WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

HOUSE BILL No. 2032

(By Mr. Speaker, Mr. Lee)

Passed March 12, 1983

In Effect Ninety Days From Passage
AN ACT to amend and reenact section six, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring the governor to determine the location of the principal office of the railroad maintenance authority.

Be it enacted by the Legislature of West Virginia:

That section six, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. WEST VIRGINIA RAILROAD MAINTENANCE AUTHORITY.


The West Virginia railroad maintenance authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purpose.

(a) The authority shall have the power and capacity to:

(1) Adopt, and from time to time, amend and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules and regulations to implement and make effective its powers and duties, such rules and regulations to be promulgated in accordance with the provisions of chapter twenty-nine-a of this code.
(2) Adopt an official seal.

(3) Maintain a principal office and, if necessary, regional suboffices at locations properly designated or provided.

(4) Sue and be sued in its own name and plead and be impleaded in its own name, and particularly to enforce the obligations and covenants made under sections ten, eleven and sixteen of this article. Any actions against the authority shall be brought in the circuit court of Kanawha County. The location of the principal office of the authority shall be determined by the governor.

(5) Make loans and grants to governmental agencies and persons for carrying out railroad projects by any such governmental agency or person and, in accordance with chapter twenty-nine-a of this code, adopt rules and procedures for making such loans and grants.

(6) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to, or contract for operation by a governmental agency or person, railroad projects, and, in accordance with chapter twenty-nine-a of this code, adopt rules and regulations for the use of such projects.

(7) Make available the use or services of any railroad project to one or more persons, one or more governmental agencies, or any combination thereof.

(8) Issue railroad maintenance authority bonds and notes and refunding bonds of the state, payable solely from revenues as provided in section ten of this article unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost of one or more railroad projects or parts thereof.

(9) Acquire, by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties as set forth in this article.

(10) Acquire in the name of the state, by purchase or otherwise, on such terms and in such manner as it deems proper, or by the exercise of the right of eminent domain in the manner provided in chapter fifty-four of this code, rail
properties and appurtenant rights and interests necessary for
carrying out railroad projects.

(11) Make and enter into all contracts and agreements
and execute all instruments necessary or incidental to the
performance of its duties and the execution of its powers.
When the cost under any such contract or agreement, other
than compensation for personal services, involves an ex-
penditure of more than two thousand dollars, the authority
shall make a written contract with the lowest responsible
bidder after public notice published as a Class II legal ad-
vertisement in compliance with the provisions of article three,
chapter fifty-nine of this code, the publication area for such
publication to be the county wherein the work is to be
performed or which is affected by the contract, which notice
shall state the general character of the work and the general
character of the materials to be furnished, the place where
plans and specifications therefor may be examined and the
time and place of receiving bids, but a contract or lease for
the operation of a railroad project constructed and owned
by the authority or an agreement for cooperation in the
acquisition or construction of a railroad project pursuant to
section sixteen of this article is not subject to the foregoing
requirements and the authority may enter into such contract
or lease or such agreement pursuant to negotiation and upon
such terms and conditions and for such period as it finds to be
reasonable and proper under the circumstances and in the best
interests of proper operation or of efficient acquisition or con-
struction of such railroad project. The authority may reject
any and all bids. A bond with good and sufficient surety,
approved by the authority, shall be required of all con-
tractors in an amount equal to at least fifty percent of the
contract price, conditioned upon the faithful performance of
the contract.

(12) Appoint a director and employ managers, superin-
tendents and other employees and retain or contract with
consulting engineers, financial consultants, accountants. at-
torneys and such other consultants and independent contractors
as are necessary in its judgment to carry out the provisions
of this article, and fix the compensation or fees thereof. All
expenses thereof shall be payable from the proceeds of rail-
road maintenance authority revenue bonds or notes issued
by the authority, from revenues and funds appropriated for
such purpose by the Legislature or from grants from the
federal government which may be used for such purpose.

(13) Receive and accept from any state or federal agency,
grants for or in aid of the construction of any railroad
project or for research and development with respect to
railroads and receive and accept aid or contributions from
any source of money, property, labor or other things of
value, to be held, used and applied only for the purposes for
which such grants and contributions are made.

(14) Engage in research and development with respect to
railroads.

(15) Purchase fire and extended coverage and liability
insurance for any railroad project and for the principal
office and suboffices of the authority, insurance protecting
the authority and its officers and employees against liability,
if any, for damage to property or injury to or death of persons
arising from its operations and be a member of, and to partici-
pate in, the state workmen's compensation program.

(16) Charge, alter and collect rates, rentals and other
charges for the use or services of any railroad project as
provided in this article.

(17) Do all acts necessary and proper to carry out the
powers expressly granted to the authority in this article.

(b) In addition, the authority shall have the power to:

(1) Acquire rail properties both within and not within the
jurisdiction of the interstate commerce commission and rail
properties within the purview of the federal Regional Rail
Reorganization Act of 1973, any amendments to it and
any other relevant federal legislation.

(2) Enter into agreements with owners of rail properties
for the acquisition of rail properties or use or both of
rail properties upon such terms, conditions, rates or rentals
as can best effectuate the purposes of this article.
(3) Acquire rail properties and other property of a railroad in concert with another state or states as is necessary to ensure continued rail service in this state.

(4) Establish a state plan for rail transportation and local rail services.

(5) Administer and coordinate such state plan.

(6) Provide in such state plan for the equitable distribution of federal rail service continuation subsidies among state, local and regional transportation authorities.

(7) Promote, supervise and support safe, adequate and efficient rail services.

(8) Employ sufficient trained and qualified personnel for these purposes.

(9) Maintain adequate programs of investigation, research, promotion and development in connection with such purposes and to provide for public participation therein.

(10) Provide satisfactory assurances on behalf of the state that fiscal control and fund accounting procedures will be adopted by the state necessary to assure proper disbursement of and accounting for federal funds paid to the state as rail service continuation subsidies.

(11) Comply with the regulations of the secretary of transportation of the United States department of transportation affecting federal rail service continuation programs.

(12) Do all things otherwise necessary to maximize federal assistance to the state under Title IV of the federal Regional Rail Reorganization Act of 1973 and to qualify for rail service continuation subsidies pursuant to the federal Regional Rail Reorganization Act of 1973.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 26
day of , 1983.

Governor