WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 12

(By Mr. , Mr. President, and Mr. )

PASSED February 24, 1967

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-8-67
AN ACT to amend and reenact section eight, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, duties and responsibilities of the state road commissioner.

Be it enacted by the Legislature of West Virginia:

That section eight, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. STATE ROAD COMMISSIONER.


In addition to all other duties, powers and responsibili-
ties given and assigned to the commissioner in this chapter, the commissioner may:

(1) Exercise general supervision over the state road program and the construction, reconstruction, repair and maintenance of state roads and highways;

(2) Determine the various methods of road construction best adapted to the various sections and areas of the state and establish standards for the construction and maintenance of roads and highways therein;

(3) Conduct investigations and experiments, hold hearings and public meetings and attend and participate in meetings and conferences within and without the state for purposes of acquiring information, making findings and determining courses of action and procedure relative to advancement and improvement of the state road and highway system;

(4) Enter private lands to make inspections and surveys for road and highway purposes;

(5) Acquire, in name of the commission, by lease, grant, right of eminent domain or other lawful means, all lands and interests and rights in lands necessary and re-
quired for roads, rights of way, cuts, fills, drains, storage
for equipment and materials, and road construction and
maintenance in general;
(6) Procure photostatic copies of any or all public
records on file at the state capitol of Virginia which may
be deemed necessary or proper in ascertaining the loca-
tion and legal status of public road rights of way located
or established in what is now the state of West Virginia,
which photostatic copies, when certified by the commis-
sioner, may be admitted in evidence, in lieu of the orig-
inal, in any of the courts of this state;
(7) Plan for and hold annually a school of good roads,
of not less than three nor more than six days' duration,
for instruction of his employees, which school shall be
held in conjunction with West Virginia university and
may be held at the university or at any other suitable
place in the state;
(8) Negotiate and enter into reciprocal contracts and
agreements with proper authorities of other states and of
the United States relating to and regulating the use of
roads and highways with reference to weights and types
of vehicles, registration of vehicles and licensing of operators, military and emergency movements of personnel and supplies and all other matters of interstate or national interest;

(9) Classify and reclassify, locate and relocate, expressway, trunkline, feeder, and state local service roads, and designate by number the routes within the state road system;

(10) Create, extend or establish, upon petition of any interested party or parties or on the commissioner's own initiative, any new road or highway as may be found necessary and proper;

(11) Exercise jurisdiction, control, supervision and authority over local roads, outside the state road system, to the extent determined by him to be expedient and practicable;

(12) Discontinue, vacate and close any road or highway, or any part thereof, the continuance and maintenance of which are found unnecessary and improper, upon petition and hearing, or upon investigation initiated by the commissioner;
(13) Close any state road while under construction or repair and provide a temporary road during the time of such construction or repair;

(14) Adjust damages occasioned by construction, reconstruction or repair of any state road or the establishment of any temporary road;

(15) Establish and maintain a uniform system of road signs and markers;

(16) Fix standard widths for road rights of way, bridges and approaches thereto and to fix and determine grades and elevations therefor;

(17) Test and standardize materials used in road construction and maintenance, either by governmental testing and standardization activities or through contract by private agencies;

(18) Allocate the cost of retaining walls and drainage projects, for the protection of a state road or its right of way, to the cost of construction, reconstruction, improvement or maintenance;

(19) Acquire, establish, construct, maintain and operate, in the name of the commission, roadside recreational
areas along and adjacent to state roads and highways;

(20) Exercise general supervision over the construction and maintenance of airports and landing fields under the jurisdiction of the West Virginia state aeronautics commission, of which the commissioner is a member, and to make a study and general plan of a state-wide system of airports and landing fields;

(21) Provide traffic engineering services to municipalities of the state upon request of the governing body of any such municipality and upon such terms as may be agreeably arranged;

(22) Institute complaints before the public service commission or any other appropriate governmental agency relating to freight rates, car service and movement of road materials and equipment;

(23) Invoke any appropriate legal or equitable remedies to enforce his orders, to compel compliance with requirements of law and to protect and preserve the state road and highway system or any part thereof;

(24) Make and promulgate rules and regulations for the government and conduct of personnel, for the orderly
and efficient administration and supervision of the state road program and for the effective and expeditious performance and discharge of the duties and responsibilities placed upon him by law;

(25) Delegate powers and duties to his appointees and employees who shall act by and under his direction and be responsible to him for their acts;

(26) Designate and define such construction and maintenance districts within the state road system as may be found expedient and practicable;

(27) Contract for the construction, improvement and maintenance of the roads;

(28) Have authority to comply with provisions of present and future federal aid statutes and regulations, including execution of contracts or agreements with and cooperation in programs of the United States government and any proper department, bureau or agency thereof relating to plans, surveys, construction, reconstruction, improvement and maintenance of state roads and highways;

(29) Prepare budget estimates and requests;
(30) Establish a system of accounting covering and including all fiscal and financial matters of the commission;
(31) Have authority to establish and advance right of way acquisition revolving fund, a materials revolving fund and an equipment revolving fund;
(32) Enter into contracts and agreements with and to cooperate in programs of counties, municipalities and other governmental agencies and subdivisions of the state relating to plans, surveys, construction, reconstruction, improvement, maintenance and supervision of highways, roads, streets and other travel ways when and to the extent determined by the commission to be expedient and practical;
(33) Report, as provided by law, to the governor and the Legislature;
(34) Purchase materials, supplies and equipment required for the state road program and system;
(35) Dispose of all obsolete and unusable and surplus supplies and materials, which cannot be used advantageously and beneficially by the commission in the state road program, by transfer thereof to other governmental
agencies and institutions or by exchange, trade or sale thereof;

(36) Investigate road conditions, official conduct of commission personnel and fiscal and financial affairs of the commission and hold hearings and make findings thereon or on any other matters within the jurisdiction of the commission; and,

(37) Establish road policies and administrative practices.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompe
Chairman Senate Committee

Clayton C. Davis
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. Howard Negre
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard C. Cannon
President of the Senate

St. Laban White
Speaker House of Delegates

The within approved this the ___ day of March, 1967.

Nelle C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date  3-4-67

Time  11:10 Am