WEST VIRGINIA CODE: §17-3A-4

§17-3A-4. Restrictions on use of fund.

(a) The fund may not be used for the adjustment of utilities or for the construction of industrial access roads to schools, hospitals, libraries, armories, shopping centers, apartment buildings, government installations, or similar facilities, whether public or private. The fund may not be used to construct industrial access roads on private property.

(b) Moneys from the fund may not be expended until the governing body of the county or municipality certifies to the Division of Highways that the industrial site is constructed and operating, or is under firm contract to be constructed or operated, or is an approved industrial development site as part of the West Virginia Business Ready Sites Program, as defined in §24-2-1n of this code, or upon the presentation of an acceptable surety or device in an amount equal to the estimated cost of the access road or that portion provided by the Division of Highways in accordance with §17-3A-1.

(c) Not more than $800,000 of unmatched moneys from the fund may be allocated for use in any one county or municipality in any fiscal year. The amount of unmatched funds allocated may be supplemented with additional matched moneys from the fund, in which case the matched moneys allocated from the fund may not exceed $300,000, to be matched equally from sources other than the fund.

(d) Funds may only be allocated to those items of construction and engineering which are essential to providing an adequate facility to serve the anticipated traffic. Funds may not be allocated for items such as storm sewers, curbs, gutters, and extra pavement width unless necessary to extend or connect an existing access road

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