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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. for
HOUSE BILL No. 2513

(By Delegates *Browning, Gallagher,*
Smith, Stator & Manuel)



Passed *April 9,* 1993

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2513
(By DELEGATES BROWNING, GALLAGHER,
SMITH, STATON AND MANUEL)

[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.

- 1 (a) Whenever the commissioner of highways deter-
- 2 mines that any public utility line or facility located
- 3 upon, across or under any portion of a state highway

4 needs to be relocated in order to accommodate a federal-
5 aid interstate or Appalachian highway project, he or she
6 shall notify the public utility owning or operating the
7 facility which shall relocate the same in accordance with
8 the order of the commissioner. The cost of the relocation
9 shall be paid out of the state road fund in all cases
10 involving the interstate or the Appalachian system
11 where proportionate reimbursement of the cost shall be
12 obtained by the commissioner of highways from the
13 United States pursuant to the "Federal Aid Highway
14 Act of 1956" or the "Appalachian Regional Development
15 Act of 1965," as amended, and all acts amendatory or
16 supplementary thereto: *Provided*, That the cost of any
17 relocation of municipally owned utility facilities and
18 water or sanitary districts or authorities shall be paid
19 out of state road funds in any case involving any federal-
20 aid system where proportionate reimbursement of such
21 cost shall be obtained by the commissioner of highways
22 from the United States.

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

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

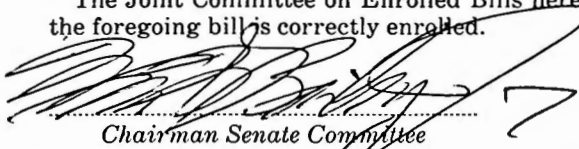
34 (c) The commissioner of highways is hereby autho-
35 rized to include within the cost of highway construction
36 the cost of relocation necessarily incurred by any public
37 utility, and any pipeline company subject to the
38 jurisdiction of the federal energy regulatory commis-
39 sion, in relocating any public utility line, pipeline or
40 facility as a result of the construction of any fully or
41 partially controlled access highway as a part of the
42 national highway system as authorized by the "Federal
43 Intermodal Surface Transportation Efficiency Act of
44 1991", and all acts amendatory and supplementary

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45 thereto as of the twentieth day of March, one thousand
46 nine hundred ninety-three. The provisions of article five-
47 a, chapter twenty-one apply to all work performed
48 pursuant to the provisions of this subsection.

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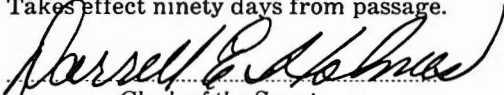
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

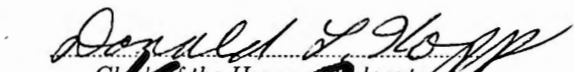

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Chairman Senate Committee


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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

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


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Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/93

Time 11:26 am