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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

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ENROLLED

SENATE BILL NO. 326

(By Mr. Ernest A. Tamm and Mr. Johnson)

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PASSED April 12 1975

In Effect ninty days from Passage

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FILED IN THE OFFICE  
JAMES R. McCARTNEY  
SECRETARY OF STATE

THIS DATE 4-19-75

**ENROLLED**

**Senate Bill No. 326**

(By MR. BROTHERTON, MR. PRESIDENT, and MR. ROGERSON)

[Passed April 12, 1975; in effect ninety days from passage.]

AN ACT to amend article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a, relating to the readjustment, removal, relocation, change in or alteration of a public utility line or facility to accommodate an urban redevelopment or slum clearance project; providing that the cost thereof shall be borne by the urban renewal authority or other public body causing the same; specifying the elements of cost thereof to be included in determining the cost to be borne by such urban renewal authority or other public body; providing that such cost shall be considered to be a cost of a federal-aid urban redevelopment or slum clearance project; and specifying that the provisions of such section shall not be applicable to any project for which an application for federal funding shall have been made prior to the effective date of such section.

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

That article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-a, to read as follows:

**ARTICLE 18. SLUM CLEARANCE.**

**§16-18-8a. Relocation of public utility lines or facilities to accommodate urban redevelopment or slum clearance projects.**

- 1 In the event any urban renewal authority or other
- 2 public body shall determine that any public utility line

3 or facility located upon, across or under any portion of  
4 a street, avenue, highway, road or other public place  
5 or way shall be temporarily or permanently readjusted,  
6 removed, relocated, changed in grade or otherwise altered  
7 (each and all hereinafter for convenience referred to as  
8 "relocation") in order to accommodate any urban redevel-  
9 opment or slum clearance project undertaken pursuant  
10 to the provisions of this article, the cost of such relocation  
11 shall be borne by the urban renewal authority or other  
12 public body making the same necessary.

13 For purposes of this section, the term "cost of reloca-  
14 tion" shall include the entire amount paid by such utility,  
15 exclusive of any right-of-way costs incurred by such  
16 utility, properly attributable to such relocation after de-  
17 ducting therefrom any increase in the value of the new  
18 line or facility and salvage derived from the old line or  
19 facility.

20 The cost of relocating utility lines or facilities, as de-  
21 fined herein, in connection with any federal-aid urban  
22 redevelopment or slum clearance project is hereby de-  
23 clared to be a cost of such project.

24 Under no circumstances whatever shall the foregoing  
25 provisions of this section be applicable to any conven-  
26 tional urban renewal project, urban redevelopment or  
27 slum clearance project or neighborhood development  
28 project for which an application for federal funding shall  
29 have been made prior to the effective date of this section.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Christian, Jr.*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*J. C. O'Connell*  
Clerk of the Senate

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

*W. A. Brotherton*  
President of the Senate

*Lucius N. McManus*  
Speaker House of Delegates

The within *approved* this the *18th*  
day of *April*, 1975

*Arch A. Moore, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

te 4/18/75  
e 1:55 p.m.