interests which may be acquired by the Parkways Authority or the Department of Transportation for the construction or the operation of a parkway project or which were acquired in connection with or are used in the operation of the turnpike or any other existing parkway project. A parkway project shall also include any enhancements or improvements to the turnpike or any parkway project, including, without limitation, projects involving lane widening, resurfacing, surface replacement, bridge replacement, bridge improvements and enhancements, other bridge work, drainage system improvements and enhancements, drainage system replacements, safety improvements and enhancements, and traffic flow improvements and enhancements, which have been recommended by the authority’s or the Department of Transportation’s consulting engineers or traffic engineers, or both.

WV Legislature

(k) “Project” or “projects” means a parkway project, economic development project or tourism project, or any combination thereof.

(l) “Public meeting” means a meeting designed to solicit input and provide information sufficient to allow the public to understand the scope and the costs of a particular project.

(m) “State Road Fund” means the State Road Fund created in article three, chapter seventeen of this code.

(n) “Transportation secretary” means the Secretary of the Department of Transportation.

(o) “Toll revenues” means any amount received by the Parkways Authority from any source as a fee for the right of transit over the West Virginia Turnpike or any other parkway project and any fees paid by owners of registered motor vehicles in the state or any other state collected pursuant to section seventeen, article ten, chapter seventeen-a of this code.

(p) “Tourism project” means:

(1) Any park or tourist facility and attraction which the Parkways Authority may create, develop, construct, reconstruct, improve, maintain or repair or may have previously created, developed, constructed, reconstructed, improved, maintained or repaired under the provisions of this article, and shall include all roads, interchanges, entrance plazas, approaches, service stations, administration, storage and any other buildings or service stations, structures which the Parkways Authority may deem necessary for the operation of the tourism project, together with all property rights, easements and interests which may be acquired by the Parkways Authority for the construction or operation of the tourism project; and

(2) The construction, reconstruction, improvement, maintenance and repair of any park or tourist facility and attraction owned by the state as of June 1, 1989.

(q) “Tourist facility and attraction” mean cabins, lodges, recreational facilities, restaurants and other revenue producing facilities, any land or water site, and any information center, visitors’ center or rest stop which the Parkways Authority determines may improve, enhance or contribute to the development of the tourism industry in the state.

(r) “Trunk line” means any road serving major city-to-city travel.

(s) “Turnpike” means the West Virginia Turnpike or any other toll road in the state.

(t) “West Virginia Turnpike Commission” means the State Turnpike Commission existing as of June 1, 1989.

(u) “West Virginia Turnpike” means the turnpike from Charleston to a point approximately one mile south of the intersection of Interstate 77 and U. S. Route 460 near Princeton in Mercer County, West Virginia, which road is presently a part of the Federal Interstate

WV Legislature

Highway System.

WV Legislature