WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

E N R O L L E D

Com. Sub. for

HOUSE BILL No. 2327

(By Mr. Speaker, Mr. Chambers, and Del. R. Bird.)

[By Request of the Executive]

Passed April 8, 1989

In Effect June 1, 1989

Passed
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2327
(By Mr. Speaker, Mr. Chambers, and Delegate R. Burk)
[By Request of the Executive]

[Passed April 8, 1989; in effect June 1, 1989.]

AN ACT to amend and reenact article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; all relating to the West Virginia parkways, economic development and tourism authority; dissolving and terminating the West Virginia turnpike commission as of the first day of June, one thousand nine hundred eighty-nine and creating as of the same date the West Virginia parkways, economic development and tourism authority; amending and reenacting existing provisions relating to turnpike commission; providing for construction, operation and financing of parkway, economic development and tourism projects; declaring construction of modern highways and promotion and enhancement of tourism and economic development in state as goals of authority, including, but not limited to, development, construction, improvement and enhancement of state parks and tourist facilities and attractions; providing that bonds issued by authority not debt of state or any political subdivision thereof; providing for composition of authority, terms of members and procedural matters relating thereto; transferring powers, obligations, liabilities, duties, functions, personnel, property and
other assets of turnpike commission to authority; defining certain terms used in article; setting forth powers of authority including, but not limited to, power to issue revenue and revenue refunding bonds to finance projects, to construct, reconstruct, improve, repair, maintain and operate projects, to fix and revise tolls, rents, fees and other charges, and to make and enter into contracts and agreements necessary or incidental to the performance of its duties; authorizing construction of grade separations at intersection of any project; authorizing acquisition of land, property, rights and other interests in land as authority may deem necessary; authorizing condemnation proceedings in certain circumstances; authorizing issuance of revenue bonds generally for purposes of paying all or any part of cost of projects, and specifying form and terms thereof and rights of holders thereof; authorizing issuance of revenue bonds to pay cost of West Virginia turnpike, including repayment to state of funds owed to it in connection with upgrading turnpike to federal interstate standards and, to the extent permitted by federal law, paying all or any part of the cost of related parkway projects, and limiting issuance of such bonds to an aggregate principal amount of eighty-three million dollars; specifying uses of bond proceeds; providing that bonds may be secured by trust agreement with any trust company and certain banks; providing that authority may fix, revise, charge and collect tolls, rents, fees, charges and other revenues and requiring competitive bidding on certain contracts; exempting authority from payment of taxes; designating all money received by authority as trust funds; setting forth bondholder and trustee remedies; requiring that all private property damaged or destroyed by authority be repaired or restored by authority from its funds; authorizing commissioner of highways department to expend funds to study feasibility of projects and reimbursing commissioner from bond proceeds; establishing penalty for defrauding authority; providing for cessation of tolls under certain circumstances; requiring removal of certain tolls on turnpike by specified date; providing that parkway projects shall constitute part of state road
system; authorizing issuance of revenue refunding bonds generally to refund outstanding bonds of authority and, if deemed advisable by authority, to pay all or any part of the cost of new project or projects, and to repay to state funds owed to it in connection with upgrading turnpike to federal interstate standards, and providing form and terms thereof and rights of holders thereof; authorizing issuance of special revenue refunding bonds in an aggregate principal amount not to exceed sixty million dollars to eliminate outstanding debt on West Virginia turnpike and, to the extent permissible under federal law, to pay all or any part of the cost of additional parkway projects or to repay to state funds owed to it in connection with upgrading turnpike to federal interstate standards; establishing special highway fund, to be separate and distinct from state road fund and general revenues, consisting of funds disbursed by the authority to department of highways in repayment of state funds used to upgrade West Virginia turnpike, and all appropriations, grants, gifts and other contributions to fund, and all interest earned on moneys held in fund; authorizing governor to transfer up to thirty-five million dollars from special highway fund to economic development authority insurance fund, and specifying that balance of special highway fund to be subject to legislative appropriation; providing that act to be deemed to provide additional and alternative methods for accomplishing purposes thereof; authorizing issuance of special obligation bonds; requiring preparation of annual report of financial condition and operations; providing for development of exit awareness signs; providing severability clause; and providing effective date of first day of June, one thousand nine hundred eighty-nine.

Be it enacted by the Legislature of West Virginia:

That article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY.

§17-16A-1. Constructing, operating, financing, etc.,
parkway, economic development and tourism projects.

In order to remove the present handicaps and hazards on the congested highways and roads in the state of West Virginia, to facilitate vehicular traffic throughout the state, to promote and enhance the tourism industry and to develop and improve tourist facilities and attractions in the state, to promote the agricultural, economic and industrial development of the state, and to provide for the construction of modern express highways including center divisions, ample shoulder widths, long sight distances, the bypassing of cities, multiple lanes in each direction and grade separations at all intersections with other highways and railroads, to provide for the development, construction, improvement and enhancement of state parks, tourist facilities and attractions, and to provide for the improvement and enhancement of state parks presently existing, the West Virginia parkways, economic development and tourism authority (hereinafter created) is hereby authorized and empowered to construct, reconstruct, improve, maintain, repair and operate parkway projects, economic development projects and tourism projects (as those terms are hereinafter defined in section five of this article) at such locations as shall be approved by the state department of transportation, and to issue parkway revenue bonds of the state of West Virginia, payable solely from revenues, to pay the cost of such projects.

§17-16A-2. Parkway revenue bonds and revenue refunding bonds not debt of state or political subdivisions; statement on bonds.

1 Parkway revenue bonds and revenue refunding bonds issued under the provisions of this article shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such parkway revenue bonds and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the state nor any political subdivision
11 thereof shall be obligated to pay the same or the interest
12 thereon except from revenues of the project or projects
13 for which they are issued and that neither the faith and
14 credit nor the taxing power of the state or any political
15 subdivision thereof is pledged to the payment of the
16 principal of or the interest on such bonds.

