

WEST VIRGINIA CODE: §17-27-2

§17-27-2. Definitions.

As used in this article, the following words and terms have the following meanings:

- (1) "Comprehensive agreement" means the comprehensive agreement by and between a developer and the division required by section nine of this article.
- (2) "Department" means the Department of Transportation.
- (3) "Developer" means the private entity that is responsible for the acquisition, construction or improvement of a qualifying transportation facility.
- (4) "Division" means the Division of Highways.
- (5) "Material default" means any default by the developer in the performance of its duties under subsection (f), section eight of this article that jeopardizes adequate service to the public from a qualifying transportation facility and remains unremedied after the division has provided notice to the developer and a reasonable cure period has elapsed.
- (6) "Private entity" means any natural person, corporation, limited liability company, partnership, joint venture or other private business entity.
- (7) "Public entity" means the State of West Virginia or any political subdivision thereof.
- (8) "Qualifying transportation facility" means one or more transportation facilities acquired, constructed or improved by a private entity pursuant to this article.
- (9) "Revenues" mean the user fees or service payments generated by a qualifying transportation facility.
- (10) "Service contract" means a contract entered into between a public entity and a developer pursuant to section six of this article.
- (11) "Service payments" mean payments to the developer of a qualifying transportation facility pursuant to a service contract.
- (12) "State" means the State of West Virginia.
- (13) "Transportation facility" means any public inland waterway port facility, road, bridge, tunnel, overpass or existing airport used for the transportation of persons or goods, and the structures, equipment, facilities or improvements necessary or incident thereto.
- (14) "User fees" mean the rates, tolls, fees or other charges imposed by the developer of a

qualifying transportation facility for use of all or a portion of the qualifying transportation facility pursuant to the comprehensive agreement.