

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 5

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

PASSED February 25, 1967

In Effect Jan Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-9-67

ENROLLED

Senate Bill No. 5

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

[Passed February 25, 1967; in effect from passage.]

AN ACT to repeal sections one, two, three and thirty-two, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections four, twenty-seven and twenty-eight of said article four; and to further amend said article four by adding thereto three new sections, designated sections one, two and three, all relating to providing for a functional classification of the roads of the state road system, defining the terms used in such classification, granting the state road commissioner power to classify and reclassify all roads in the state road system, directing the state road commissioner to plan this state's part in pro-

posed interstate and international highways and granting him permission to attend all meetings concerning the same and providing for roads in municipalities.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three and thirty-two, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections four, twenty-seven and twenty-eight of said article four be amended and reenacted; and that said article four be further amended by adding thereto three new sections, designated sections one, two and three, all to read as follows:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-1. Classification of state roads; control by county courts of roads, bridges and landings.

The state road system shall consist of roads functionally
2 classified into four categories as follows: (1) expressway;
3 (2) trunkline; (3) feeder; (4) state local service. The
4 authority and control over the state roads shall be vested
5 in the state road commissioner.

6 The county courts shall retain the superintendence and
7 administration of roads and bridges and landings that re-

8 main under their jurisdiction as provided in section one,
9 article ten of this chapter.

§17-4-2. Definitions.

The following meanings shall be ascribed to roads com-
2 prising the state road system which were designated as
3 primary roads until the effective date of this section:

4 (a) "Expressway".—Serves major intrastate and in-
5 terstate travel, including federal interstate routes.

6 (b) "Trunkline".—Serves major city to city travel.

7 The following meanings shall be ascribed to roads com-
8 prising the state road system which were designated as
9 secondary roads until the effective date of this section:

10 (a) "Feeder".—Serves community to community travel
11 and/or collects and feeds traffic to the higher systems.

12 (b) "State Local Service".—Localized arterial and spur
13 roads which provide land access and socio-economic bene-
14 fits to abutting properties.

§17-4-3. Duties of commissioner.

All roads in the state road system shall be classified by
2 the state road commissioner. Classification shall be ac-
3 cording to functional level of service, either as express-

4 way, trunkline, feeder, or state local service. The designa-
5 tion of a road as expressway, trunkline, feeder, or state
6 local service, shall be subject to change, however, when-
7 ever in the judgment of the commissioner altered con-
8 ditions require that a road be reclassified from one cate-
9 gory to another.

§17-4-4. Interstate and international highway planning.

The commissioner shall consider and plan the state's
2 part in any contemplated interstate or international sys-
3 tem of roads and highways, and may attend meetings and
4 conferences within and without the state for discussion
5 and planning of programs relating thereto.

**§17-4-27. Same—Control of connecting part of state road
system within municipalities.**

The state road commissioner shall exercise the same
2 control over connecting parts of the state road system in
3 municipalities, except the regulation of traffic, that he
4 exercises over such system generally, but he shall assume
5 no greater duty or obligation in the construction, recon-
6 struction and maintenance of streets which are part of
7 the state road system than he is required to assume in the

8 case of state roads outside of municipalities. In order,
9 however, to promote the safe and efficient utilization of
10 such streets, the location, form and character of infor-
11 mational, regulatory and warning signs, curb and pave-
12 ment or other markings, and traffic signals installed or
13 placed by any municipality on any highway or street
14 hereafter constructed with state or federal aid shall be
15 subject to the approval of the state road commissioner.

**§17-4-28. Same—Notice and laying of necessary pipes, etc.,
before reconstruction within municipality.**

Before the state road commissioner shall construct, re-
2 construct, improve or repair a section of the state road
3 system within a municipality he shall, where the road is
4 an “expressway” or “trunkline”, and he may, where said
5 road is a “feeder” or “state local service” road, give the
6 municipality a notice of such proposed construction, re-
7 construction, improvement, and repair, and shall likewise
8 give notice to all public service companies and public
9 utilities of such proposed work. Upon receipt of such
10 notice, the municipality shall by ordinance compel all
11 abutting property owners to lay all necessary pipe and

12 to make necessary connections along, in, under, and
13 through the said section of said road before the construc-
14 tion, reconstruction, improvement, or repair is started.
15 All public service companies and public utilities receiving
16 notice from said state road commissioner shall also lay
17 all necessary pipe and make necessary connections along,
18 in, under, and through said section of said road before the
19 construction, reconstruction, improvement, or repair is
20 started.

21 Should any person, firm, association, or corporation, in-
22 cluding municipal corporation, fail or neglect to make all
23 such necessary repairs and connections within a reason-
24 able time after the enactment of such ordinance or the
25 service of notice on them by the state road commissioner,
26 then the said state road commissioner may lay such pipe
27 and make such connections and the cost and expenses of
28 laying such pipe and making such connections shall be
29 chargeable to the person, firm, association, or corporation
30 who shall have failed or refused to lay such pipe and make
31 such connections, and the state road commissioner shall
32 collect all of such necessary costs and expenses from the

33 person, firm, association, or corporation, who shall have
34 so failed, refused or neglected to perform such work, by
35 proper action in any court having jurisdiction thereof.
36 However, the cost and expenses shall not be chargeable
37 against any municipality to the extent that the same
38 would impose an indebtedness against any municipality
39 in excess of the amount allowed by law.

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

William Tompo
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Kamm
President of the Senate

N. Laban White
Speaker House of Delegates

The within *approved* this the *9*
day of *March*, 1967.

Hullett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date

3/7/67

Time

1:40pm