§17-16A-3. Dissolution and termination of West Virginia
1 turnpike commission; West Virginia parkways, economic development and tourism
2 authority generally.
3 On and after the first day of June, one thousand nine
4 hundred eighty-nine, the West Virginia turnpike
5 commission is hereby abolished in all respects, and there
6 is hereby created the “West Virginia Parkways, Eco-
7 nomic Development and Tourism Authority,” and by
8 that name the parkways authority may sue and be sued
9 and plead and be impleaded. The parkways authority is
10 hereby constituted an agency of the state, and the
11 exercise by the parkways authority of the powers
12 conferred by this article in the construction, reconstruc-
13 tion, improvement, operation and maintenance of
14 parkway, economic development and tourism projects
15 shall be deemed and held to be an essential governmen-
16 tal function of the state.

15 The West Virginia parkways, economic development
16 and tourism authority shall consist of seven members,
17 including the transportation secretary, who shall serve
18 as chairman of the parkways authority, and six
19 members, including no less than one from each of the
20 counties which have land bordering parkway projects,
21 appointed by the governor, by and with the advice and
22 consent of the Senate. The appointed members shall be
23 residents of the state, and shall have been qualified
24 electors therein for a period of at least one year next
25 preceding their appointment. Upon the effective date of
26 this legislation, the governor shall forthwith appoint six
27 members of the parkways authority for staggered
28 terms. The terms of the parkways authority members
29 first taking office on or after the effective date of this
30 legislation shall expire as designated by the governor at
31 the time of the nomination, one at the end of the first
year, one at the end of the second year, one at the end of the third year, one at the end of the fifth year, one at the end of the sixth year, and one at the end of the seventh year, after the first day of June, one thousand nine hundred eighty-nine. As these original appointments expire, each subsequent appointment shall be for a full eight-year term. Any member whose term has expired shall serve until his successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any member shall be eligible for reappointment. The term of any person serving as a member of the West Virginia turnpike commission immediately preceding the effective date of this legislation shall cease and otherwise expire upon such effective date: Provided, That any such member shall be eligible for reappointment. Each appointed member of the parkways authority before entering upon his duties shall take an oath as provided by section five of article IV of the Constitution of the state of West Virginia.

The parkways authority shall elect one of the appointed members as vice chairman, and shall also elect a secretary and treasurer who need not be members of the parkways authority. Four members of the parkways authority shall constitute a quorum and the vote of a majority of members present shall be necessary for any action taken by the parkways authority. No vacancy in the membership of the parkways authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the parkways authority. The parkways authority shall meet at least monthly and either the chairman or any four members shall be empowered to call special meetings for any purpose or purposes: Provided, That notice of any such meeting shall be given to all members of the parkways authority not less than ten days prior to said special meetings.

Before the issuance of any parkway revenue bonds or revenue refunding bonds under the provisions of this article, each appointed member of the parkways authority shall execute a surety bond in the penal sum of twenty-five thousand dollars and the secretary and
treasurer shall execute a surety bond in the penal sum
of fifty thousand dollars, each such surety bond to be
conditioned upon the faithful performance of the duties
of his office, to be executed by a surety company
authorized to transact business in the state of West
Virginia as surety and to be approved by the governor
and filed in the office of the secretary of state.

The members of the parkways authority shall not be
entitled to compensation for their services, but each
member shall be reimbursed for his actual expenses
necessarily incurred in the performance of his duties.
All expenses incurred in carrying out the provisions of
this article shall be payable solely from funds provided
under the authority of this article and no liability or
obligation shall be incurred by the parkways authority
hereunder beyond the extent to which moneys shall have
been provided under the authority of this article.

§17-16A-4. Transfer of powers, duties, functions, assets
and liabilities of turnpike commission to
parkways authority.

(a) The duties, powers and functions of the West
Virginia turnpike commission are hereby transferred to
the parkways authority.

(b) All obligations, indebtedness and other liabilities
of, and all rights, assets and other property owned by
or used in the administration of, the West Virginia
turnpike commission as of the first day of June, one
thousand nine hundred eighty-nine, and all personnel of
said turnpike commission as of said date are hereby
assumed by and transferred to the parkways authority,
which is hereby constituted the successor in interest to
said commission in all respects.

(c) All books, papers, maps, charts, plans, literature
and other records in the possession of the West Virginia
turnpike commission as of the first day of June, one
thousand nine hundred eighty-nine, shall be delivered or
turned over to the parkways authority.

(d) The unexpended balance of appropriations or other
funds available for use of the West Virginia turnpike
commission as of the first day of June, one thousand nine
hundred eighty-nine, is hereby transferred to the
parkways authority for the use of the parkways author-
ity.


As used in this article, the following words and terms
shall have the following meanings, unless the context
shall indicate another or different meaning or intent:

(a) The words “parkways authority” mean the West
Virginia parkways, economic development and tourism
authority created by section three of this article, or if
said parkways authority shall be abolished, the board,
body, commission or authority succeeding to the
principal functions thereof or to whom the powers given
by this article to the parkways authority shall be given
by law.

(b) The words “parkway project” mean any express-
way, turnpike, trunkline, feeder road, state local service
road or park and forest road which the parkways
authority may at any time determine to construct,
reconstruct, maintain, improve or repair under the
provisions of this article, or any expressway, turnpike
or other road constructed by the West Virginia turnpike
commission pursuant to the authority granted to it
under the laws of this state prior to the first day of June,
one thousand nine hundred eighty-nine, and shall
embrace all bridges, tunnels, overpasses, underpasses,
interchanges, entrance plazas, approaches, toll houses,
service stations and administration, storage and other
buildings, which the parkways authority may deem
necessary for the operation of the parkway project, or
which is used in the operation of a parkway project
constructed prior to the first day of June, one thousand
nine hundred eighty-nine, together with all property,
rights, easements and interests which may be acquired
by the parkways authority for the construction or the
operation of the parkway project or which were
acquired in connection with or are used in the operation
of a parkway project constructed prior to the first day
of June, one thousand nine hundred eighty-nine.
(e) The words "tourism project" mean (i) any park or tourist facility and attraction which the parkways authority may at any time determine to create, develop, construct, reconstruct, improve, maintain or repair under the provisions of this article, and shall embrace all roads, interchanges, entrance plazas, approaches, services stations, administration, storage and any other buildings or service stations, structures which the parkways authority may deem necessary for the operation of the tourism project, together with all property rights, easements and interests which may be acquired by the parkways authority for the construction or operation of the tourism project; and (ii) the construction, reconstruction, improvement, maintenance and repair of any park or tourist facility and attraction owned by the state as of the first day of June, one thousand nine hundred eighty-nine.

