

Feb 13 5 25 AM '70

WEST VIRGINIA LEGISLATURE  
STATE HOUSE  
CHARLESTON, WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1970**

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**ENROLLED**

SENATE BILL NO. 18

(By Mr. Carrigan)

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PASSED February 10, 1970

In Effect Ninety days from Passage

FILED IN THE OFFICE  
JOHN D. BONEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 2-13-70

18

**ENROLLED**  
**Senate Bill No. 18**  
**(By MR. CARRIGAN)**

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[Passed February 10, 1970; in effect ninety days from passage.]

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AN ACT to amend and reenact section seventeen-b, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the relocation of public utility facilities to accommodate federal aid highway projects.

*Be it enacted by the Legislature of West Virginia:*

That section seventeen-b, article four, 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 4. STATE ROAD SYSTEM.**

**§17-4-17b. Relocation of public utility lines to accommodate federal aid highway projects.**

- 1 Whenever the state road commissioner shall determine
- 2 that any public utility line or facility located upon, across

3 or under any portion of a state highway shall be relocated  
4 in order to accommodate a federal aid interstate or Ap-  
5 palachian highway project, and upon such determination  
6 and due notice thereof, the public utility owning or operat-  
7 ing such facility shall relocate the same in accordance with  
8 the order of the commissioner; then the cost of such re-  
9 location shall be paid out of the state road fund in all cases  
10 involving the interstate or the Appalachian system where  
11 proportionate reimbursement of such cost shall be ob-  
12 tained by the state road commissioner from the United  
13 States pursuant to the "Federal Aid Highway Act of 1956"  
14 or the "Appalachian Regional Development Act of 1965",  
15 as amended, and all acts amendatory or supplementary  
16 thereto: *Provided*, That the cost of any relocation of muni-  
17 cipally owned utility facilities and water or sanitary dis-  
18 tricts or authorities shall be paid out of state road funds  
19 in any case involving any federal aid system where pro-  
20 portionate reimbursement of such cost shall be obtained  
21 by the state road commissioner from the United States.  
22 For the purposes of this section, the term, "cost of re-  
23 location", shall include the entire amount paid by such

24 utility, exclusive of any right-of-way costs incurred by  
25 such utility, properly attributable to such relocation after  
26 deducting therefrom any increase in the value of the new  
27 facility and salvage value derived from the old facility.

28 The cost of relocating utility facilities, as defined herein,  
29 in connection with any federal aid interstate or Appa-  
30 lachian highway project is hereby declared to be a cost  
31 of highway construction.



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

*William Tongue*  
-----  
Chairman Senate Committee

*Clayton C. Davidson*  
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Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*J. Howard Muse*  
-----  
Clerk of the Senate

*C. A. Blankenship*  
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Clerk of the House of Delegates

*Byrd DeLoach*  
-----  
President of the Senate

*Tom F. Brumby*  
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Speaker House of Delegates

The within *approved* this the *12th*  
day of *February*, 1970.

*Arch A. Shawe, Jr.*  
-----  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/12/70

Time 2:00 p.m.