WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 349

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

PASSED _______ APRIL 14, _______ 1973

In Effect _90_ DAYS FROM Passage

349
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.


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

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

7 (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;

11 (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;
Enter private lands to make inspections and surveys for road and highway purposes;

(5) Acquire, in name of the department, by lease, grant, right of eminent domain or other lawful means, all lands and interests and rights in lands necessary and required 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 location 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 commissioner, may be admitted in evidence, in lieu of the original, in any of the courts of this state;

(7) Plan for and hold annually a school of good roads, of not less than three or 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 in 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 com-
mmissioner;

(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, re-
construction or repair of any state road or the establish-ment
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 fix and determine grades
and elevations therefor;

(17) Test and standardize materials used in road con-
struction 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, improve-
ment or maintenance;

(19) Acquire, establish, construct, maintain and operate,
in the name of the department, 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 com-
mission, of which the commissioner is a member, and
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 com-
mission or any other appropriate governmental agency re-
lying to freight rates, car service and movement of road
materials and equipment;

(23) Invoke any appropriate legal or equitable reme-
(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 department;

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

(32) Enter into contracts and agreements with and 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 department 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 department in the state road program, by transfer thereof to other governmental agencies and institutions by exchange, trade or sale thereof;

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

(37) Establish road policies and administrative practices;

and

(38) Take actions necessary to alleviate such conditions as the governor may declare to constitute an emergency, whether or not the emergency condition affects areas normally under the jurisdiction of the department of highways.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

T. Darrel Darby  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clayton R. Carson  
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within appeared this the 24th day of April, 1973.  
Andrew S. Carnahan  
Governor
PRESENTED TO THE GOVERNOR

Date 4/24/73
Time 2:34 p.m.