(d) The words "economic development project" mean any land or water site, structure, facility or equipment which the parkways authority may at any time determine to acquire, create, develop, construct, reconstruct, improve or repair under the provisions of this article to promote the agricultural, economic or industrial development of the state, together with all property rights, easements and interests which may be acquired by the parkways authority for the development, construction or operation of such project.

(e) The words "project" or "projects" mean a parkway project, economic development project or tourism project, or any combination thereof.

(f) The words "transportation secretary" mean the secretary of the state department of transportation.

(g) The words "West Virginia turnpike commission" mean the state turnpike commission existing as of the first day of June, one thousand nine hundred eighty-nine.

(h) The words "tourist facility and attraction" mean cabins, lodges, recreational facilities, restaurants, and other revenue producing facilities, any land or water site, and any information center, visitors' center or rest
(i) The word “turnpike” means the West Virginia Turnpike or any other toll road in the state.

(j) The word “expressway” means any road serving major intrastate and interstate travel, including federal interstate routes.

(k) The word “trunkline” means any road serving major city to city travel.

(l) The words “feeder roads” mean any road serving community to community travel or collects and feeds traffic to an expressway or turnpike.

(m) The words “local service road” mean any local arterialized and spur roads which provide land access and socioeconomic benefits to abutting properties.

(n) The words “park and forest roads” mean any road serving travel within state parks, state forests and public hunting and fishing areas.

(o) The word “cost” as applied to any project, including without limitation the West Virginia Turnpike in sections eleven and twenty-two of this article, embraces the cost of construction, reconstruction, maintenance, improvement, repair and operation of the project, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the parkways authority for such construction, reconstruction, maintenance, improvement and repair, the cost of all machinery, equipment, material and labor which are deemed essential thereto, the cost of improvements, the cost of financing charges, interest prior to and during construction and for one year after completion of construction, the cost of traffic estimates and of engineering, consultant, accounting, architects', trustees' and legal fees and expenses, plans, specifications, surveys, estimates of cost and of revenues, other costs and expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expenses and such other costs.
and expenses as may be necessary or incident to the
construction of the project, the financing of such
construction and the placing of the project in operation
or to the operation of the project. Any obligation or
expense hereafter incurred by the commissioner of the
department of highways with the approval of the
parkways authority for traffic surveys, borings, prepa-
ration of plans and specifications, and other engineering
and consulting services in connection with the construc-
tion of a project shall be regarded as a part of the cost
of such project and shall be reimbursed to the state out
of the proceeds of parkway revenue bonds or revenue
refunding bonds hereinafter authorized.

(p) The word “owner” includes all individuals,
copartnerships, associations or corporations having any
title or interest in any property, rights, easements and
interests authorized to be acquired by this article.

(q) The words “West Virginia Turnpike” mean the
turnpike from Charleston to a point approximately one
mile south of the intersection of Interstate 77 and U. S.
Route 460 near Princeton in Mercer County, West
Virginia, which road is presently a part of the federal
interstate highway system.

§17-16A-6. Parkways authority’s powers.

(a) The parkways authority is hereby authorized and
empowered:

(1) To adopt bylaws for the regulation of its affairs
and the conduct of its business;

(2) To adopt an official seal and alter the same at
pleasure;

(3) To maintain an office at such place or places within
the state as it may designate;

(4) To sue and be sued in its own name, plead and be
impleaded. Any and all actions against the parkways
authority shall be brought only in the county in which
the principal office of the parkways authority shall be
located;

(5) To construct, reconstruct, improve, maintain,
repair and operate projects at such locations within the
state as may be determined by the parkways authority:

_Provided_, That the parkways authority shall be prohi-
bited from constructing motels or any other type of
lodging facility within five miles of the West Virginia
Turnpike;

(6) To issue parkway revenue bonds of the state of
West Virginia, payable solely from revenues, for the
purpose of paying all or any part of the cost of any one
or more projects, which costs may include, with respect
to the West Virginia Turnpike, such funds as are
necessary to repay to the state of West Virginia all or
any part of the state funds used to upgrade the West
Virginia Turnpike to federal interstate standards;

(7) To issue parkway revenue refunding bonds of the
state of West Virginia, payable solely from revenues, for
any one or more of the following purposes: (i) construct-
ing improvements, enlargements or extensions to the
project in connection with which the bonds to be
refunded were issued; (ii) paying all or part of the cost
of any additional project or projects; (iii) refunding any
bonds which shall have been issued under the provisions
of this article or any predecessor thereof; and (iv)
repaying to the state all or any part of the state funds
used to upgrade the West Virginia Turnpike to federal
interstate standards;

(8) To fix and revise from time to time tolls for transit
over each parkway project constructed by it or by the
West Virginia turnpike commission;

(9) To fix and revise from time to time rents, fees or
other charges, of whatever kind or character, for the use
of each tourism project or economic development project
constructed by it or for the use of any building,
structure or facility constructed by it in connection with
a parkway project;

(10) To acquire, hold, lease and dispose of real and
personal property in the exercise of its powers and the
performance of its duties under this article;

(11) To acquire in the name of the state by purchase
or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements and interests, as it may deem necessary for carrying out the provisions of this article. No compensation shall be paid for public lands, playgrounds, parks, parkways or reservations so taken, and all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;

