WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Com. Sub. for
HOUSE BILL No. 2513.

(By Delegates Browning, Gallagher,)
Smith, Eaton & Mandel

Passed April 9, 1993
In Effect Ninety Days From Passage
AN ACT to amend and reenact section seventeen-b article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the relocation of public utility lines to accommodate a federal-aid interstate or appalachian highway project; defining terms; and including public utility relocation costs and relocation costs of any pipeline company subject to the jurisdiction of the federal energy regulatory commission as a cost of construction or upgrading of highways under the Federal Intermodal Surface Transportation Efficiency Act of 1991.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-17b. Relocation of public utility lines to accommodate federal-aid highway projects.

(a) Whenever the commissioner of highways determines that any public utility line or facility located upon, across or under any portion of a state highway
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needs to be relocated in order to accommodate a federal-
aid interstate or Appalachian highway project, he or she
shall notify the public utility owning or operating the
facility which shall relocate the same in accordance with
the order of the commissioner. The cost of the relocation
shall be paid out of the state road fund in all cases
involving the interstate or the Appalachian system
where proportionate reimbursement of the cost shall be
obtained by the commissioner of highways from the
United States pursuant to the “Federal Aid Highway
Act of 1956” or the “Appalachian Regional Development
Act of 1965,” as amended, and all acts amendatory or
supplementary thereto: Provided, That the cost of any
relocation of municipally owned utility facilities and
water or sanitary districts or authorities shall be paid
out of state road funds in any case involving any federal-
aid system where proportionate reimbursement of such
cost shall be obtained by the commissioner of highways
from the United States.

(b) For the purposes of this section, the term, “cost of
relocation,” includes the entire amount paid by the
utility, exclusive of any right-of-way costs incurred by
the utility, properly attributable to the relocation after
deducting therefrom any increase in the value of the
new facility and salvage value derived from the old
facility.

The cost of relocating utility facilities, as defined in
this section, in connection with any federal-aid interstate
or Appalachian highway project is hereby declared to
be a cost of highway construction.

(c) The commissioner of highways is hereby autho-
rized to include within the cost of highway construction
the cost of relocation necessarily incurred by any public
utility, and any pipeline company subject to the
jurisdiction of the federal energy regulatory commis-
sion, in relocating any public utility line, pipeline or
facility as a result of the construction of any fully or
partially controlled access highway as a part of the
national highway system as authorized by the “Federal
Intermodal Surface Transportation Efficiency Act of
1991”, and all acts amendatory and supplementary
thereto as of the twentieth day of March, one thousand
nine hundred ninety-three. The provisions of article five-
a, chapter twenty-one apply to all work performed
pursuant to the provisions of this subsection.
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 of the House of Delegates

The within is approved this the 12th day of May, 1993.

Governor