

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 12

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

PASSED February 24, 1967

In Effect from  Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-8-67

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Senate Bill No. 12

(By MR. CARSON, MR. PRESIDENT, AND MR. BARNETT)

[Passed February 24, 1937; in effect from passage.]

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.

§17-2A-8. Powers, Duties and Responsibilities of Commissioner.

In addition to all other duties, powers and responsibili-

2 ties given and assigned to the commissioner in this chap-
3 ter, the commissioner may:

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

7 (2) Determine the various methods of road construc-
8 tion best adapted to the various sections and areas of the
9 state and establish standards for the construction and
10 maintenance of roads and highways therein;

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

18 (4) Enter private lands to make inspections and sur-
19 veys for road and highway purposes;

20 (5) Acquire, in name of the commission, by lease,
21 grant, right of eminent domain or other lawful means, all
22 lands and interests and rights in lands necessary and re-

23 quired for roads, rights of way, cuts, fills, drains, storage
24 for equipment and materials, and road construction and
25 maintenance in general;

26 (6) Procure photostatic copies of any or all public
27 records on file at the state capitol of Virginia which may
28 be deemed necessary or proper in ascertaining the loca-
29 tion and legal status of public road rights of way located
30 or established in what is now the state of West Virginia,
31 which photostatic copies, when certified by the commis-
32 sioner, may be admitted in evidence, in lieu of the orig-
33 inal, in any of the courts of this state;

34 (7) Plan for and hold annually a school of good roads,
35 of not less than three nor more than six days' duration,
36 for instruction of his employees, which school shall be
37 held in conjunction with West Virginia university and
38 may be held at the university or at any other suitable
39 place in the state;

40 (8) Negotiate and enter into reciprocal contracts and
41 agreements with proper authorities of other states and of
42 the United States relating to and regulating the use of
43 roads and highways with reference to weights and types

44 of vehicles, registration of vehicles and licensing of oper-
45 ators, military and emergency movements of personnel
46 and supplies and all other matters of interstate or national
47 interest;

48 (9) Classify and reclassify, locate and relocate, ex-
49 pressway, trunkline, feeder, and state local service roads,
50 and designate by number the routes within the state road
51 system;

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

56 (11) Exercise jurisdiction, control, supervision and au-
57 thority over local roads, outside the state road system, to
58 the extent determined by him to be expedient and prac-
59 ticable;

60 (12) Discontinue, vacate and close any road or high-
61 way, or any part thereof, the continuance and mainte-
62 nance of which are found unnecessary and improper, upon
63 petition and hearing, or upon investigation initiated by
64 the commissioner;

65 (13) Close any state road while under construction or
66 repair and provide a temporary road during the time of
67 such construction or repair;

68 (14) Adjust damages occasioned by construction, re-
69 construction or repair of any state road or the establish-
70 ment of any temporary road;

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

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

76 (17) Test and standardize materials used in road con-
77 struction and maintenance, either by governmental test-
78 ing and standardization activities or through contract by
79 private agencies;

80 (18) Allocate the cost of retaining walls and drainage
81 projects, for the protection of a state road or its right of
82 way, to the cost of construction, reconstruction, improve-
83 ment or maintenance;

84 (19) Acquire, establish, construct, maintain and oper-
85 ate, in the name of the commission, roadside recreational

86 areas along and adjacent to state roads and highways;

87 (20) Exercise general supervision over the construc-
88 tion and maintenance of airports and landing fields under
89 the jurisdiction of the West Virginia state aeronautics
90 commission, of which the commissioner is a member, and
91 to make a study and general plan of a state-wide system
92 of airports and landing fields;

93 (21) Provide traffic engineering services to municipali-
94 ties of the state upon request of the governing body of
95 any such municipality and upon such terms as may be
96 agreeably arranged;

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

101 (23) Invoke any appropriate legal or equitable reme-
102 dies to enforce his orders, to compel compliance with re-
103 quirements of law and to protect and preserve the state
104 road and highway system or any part thereof;

105 (24) Make and promulgate rules and regulations for
106 the government and conduct of personnel, for the orderly

107 and efficient administration and supervision of the state
108 road program and for the effective and expeditious per-
109 formance and discharge of the duties and responsibilities
110 placed upon him by law;

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

114 (26) Designate and define such construction and main-
115 tenance districts within the state road system as may be
116 found expedient and practicable;

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

119 (28) Have authority to comply with provisions of
120 present and future federal aid statutes and regulations,
121 including execution of contracts or agreements with and
122 cooperation in programs of the United States government
123 and any proper department, bureau or agency thereof re-
124 lating to plans, surveys, construction, reconstruction, im-
125 provement and maintenance of state roads and highways;

126 (29) Prepare budget estimates and requests;

127 (30) Establish a system of accounting covering and in-
128 cluding all fiscal and financial matters of the commission;

129 (31) Have authority to establish and advance right of
130 way acquisition revolving fund, a materials revolving
131 fund and an equipment revolving fund;

132 (32) Enter into contracts and agreements with and to
133 cooperate in programs of counties, municipalities and
134 other governmental agencies and subdivisions of the state
135 relating to plans, surveys, construction, reconstruction,
136 improvement, maintenance and supervision of highways,
137 roads, streets and other travel ways when and to the
138 extent determined by the commission to be expedient and
139 practical;

140 (33) Report, as provided by law, to the governor and
141 the Legislature;

142 (34) Purchase materials, supplies and equipment re-
143 quired for the state road program and system;

144 (35) Dispose of all obsolete and unusable and surplus
145 supplies and materials, which cannot be used advantage-
146 ously and beneficially by the commission in the state road
147 program, by transfer thereof to other governmental

148 agencies and institutions or by exchange, trade or sale
149 thereof;

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

155 (37) Establish road policies and administrative prac-
156 tices.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard E. Cannon
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 8th
day of March, 1967.

Stewart C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3-4-67

Time 11:10 AM