(12) To designate the locations, and establish, limit and control such points of ingress to and egress from each project as may be necessary or desirable in the judgment of the parkways authority to ensure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(13) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, architects, construction and financial experts, trustees, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation. All such expenses shall be payable solely from the proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the provisions of this article, tolls or from revenues;

(14) To make and enter into all contracts, agreements or other arrangements with any agency, department, division, board, bureau, commission, authority or other governmental unit of the state to operate, maintain or repair any project;

(15) To receive and accept from any federal agency grants for or in aid of the construction of any project, and to receive and accept aid or contributions from any
source of either money, property, labor or other things
of value, to be held, used and applied only for the
purposes for which such grants and contributions may
be made;

(16) To do all acts and things necessary or convenient
to carry out the powers expressly granted in this article;
and

(17) To file the necessary petition or petitions pursuant
to Title 11, United States Code, Sec. 401 (being section
81 of the act of Congress entitled "An act to establish
a uniform system of bankruptcy throughout the United
States," approved July 1, 1898, as amended) and to
prosecute to completion all proceedings permitted by
Title 11, United States Code, Secs. 401-403 (being
sections 81 to 83, inclusive, of said act of Congress). The
state of West Virginia hereby consents to the application
of said Title 11, United States Code, Secs. 401-403, to
the parkways authority.

(b) Nothing in this article shall be construed to
prohibit the issuance of parkway revenue refunding
bonds in a common plan of financing with the issuance
of parkway revenue bonds.


The parkways authority shall have authority to
construct grade separations at intersections of any
project with public roads and state highways and to
change and adjust the lines and grades of such roads
and highways so as to accommodate the same to the
design of such grade separation. The cost of such grade
separations and any damage incurred in changing and
adjusting the lines and grades of such roads and
highways shall be ascertained and paid by the parkways
authority as a part of the cost of such project.

If the parkways authority shall find it necessary to
change the location of any portion of any public road or
state highway, it shall cause the same to be recon-
structed at such location as the parkways authority shall
decide most favorable and of substantially the same type
and in as good condition as the original road or highway.
The cost of such reconstruction and any damage incurred in changing the location of any such road or highway shall be ascertained and paid by the parkways authority as a part of the cost of such project.

Upon the request of the parkways authority, the commissioner of the state department of highways shall relocate or discontinue any road or highway over which he has authority and control which is affected by the construction of any project.

In addition to the foregoing powers, the parkways authority and its authorized agents and employees may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this article, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The parkways authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

The state of West Virginia hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the parkways authority to be necessary for the construction or operation of any project.

§17-16A-8. Acquisition of land, property, easements, etc.

The parkways authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights-of-way, franchises, easements and other interests in lands as it may deem necessary or convenient for the construction or operation of any project upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the parkways authority and the owner thereof, and to take title thereto in the name of the state.


Whenever a reasonable price cannot be agreed upon,
or whenever the owner is legally incapacitated, or is absent, unknown or unable to convey valid title, the parkways authority is hereby authorized and empowered to acquire, by the exercise of the power of condemnation in accordance with and subject to the provisions of any and all existing laws and statutes applicable to the exercise of the power of condemnation of property for public use, any land, property, rights, rights-of-way, franchises, easements or other property deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the parkways authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the parkways authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the parkways authority shall impose any liability upon the state or the parkways authority except such as may be paid from the funds provided under the authority of this article.


The parkways authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of parkway revenue bonds of the state for the purpose of paying all or any part of the cost of one or more projects: Provided, That this section shall not be construed as authorizing the issuance of parkway revenue bonds for the purpose of paying the cost of the West Virginia Turnpike, which parkway revenue bonds may be issued only as authorized under section eleven of this article. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates as may be determined by the parkways authority in its sole discretion, shall mature at such time or times not
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exceeding forty years from their date or dates, as may
be determined by the parkways authority, and may be
made redeemable before maturity, at the option of the
parkways authority, at such price or prices and under
such terms and conditions as may be fixed by the
parkways authority prior to the issuance of the bonds.
The parkways authority shall determine the form of the
bonds, including any interest coupons to be attached
thereto, and shall fix the denomination or denominations
of the bonds and the place or places of payment of
principal and interest, which may be at any bank or
trust company within or without the state. The bonds
shall be executed by manual or facsimile signature by
the governor and by the chairman of the parkways
authority, and the official seal of the parkways authority
shall be affixed to or printed on each bond, and attested,
manually or by facsimile signature, by the secretary and
treasurer of the parkways authority, and any coupons
attached to any bond shall bear the manual or facsimile
signature of the chairman of the parkways authority. In
case any officer whose signature or a facsimile of whose
signature appears on any bonds or coupons shall cease
to be such officer before the delivery of such bonds, such
signature or facsimile shall nevertheless be valid and
sufficient for all purposes the same as if he had
remained in office until such delivery; and, in case the
seal of the parkways authority has been changed after
a facsimile has been imprinted on such bonds, such
facsimile seal will continue to be sufficient for all
purposes. All bonds issued under the provisions of this
article shall have and are hereby declared to have all
the qualities and incidents of negotiable instruments
under the negotiable instruments law of the state. The
bonds may be issued in coupon or in registered form,
or both, as the parkways authority may determine, and
provision may be made for the registration of any
coupon bonds as to principal alone and also as to both
principal and interest, and for the reconversion into
coupon bonds of any bonds registered as to both
principal and interest. The parkways authority may sell
such bonds in such manner, either at public or at private
sale, and for such price, as it may determine to be in
the best interests of the state.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the parkway project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the parkways authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed the cost of the project or projects for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the parkways authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The parkways authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this article without obtaining the consent of any department, division, commission, board, bureau or agency of the state, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this article.


