

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 349

(By Mr. BROTHERTON, MR. PRESIDENT
AND MR. HUBBARD)

PASSED April 11, 1973

In Effect 90 Days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

349

ENROLLED

Senate Bill No. 349

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

[Passed April 11, 1973; in effect ninety days 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 commissioner of highways.

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. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-8. Powers, duties and responsibilities of commissioner.

1 In addition to all other duties, powers and responsibilities
2 given and assigned to the commissioner in this chapter, the
3 commissioner may:

4 (1) Exercise general supervision over the state road pro-
5 gram and the construction, reconstruction, repair and main-
6 tenance of state roads and highways;

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

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

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

20 (5) Acquire, in name of the department, by lease, grant,
21 right of eminent domain or other lawful means, all lands
22 and interests and rights in lands necessary and required
23 for roads, rights-of-way, cuts, fills, drains, storage for equip-
24 ment and materials, and road construction and mainten-
25 ance 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 original,
33 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 or more than six days' duration, for
36 instruction of his employees, which school shall be held in
37 conjunction with West Virginia University and may be held
38 at the university or at any other suitable place in the state;

39 (8) Negotiate and enter in reciprocal contracts and agree-
40 ments with proper authorities of other states and of the
41 United States relating to and regulating the use of roads
42 and highways with reference to weights and types of ve-
43 hicles, registration of vehicles and licensing of operators,
44 military and emergency movements of personnel and sup-
45 plies and all other matters of interstate or national interest;

46 (9) Classify and reclassify, locate and relocate, express-
47 way, trunkline, feeder and state local service roads, and
48 designate by number the routes within the state road
49 system;

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

54 (11) Exercise jurisdiction, control, supervision and autho-
55 rity over local roads, outside the state road system, to the
56 extent determined by him to be expedient and practicable;

57 (12) Discontinue, vacate and close any road or highway,
58 or any part thereof, the continuance and maintenance of

59 which are found unnecessary and improper, upon petition
60 and hearing, or upon investigation initiated by the com-
61 missioner;

62 (13) Close any state road while under construction or
63 repair and provide a temporary road during the time of
64 such construction or repair;

65 (14) Adjust damages occasioned by construction, re-
66 construction or repair of any state road or the establishment
67 of any temporary road;

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

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

73 (17) Test and standardize materials used in road con-
74 struction and maintenance, either by governmental testing
75 and standardization activities or through contract by private
76 agencies;

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

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

84 (20) Exercise general supervision over the construction
85 and maintenance of airports and landing fields under the
86 jurisdiction of the West Virginia state aeronautics com-
87 mission, of which the commissioner is a member, and
88 make a study and general plan of a state-wide system of
89 airports and landing fields;

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

94 (22) Institute complaints before the public service com-
95 mission or any other appropriate governmental agency re-
96 lating to freight rates, car service and movement of road
97 materials and equipment;

98 (23) Invoke any appropriate legal or equitable reme-

99 dies to enforce his orders, to compel compliance with re-
100 quirements of law and to protect and preserve the state road
101 and highway system or any part thereof;

102 (24) Make and promulgate rules and regulations for
103 the government and conduct of personnel, for the orderly
104 and efficient administration and supervision of the state
105 road program and for the effective and expeditious perfor-
106 mance and discharge of the duties and responsibilities
107 placed upon him by law;

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

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

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

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

123 (29) Prepare budget estimates and requests;

124 (30) Establish a system of accounting covering and in-
125 cluding all fiscal and financial matters of the department;

126 (31) Have authority to establish and advance a right-
127 of-way acquisition revolving fund, a materials revolving
128 fund and an equipment revolving fund;

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

136 (33) Report, as provided by law, to the governor and
137 the Legislature;

- 138 (34) Purchase materials, supplies and equipment re-
139 quired for the state road program and system;
- 140 (35) Dispose of all obsolete and unusable and surplus
141 supplies and materials, which cannot be used advanta-
142 geously and beneficially by the department in the state
143 road program, by transfer thereof to other governmental
144 agencies and institutions by exchange, trade or sale thereof;
- 145 (36) Investigate road conditions, official conduct of
146 department personnel and fiscal and financial affairs of the
147 department and hold hearings and make findings thereon
148 or on any other matters within the jurisdiction of the
149 department;
- 150 (37) Establish road policies and administrative practices;
151 and
- 152 (38) Take actions necessary to alleviate such conditions
153 as the governor may declare to constitute an emergency,
154 whether or not the emergency condition affects areas
155 normally under the jurisdiction of the department of high-
156 ways.

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

W. Darrel Darby
Chairman Senate Committee

Lawrence C. Christensen Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard McCason
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

H. J. B. [Signature]
President of the Senate

Levin J. [Signature]
Speaker House of Delegates

The within approved this the 24th
day of April, 1973.

Anna Thase Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

MAY 3 9 35 AM '73

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA