

No: 2032

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

Date 3-26-83

MAR 24 3 46 PM '83

OFFICE OF THE GOVERNOR

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



ENROLLED

H. B. 2032

(By MR. SPEAKER, MR. SEE)

[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.

§29-18-6. Powers, duties and responsibilities of authority generally.

1 The West Virginia railroad maintenance authority is here-
2 by granted, has and may exercise all powers necessary or
3 appropriate to carry out and effectuate its corporate purpose.

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

5 (1) Adopt, and from time to time, amend and repeal bylaws
6 necessary and proper for the regulation of its affairs and the
7 conduct of its business and rules and regulations to implement
8 and make effective its powers and duties, such rules and regula-
9 tions to be promulgated in accordance with the provisions
10 of chapter twenty-nine-a of this code.

11 (2) Adopt an official seal.

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

14 (4) Sue and be sued in its own name and plead and be im-
15 pleaded in its own name, and particularly to enforce the obliga-
16 tions and covenants made under sections ten, eleven and six-
17 teen of this article. Any actions against the authority shall be
18 brought in the circuit court of Kanawha County. The location
19 of the principal office of the authority shall be determined by
20 the governor.

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

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

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

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

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

43 (10) Acquire in the name of the state, by purchase or
44 otherwise, on such terms and in such manner as it deems
45 proper, or by the exercise of the right of eminent domain in
46 the manner provided in chapter fifty-four of this code, rail

47 properties and appurtenant rights and interests necessary for
48 carrying out railroad projects.

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

80 (12) Appoint a director and employ managers, superin-
81 tendents and other employees and retain or contract with
82 consulting engineers, financial consultants, accountants, at-
83 torneys and such other consultants and independent contractors
84 as are necessary in its judgment to carry out the provisions
85 of this article, and fix the compensation or fees thereof. All

86 expenses thereof shall be payable from the proceeds of rail-
87 road maintenance authority revenue bonds or notes issued
88 by the authority, from revenues and funds appropriated for
89 such purpose by the Legislature or from grants from the
90 federal government which may be used for such purpose.

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

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

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

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

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

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

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

118 (2) Enter into agreements with owners of rail properties
119 for the acquisition of rail properties or use or both of
120 rail properties upon such terms, conditions, rates or rentals
121 as can best effectuate the purposes of this article.

122 (3) Acquire rail properties and other property of a rail-
123 road in concert with another state or states as is necessary
124 to ensure continued rail service in this state.

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

127 (5) Administer and coordinate such state plan.

128 (6) Provide in such state plan for the equitable dis-
129 tribution of federal rail service continuation subsidies among
130 state, local and regional transportation authorities.

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

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

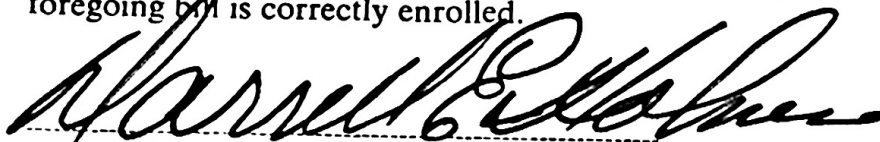
135 (9) Maintain adequate programs of investigation, re-
136 search, promotion and development in connection with such
137 purposes and to provide for public participation therein.

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

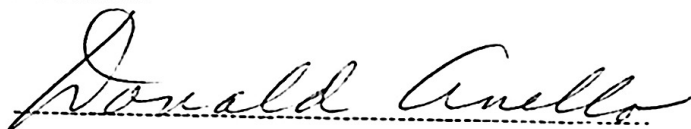
143 (11) Comply with the regulations of the secretary of
144 transportation of the United States department of transporta-
145 tion affecting federal rail service continuation programs.

146 (12) Do all things otherwise necessary to maximize federal
147 assistance to the state under Title IV of the federal Regional
148 Rail Reorganization Act of 1973 and to qualify for rail service
149 continuation subsidies pursuant to the federal Regional Rail
150 Reorganization Act of 1973.

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



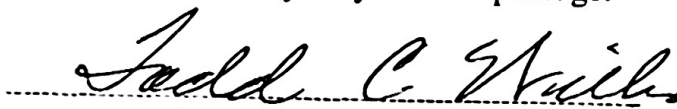
Chairman Senate Committee



Chairman House Committee

Originating in the House.

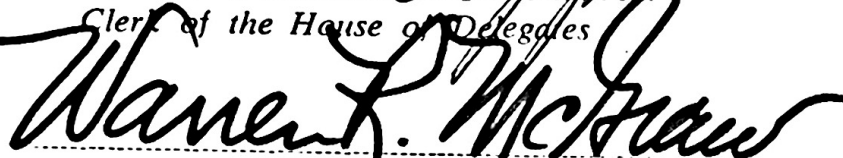
Takes effect ninety days from passage.



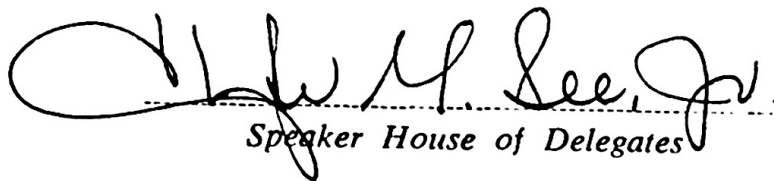
Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker House of Delegates

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



Governor



RECEIVED

83 MAR 28 P 4: 16

OFFICE
SECY. OF STATE

✓