The parkways authority is hereby authorized to
provide by resolution, at one time or from time to time, for the issuance of parkway revenue bonds of the state in an aggregate principal amount not to exceed eighty-three million dollars for the purpose of paying (i) all or any part of the cost of the West Virginia Turnpike, which cost may include but not be limited to, an amount equal to the state funds used to upgrade the West Virginia Turnpike to federal interstate standards, and (ii) to the extent permitted by federal law, all or any part of the cost of any related parkway project. For purposes of this section eleven only, a “related parkway project” means any information center, visitors’ center or rest stop, or any combination thereof, and any expressway, turnpike, trunkline, feeder road, state local service road or park and forest road which connects to or intersects with the West Virginia Turnpike and is located within seventy-five miles of said turnpike as it exists on the first day of June, one thousand nine hundred eighty-nine or any subsequent expressway, trunkline, feeder road, state local service road or park and forest road constructed pursuant to this article: Provided, That nothing herein shall be construed as prohibiting the parkways authority from issuing parkway revenue bonds pursuant to section ten of this article for the purpose of paying all or any part of the cost of any such related parkway project: Provided, however, That none of the proceeds of the issuance of parkway revenue bonds under this section shall be used to pay all or any part of the cost of any economic development project, except as provided in section twenty-three of this article: Provided, further, That nothing herein shall be construed as prohibiting the parkways authority from issuing additional parkway revenue bonds to the extent permitted by applicable federal law for the purpose of constructing, maintaining and operating any highway constructed in whole or in part with money obtained from Appalachian regional commission so long as said highway connects to the West Virginia Turnpike as it existed as of the first day of June, one thousand nine hundred eighty-nine. Except as otherwise specifically provided in this section, the issuance of parkway revenue bonds pursuant to this
section, the maturities and other details thereof, the
rights of the holders thereof, and the rights, duties and
obligations of the parkways authority in respect of the
same, shall be governed by the provisions of this article
insofar as the same may be applicable.


In the discretion of the parkways authority any bonds
issued under the provisions of this article may be
secured by a trust agreement by and between the
parkways authority and a corporate trustee, which may
be any trust company or bank having the powers of a
trust company within or without the state. Any such
trust agreement may pledge or assign the tolls, rents,
fees, charges and other revenues to be received, but shall
not convey or mortgage any project or any part thereof.
Any such trust agreement or any resolution providing
for the issuance of such bonds may contain such
provisions for protecting and enforcing the rights and
remedies of the bondholders as may be reasonable and
proper and not in violation of law, including covenants
setting forth the duties of the parkways authority in
relation to the acquisition of property and the construc-
tion, reconstruction, improvement, maintenance, repair,
operation and insurance of the project or projects in
connection with which such bonds shall have been
authorized, and the custody, safeguarding and applica-
tion of all moneys, and provisions for the employment
of consulting engineers in connection with the construc-
tion or operation of such project or projects. It shall be
lawful for any bank or trust company incorporated
under the laws of the state which may act as depository
of the proceeds of bonds or of revenues to furnish such
indemnifying bonds, or to pledge such securities as may
be required by the parkways authority. Any such trust
agreement may set forth the rights and remedies of the
bondholders and of the trustee, and may restrict the
individual right of action by bondholders as is custom-
ary in trust agreements or trust indentures securing
bonds and debentures of corporations. In addition to the
foregoing, any such trust agreement may contain such
other provisions as the parkways authority may deem
reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the project or projects to which the trust agreement applies.

§17-16A-13. Tolls, rents, fees, charges and revenues; competitive bidding on contracts.

1 (a) The parkways authority is hereby authorized to fix, revise, charge and collect tolls for the use of each parkway project and the different parts or sections thereof, and to fix, revise, charge and collect rents, fees, charges and other revenues, of whatever kind or character, for the use of each economic development project or tourism project, or any part or section thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light, power or other utility lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls, rents, fees and charges shall be so fixed and adjusted in respect of the aggregate of tolls, or in respect of the aggregate rents, fees and charges, from the project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such project or projects and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls, rents, fees and other charges shall not be subject to supervision or regulation by any other commission, board, bureau, department or agency of the state. The tolls, rents, fees, charges and all other revenues derived from the project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the
issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of such bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as herein provided. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. The moneys in the sinking fund, less such reserve as may be provided in such resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable.

(b) The parkways authority shall cause, as soon as it is legally able to do so, all contracts to which it is a party and which relate to the operation, maintenance or use of any restaurant, motel or other lodging facility, truck and automobile service facility, food vending facility or any other service facility located along the West Virginia Turnpike, to be renewed on a competitive bid basis. All contracts relating to any facility or services entered into by the parkways authority with a private party with respect to any project constructed after the effective date of this legislation shall be let on a competitive bid basis only. If the parkways authority receives a proposal for the development of a project, such proposal shall be made available to the public in a convenient location in the county wherein the proposed facility may be located. The parkways authority shall publish a notice of the proposal by a Class I legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code. The
publication area shall be the county in which the proposed facility would be located. Any citizen may communicate by writing to the parkways authority his or her opposition to or approval to such proposal within a period of time not less than forty-five days from the publication of the notice. No contract for the development of a project may be entered into by the parkways authority until a public hearing is held in the vicinity of the location of the proposed project with at least twenty days notice of such hearing by a Class I publication pursuant to section two, article three, chapter fifty-nine of this code. The parkways authority shall make written findings of fact prior to rendering a decision on any proposed project. All studies, records, documents and other materials which are considered by the parkways authority in making such findings shall be made available for public inspection at the time of the publication of the notice of public hearing and at a convenient location in the county where the proposed project may be located. The parkways authority shall promulgate rules in accordance with chapter twenty-nine-a of this code for the conduct of any hearing required by this section. Persons attending any such hearing shall be afforded a reasonable opportunity to speak and be heard on the proposed project.


All moneys received pursuant to the authority of this article, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this article. The resolution authorizing the issuance of bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such resolution or trust agreement may provide.


