

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

— ● —

# ENROLLED

HOUSE BILL No. 4356

(By Mr. Del Fiamigan + Basham )

— ● —

Passed Feb. 16, 1990

In Effect From Passage

**ENROLLED**

**H. B. 4356**

(By DELEGATES FLANIGAN AND BASHAM)

[Passed February 16, 1990; in effect from passage.]

AN ACT to authorize the Mercer County commission to appoint a five-member tourist train authority to operate a pilot tourist train project and to exercise certain powers.

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

**MERCER COUNTY TOURIST TRAIN AUTHORITY.**

**§1. Mercer County tourist train authority; powers and pilot project.**

1     The Mercer County commission may establish a  
2     tourist train authority. The authority shall be composed  
3     of five members appointed by the county commission. Of  
4     the members appointed, at least two members shall have  
5     had experience or involvement in the management or  
6     maintenance of a railroad and at least one member shall  
7     have had experience or involvement in the development  
8     or management of a tourist attraction.

9     The authority shall have the responsibility for and  
10    shall establish the pilot project to create a tourist train  
11    network in the area involving routes between Bluefield,  
12    Bramwell and Matoaka, West Virginia, and Pocahontas,  
13    Virginia, as described in chapter one hundred fifty-  
14    seven, acts of the Legislature, one thousand nine  
15    hundred eighty-nine.

16    The authority may also:

17       (1) Sue and be sued, make contracts, and adopt and  
18 use a common seal and alter the same as may be deemed  
19 expedient;

20       (2) Acquire, purchase, install, lease, construct, own,  
21 hold, operate, maintain, equip, use and control termi-  
22 nals, buildings, roadways, rights-of-way, rails and  
23 structures, equipment, facilities or improvements and  
24 lease, install, construct, acquire, own, maintain, control  
25 and use any and every kind or character of motive  
26 powers and conveyances or appliances necessary or  
27 proper to carry persons, goods, wares and merchandise  
28 over, along, upon or through the railway system;

29       (3) Apply for and accept loans, grants or gifts of  
30 money, property or service from any federal agency or  
31 the state of West Virginia or any political subdivision  
32 thereof or from any public or private sources available  
33 for any and all of the purposes authorized in this article,  
34 or imposed thereon by any such federal agency, the state  
35 of West Virginia or any political subdivision thereof, or  
36 any public or private lender or donor, and give eviden-  
37 ces of indebtedness as may be required;

38       (4) Act as agent for the United States of America, or  
39 any agency, department, corporation or instrumentality  
40 thereof, in any manner coming within the purposes or  
41 powers of the authority;

42       (5) Initiate preservation of railroad facilities, promote  
43 economic development and tourism of a specific nature  
44 in this state;

45       (6) Meet and cooperate with similar authorities or  
46 bodies of any of the several states contiguous with this  
47 state, whose purpose in their respective states is to  
48 establish an interstate or intermodal transportation  
49 network;

50       (7) Enter into agreements, contracts or other transac-  
51 tions with any federal, state, county, municipal agency  
52 or private entity;

53       (8) Report annually to the county commission by the  
54 first day of January of each year on the status of  
55 projects, operations, financial condition and other

56 necessary information relating to the tourist train  
57 project;

58 (9) Enter into agreements or contracts with the West  
59 Virginia railroad maintenance authority for the preser-  
60 vation, operation and use of railroad lines;

61 (10) Assist and encourage the West Virginia railroad  
62 maintenance authority to purchase railroad tracks being  
63 abandoned by any common carrier, and to financially  
64 assist the railroad maintenance authority in making  
65 such purchase;

66 (11) Collect reasonable fees and charges in connection  
67 with making and servicing loans, notes, bonds, obliga-  
68 tions, commitments and other evidence of indebtedness,  
69 and in connection with providing technical, consultive  
70 and project assistance services;

71 (12) Do any and all things necessary to carry out and  
72 accomplish the purposes of this act.

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

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Parrell Holmes*  
Clerk of the Senate

*Donald L. Kipp*  
Clerk of the House of Delegates

*Will Burdett*  
President of the Senate

*Robert C. ...*  
Speaker of the House of Delegates

The within *is approved* this the *26th* day of *January*, 1990.

*Yaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/23/90

Time 9.17