Any holder of bonds issued under the provisions of this
article or any of the coupons appertaining thereto, and
the trustee under any trust agreement, except to the
extent the rights herein given may be restricted by such
trust agreement, may, either at law or in equity, by suit,
action, mandamus or other proceeding, protect and
enforce any and all rights under the laws of the state
or granted hereunder or under such trust agreement or
the resolution authorizing the issuance of such bonds,
and may enforce and compel the performance of all
duties required by this article or by such trust agree-
ment or resolution to be performed by the parkways
authority or by any officer thereof, including the fixing,
charging and collecting of tolls, rents, fees and charges.


(a) The exercise of the powers granted by this article
will be in all respects for the benefit of the people of
the state, for the increase of their commerce and
prosperity, and for the improvement of their health and
living conditions, and as the operation and maintenance
of projects by the parkways authority will constitute the
performance of essential governmental functions, the
parkways authority shall not be required to pay any
taxes or assessments upon any project or any property
acquired or used by the parkways authority under the
provisions of this article or upon the income therefrom,
and the bonds issued under the provisions of this article,
their transfer and the income therefrom (including any
profit made on the sale thereof) shall at all times be free
from taxation within the state.

(b) In lieu of payment by the parkways authority of
county property taxes and other assessments on restaur-
and gas service facilities owned by it, or upon any
facility described in subsection (b) of section thirteen
herein which is leased to any private person, corpora-
tion, or entity, the parkways authority shall make an
annual payment as provided herein to the county
commission of such county. Any parkways authority
project which is leased and is exempt from taxation
shall be subject to a payment in lieu of taxes. Said
payment shall be made to the county commission of the
county in which the project is located and shall be in
an amount equal to the property taxes otherwise payable. The county commission receiving such in lieu of payment shall distribute such payment to the different levying bodies in that county in the same manner as are property taxes. Nothing contained herein may be construed to prohibit the parkways authority from collecting such in lieu payment from any private party by contract or otherwise.

§17-16A-17. Repair, etc., of damaged property; conveyances, etc., by counties, cities, etc., to parkways authority; maintenance and policing of projects; defrauding parkways authority; evading payment of tolls, rents, fees or charges; trespassing.

All private property damaged or destroyed in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this article.

All counties, cities, villages, townships and other political subdivisions and all public agencies and commissions of the state of West Virginia, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the parkways authority at its request upon such terms and conditions as the proper authorities of such counties, cities, villages, townships, other political subdivisions or public agencies and commissions of the state may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the parkways authority, including public roads and other real property already devoted to public use.

Each project when constructed and opened to traffic or use shall be maintained and kept in good condition and repair by the parkways authority. The parkways
authority and the superintendent of the department of
government may by agreement provide that such
project or projects shall be policed by members of such
department under such terms and conditions as they
may determine, excepting that all costs thereof, either
direct or indirect, including overhead costs attributable
thereto, shall be paid unto such department by the
parkways authority at regular intervals not to exceed
one year.

Whoever shall knowingly or intentionally defraud or
attempt to defraud the parkways authority, any of its
tolltakers or other employees in regard to the payment
of tolls, rents, fees or charges established by the
parkways authority for the use of any such project or
evade or attempt to evade or whoever shall aid another
to evade or attempt to evade the payment of such toll,
rent, fee or charge or whoever shall intentionally and
knowingly trespass upon any project shall be guilty of
a misdemeanor; and for every such offense shall upon
conviction thereof be fined not in excess of fifty dollars.
Magistrate courts shall have jurisdiction of misdemea-
nors created by this paragraph concurrently with
circuit courts.


(a) Except as provided herein, when all bonds issued
under the provisions of this article in connection with
any parkway project or projects and the interest thereon
shall have been paid or a sufficient amount for the
payment of all such bonds and the interest thereon to
the maturity thereof shall have been set aside in trust
for the benefit of the bondholders, such project or
projects, if then in good condition and repair to the
satisfaction of the commissioner of the state department
of highways, shall be transferred to the state depart-
ment of highways and shall thereafter be maintained by
the state department of highways free of tolls: Provided,
That the parkways authority may thereafter charge tolls
for the use of any such project and for the reconstruc-
tion, improvement, maintenance and repair thereof,
except as may be limited by applicable federal laws, and
pledge such tolls to the payment of bonds issued under
the provisions of this article in connection with another
project or projects, or any combination thereof, but any
such pledge of tolls of a parkway project to the payment
of bonds issued in connection with another project or
projects shall not be effectual until the principal of and
the interest on the bonds issued in connection with the
first mentioned project shall have been paid or provision
made for their payment.

(b) No later than the first day of February, one
thousand nine hundred ninety, the parkways authority
shall discontinue, remove and not relocate all toll
collection facilities on the West Virginia Turnpike
except for the three main toll collection facilities
existing on the West Virginia Turnpike as of the
effective date of this legislation: Provided, That nothing
herein may be construed to prohibit placement of new
tolls to the extent permitted by federal law for any new
expressway, turnpike, trunkline, feeder road, state local
service road, or park and forest road connected to the
West Virginia Turnpike and constructed after the first
of June, one thousand nine hundred eighty-nine.


The commissioner of the state department of high-
ways is hereby authorized in his discretion to expend out
of any funds available for the purpose such moneys as
may be necessary for the study of any parkway,
economic development or tourism project or projects and
to use the department of highway's engineering and
other forces, including consulting engineers and traffic
engineers, for the purpose of effecting such study and
to pay for such additional engineering and traffic and
other expert studies as he may deem expedient; and all
such expenses incurred by the state department of
highways prior to the issuance of parkway revenue
bonds or revenue refunding bonds under the provisions
of this article shall be paid by the state department of
highways and charged to the appropriate project or
projects, and the state department of highways shall
keep proper records and accounts showing each amount
so charged. Upon the sale of parkway revenue bonds or
revenue refunding bonds for any project or projects, the
funds so expended by the state department of highways in connection with such project or projects shall be reimbursed to the state department of highways from the proceeds of such bonds.

§17-16A-20. Parkway projects part of state road system; pledge of limited funds by state department of highways in case of deficit.

It is hereby declared that any expressway, turnpike, feeder road, state local service road or park and forest road or other road, or any subsequent expressway, turnpike feeder road, state local service road, park and forest road or other road constructed pursuant to this article shall be a part of the state road system, although subject to the provisions of this article and of any bonds or trust agreements entered into pursuant thereto, and that the construction of such parkway projects shall be considered as developments of the state road system. Any other provisions of this article to the contrary notwithstanding, in order to encourage the development of the state road system, the state is authorized in its discretion to pay from the state road fund, subject to all prior commitments of such fund which shall be stated in the resolution and agreement, the amount of any yearly deficit between the principal and interest requirements of any such parkway project or portion thereof hereafter constructed and the amount available in the hands of the parkways authority to pay such requirements, up to three fourths of one per cent of the estimated or actual construction cost of such parkway project or portion thereof for which such pledge is made, until any bonds issued and interest due upon the basis of such a pledge have been fully paid and satisfied:

Provided, That the state department of highways shall enter into no agreement with underwriters on any bond issue for the purpose of constructing or aiding in the construction of any toll road unless and until there is filed with the parkways authority a report and finding of reputable traffic engineers of national standing, showing that the earnings from the proposed toll road will be sufficient to provide annual income in an amount
at least large enough to cover the annual cost of retiring the indebtedness, including interest, sinking fund and operating costs of such toll highway.


The parkways authority is hereby authorized to provide by resolution for the issuance of parkway revenue refunding bonds of the state for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds; and, if deemed advisable by the parkways authority, for the additional purpose of constructing improvements, extensions or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued: Provided, That this section shall not be construed as authorizing the issuance of parkway revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, or any predecessor thereof, in connection with the construction of the West Virginia Turnpike, which revenue refunding bonds may be issued only as authorized under section twenty-two of this article. The parkways authority is further authorized to provide by resolution for the issuance of parkway revenue bonds of the state for the combined purpose of two or more of the following: (a) refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds; (b) paying all or any part of the cost of any additional project or projects; and (c) repaying to the state all or any part of the state funds used to upgrade the West Virginia Turnpike to federal interstate standards. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the parkways authority in respect of the same, shall be governed by the provisions of this

37 article insofar as the same may be applicable.


1 The parkways authority is hereby authorized to 
2 provide by resolution for the issuance of parkway 
3 revenue refunding bonds of the state in an aggregate 
4 principal amount not to exceed sixty million dollars for 
5 the purpose of refunding any bonds which shall have 
6 been issued under this article, or any predecessor 
7 thereof, in connection with the construction of the West 
8 Virginia Turnpike, including the payment of any 
9 redemption premium thereon and any interest accrued 
10 or to accrue to the date of redemption of such bonds, 
11 and, to the extent permissible under federal law and if 
12 deemed advisable by the parkways authority, for either 
13 or both of the following purposes: (a) paying all or any 
14 part of the cost of any additional parkway project or 
15 projects, and (b) repaying to the state all or any part 
16 of the state funds used to upgrade the West Virginia 
17 Turnpike to federal interstate standards: Provided, That 
18 any proceeds derived from the issuance of such bonds 
19 which are used on any parkway project other than the 
20 West Virginia Turnpike must be used solely on parkway 
21 projects (i) which are either connected to or intersect 
22 with the West Virginia Turnpike and are within 
23 seventy-five air miles of said Turnpike as it exists on the 
24 first day of June, one thousand nine hundred eighty-nine 
25 or any subsequent expressway, trunkline, turnpike, 
26 feeder road, state local service road or park and forest 
27 road constructed pursuant to this article, and (ii) which 
28 involve the upgrading or addition of interchanges, the 
29 construction of expressways or feeder roads, or the 
30 upgrading or construction of information centers, 
31 visitors' centers, rest stops, or any combination thereof: 
32 Provided, however, That none of the proceeds of the 
33 issuance of parkway revenue refunding bonds issued 
34 under this section shall be used to pay all or any part 
35 of the cost of any economic development project, except 
36 as provided in section twenty-three of this article. 
37 Except as otherwise specifically provided in this section, 
38 the issuance of parkway revenue refunding bonds
pursuant to this section, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the parkways authority in respect of the same, shall be governed by the provisions of this article insofar as the same may be applicable.

§17-16A-23. Special highway fund; appropriations from fund.

(a) There is hereby created a special fund in the state treasury which shall be designated and known as the "West Virginia special highway fund." The special highway fund shall consist of (i) all funds allocated and disbursed to the state department of highways by the parkways authority, including without limitation the proceeds of any parkway revenue bonds or revenue refunding bonds issued by the parkways authority pursuant to sections eleven, twenty-one or twenty-two of this article, in repayment of the amount of state funds used to upgrade the West Virginia Turnpike to federal interstate standards, (ii) any appropriations, grants, gifts, contributions or other revenues received by the special highway fund from any source, and (iii) all interest earned on moneys held in the fund. When any funds are received by the state department of highways from the parkways authority pursuant to this section, they shall be paid into the state treasury by the commissioner of the department of highways and credited to the special highway fund, and shall be disbursed in the manner set forth in subsections (b) and (c) of this section. The special highway fund shall not be treated by the auditor and treasurer as part of the state road fund or as part of the general revenues of the state.

(b) The governor shall have the authority to transfer to the insurance fund created in section eight, article fifteen, chapter thirty-one of this code, on any date or dates after the enactment of this section, up to thirty-five million dollars of the funds received or earned by the special highway fund, which funds may be used and applied by the West Virginia economic development authority in the manner and to the extent set forth in article fifteen of said chapter thirty-one. On or before
35 the thirty-first day of December, one thousand nine
36 hundred ninety-four, the economic development author-
37 ity shall retransfer to the special highway fund the
38 thirty-five million dollars advanced to the insurance
39 fund pursuant to this section. All interest earned on the
40 thirty-five million dollars while being held in the
41 insurance fund shall remain in, and be the property of,
42 said insurance fund.
43 (c) Upon the transfer of thirty-five million dollars to
44 the insurance fund as provided in subsection (b) of this
45 section, the Legislature shall annually appropriate all or
46 any part of the balance of the funds deposited in the
47 special highway fund for the construction, reconstruc-
48 tion, improvement, maintenance or repair of any
49 parkway project or projects: Provided, That all of such
50 funds shall be appropriated to (i) the upgrading or
51 addition of interchanges; (ii) the construction of express-
52 ways or feeder roads; or (iii) the upgrading or construc-
53 tion of information centers, visitors' centers, rest stops,
54 or any combination thereof, and that all such feeder
55 roads, expressways, interchanges, information centers,
56 visitors' centers or rest stops shall connect to the West
57 Virginia Turnpike and within seventy-five air miles of
58 the West Virginia Turnpike as it existed on the effective
59 date of this legislation, or any subsequent expressway,
60 turnpike or feeder road constructed pursuant to this
61 subsection. The appropriation of funds pursuant to this
62 subsection shall be expended on more than one project.

§17-16A-24. Article deemed to provide additional and
alternative methods.

1 This article shall be deemed to provide an additional
2 and alternative method for the doing of the things
3 authorized thereby, and shall be regarded as supple-
4 mental and additional to powers conferred by other
5 laws, and shall not be regarded as in derogation of any
6 powers now existing. The issuance of special obligation
7 bonds under the provisions of this article need not
8 comply with the requirements of any other law appli-
9 cable to the issuance of bonds.

§17-16A-25. Additional powers of parkways authority;
(a) In addition to all powers granted by the foregoing sections of this article, the parkways authority in connection with a proceeding prosecuted to completion under Title 11, United States Code, Secs. 401-403, as permitted by subdivision (17), section 4 of this article is hereby authorized to provide by resolution for the issuance of special obligation bonds of the state for the purpose of exchanging such special obligation bonds for all bonds then outstanding which shall have been issued under the provisions of this article. Special obligation bonds issued under the provisions of this section shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from pledged property and income therefrom as provided in subdivision (1) of this subsection. All such special obligation bonds shall contain on the face thereof a statement in accordance with the preceding sentence. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the parkways authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable with the following express exceptions:

(1) The principal of and the interest on such special obligation bonds shall not be payable from tolls, rents, fees, charges or revenues of any parkway project but shall be payable solely from such other property purchased and pledged as security therefor as the parkways authority shall determine together with the income derived therefrom which other property may include direct obligations of, or obligations the principal of and the interest on which are guaranteed by, the United States government or participation certificates or other obligations issued by or by authority of the United States government; and

(2) Following the issuance of such special obligation bonds there shall be no obligation to fix, revise, charge
and collect tolls for the use of any parkway project and
any parkway project shall be transferred to the state
department of highways and shall thereafter be main-
tained by the state department of highways free of tolls.
At such time as the special obligation bonds are issued,
then section eighteen of this article shall be of no further
force and effect.

(b) Financial, legal, engineering and feasibility
consultants may be employed to perform such services
as the parkways authority shall deem necessary or
desirable in connection with the Title 11 proceedings
mentioned above and the issuance and exchange of the
special obligation bonds.

(c) The entire powers herein granted by this section
to the parkways authority may be exercised by the state
department of highways in which event the special
obligation bonds herein authorized shall be executed by
manual or facsimile signature by the governor and by
the commissioner of the department of highways, and
the official seal of the department of highways shall be
affixed to or printed on each bond, and any coupons
attached to such bonds shall bear the manual or
facsimile signature of the commissioner of the state
department of highways. In the event that the state
department of highways shall elect to exercise the
powers granted by this section, it shall file a statement
to that effect in the office of the chairman of the
parkways authority and in the office of the secretary of
state, and upon the issuance of the special obligation
bonds herein provided for the state department of
highways shall succeed immediately to the principal
functions of the parkways authority and the parkways
authority shall then be abolished.

(d) The state department of highways is hereby
empowered to acquire by purchase the parkways
authority and all its rights-of-way, equipment, facilities
and any and all other rights or interest the parkways
authority has or had in any project, from any funds
available to it, and to pay any expenses incident to such
acquisition under the provisions of this article: Provided,
That the contribution of the state department of
highways in making such acquisition shall not exceed the sum of twenty million dollars from all sources of public moneys of the state of West Virginia, excluding any funds reimbursed or reimbursable or otherwise provided or to be provided by the federal government. No funds derived from the sale of the three hundred fifty million dollars bond issue authorized by the roads development amendment shall be included in the acquisition of the West Virginia Turnpike.


The parkways authority shall prepare on an annual basis and provide to each member of the West Virginia Legislature who so requests an annual report detailing the financial condition and operations of the parkways authority. The parkways authority shall provide to the joint committee on government and finance any financial statements as may be required under any trust agreement to which the parkways authority is a party.


Consistent with applicable federal laws, rules and regulations, the parkways authority shall develop and prepare a uniform roadway sign identifying the availability of restaurants, gas stations, hotel accommodations and emergency services available off each exit of the West Virginia Turnpike. At every tourism project maintained or operated by the parkways authority and which is constructed after the effective date of this legislation, and, to the extent permitted under the terms of the applicable lease, at every currently existing service station, gas station, hotel or restaurant, garage or store maintained, operated or leased by the parkways authority, the parkways authority shall at no charge or cost permit the placement of, in a conspicuous place, all reasonably sized advertising literature prepared and delivered by hotels, restaurants and other tourist attractions, whether public or private, located within the state of West Virginia.


If any section, subsection, subdivision, subparagraph,
sentence or clause of this article is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this article, and, to this end, the provisions of this article are hereby declared to be severable.

§17-16A-29. Effective date.

The provisions of this article as amended or added by this act shall take effect on the first day of June, one thousand nine hundred eighty-nine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect June 1, 1989.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the ___th day of April, 1989.

[Signature]
Governor