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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4003

(By Mr. Speaker, Mr. Kiss, and Delegate Ashley)
[By Request of the Executive]



Passed March 14, 1998

In Effect Ninety Days from Passage

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STATE HOUSE

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H. B. 4003

(BY MR. SPEAKER, MR. KISS, AND DELEGATE ASHLEY)
[By Request of the Executive]

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-c, relating to establishing an orphan road and bridge acquisition and maintenance program in all counties; authorizing the use of able-bodied and willing welfare recipients and citizens' conservation corps workers to perform labor on repair and maintenance; requiring the department of health and human resources to furnish the division of highways lists of names of available welfare recipients; establishing criteria for including a road or bridge in the program; upgrading of certain roads and bridges; providing for the division of highways commissioner and personnel to identify and maintain orphan roads and bridges; and providing for termination of the program.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-c, to read as follows:

**ARTICLE 2C. ORPHAN ROAD AND BRIDGE ACQUISITION
PROGRAM.**

§17-2C-1. Establishment of an orphan road and bridge acquisition and maintenance program in all counties; criteria for designation as an orphan road or bridge.

1 Authority is hereby granted to the West Virginia
2 division of highways to establish a program to acquire and
3 maintain roads and bridges which meet the following three
4 criteria: (1) are in existence as of the first day of January,
5 one thousand nine hundred ninety-eight; (2) are roads or
6 bridges which the public has a right to use, and (3) are
7 roads or bridges not maintained by any governmental
8 agency. These roads and bridges are herein designated as
9 orphan roads and bridges.

10 The Legislature hereby finds and declares it to be
11 important for the economic and social development of the
12 state that a program for the identification, acquisition and
13 maintenance of orphan roads and bridges be undertaken
14 by the state. In particular, the Legislature finds and
15 declares that basic maintenance should be performed on
16 orphan roads and bridges to promote the well-being of the
17 public.

§17-2C-2. Development of program; acquisition of rights-of-way.

1 The West Virginia division of highways shall develop
2 an orphan roads and bridges identification, acquisition
3 and maintenance program which shall include all counties.
4 At the discretion of the commissioner of the division of
5 highways, existing and temporary employees of the
6 division shall be assigned to locate and designate each
7 orphan road and bridge in each county. These
8 employees shall give to the commissioner of highways, in
9 a form proscribed by him or her, a detailed report on
10 acquisition, status of rights-of-way, and needed
11 maintenance for orphan roads and bridges in each county
12 or highway district. Specific contents of each report shall
13 be designated by the commissioner.

14 In order for a road or bridge to qualify for inclusion
15 into the state system, all necessary rights-of-way shall be
16 either dedicated or donated to the division of highways.

17 In the event that all property owners do not agree to
18 dedicate or donate the necessary rights-of-way, then any
19 individual, group, business or governmental entity can
20 donate to the state road fund a sum sufficient to cover the
21 expense of acquiring the right-of-way that has not been
22 dedicated or donated. The commissioner may also use any
23 moneys donated to the state road fund specifically for the
24 purposes of acquiring a right-of-way which has not been
25 dedicated or donated.

§17-2C-3. Duties of commissioner with respect to orphan roads and bridges; criteria for inclusion.

1 After reviewing the reports made to section two of this
2 article, the commissioner will determine whether a specific
3 road or bridge should be added to the state maintenance
4 system. The commissioner shall consider the following
5 criteria in reaching his or her determination: (1) The
6 availability of resources for maintaining the road or
7 bridge; (2) the number of persons served by the road or
8 bridge; (3) the current and anticipated use of the road or
9 bridge; (4) the condition of the road or bridge; (5) the
10 availability and suitability of alternate routes; (6) the
11 suitability for maintenance equipment to access and
12 maintain the road or bridge; (7) the existing design and
13 layout of the road or bridge; and (8) the number of roads
14 and bridges accepted into the maintenance system.

§17-2C-4. Workforce of welfare recipients and citizens' conservation corps participants; division of highways required to furnish maintenance materials.

1 The West Virginia department of health and human
2 resources shall make available to the division of
3 highways a list of able-bodied welfare recipients who have
4 given permission for their names to be listed as recipients
5 available for work with the division of highways, and who
6 are available and able to work a minimum of twenty hours
7 a week at a manual labor job maintaining orphan roads
8 and bridges under the supervision of the district or county
9 highway offices. The commissioner of the division of
10 highways may, by contract, employ persons participating
11 in the citizens' conservation corps to maintain orphan

12 roads and bridges. The employment of welfare recipients
13 or workers provided through the citizens' conservation
14 corps to maintain orphan roads and bridges may not be
15 used to displace any division of highways employee in the
16 classified civil service, or to reduce classified civil service
17 positions within the division.

18 The division of highways is required to furnish trucks
19 or other proper motor vehicles and gravel or other
20 required materials to be used by the workforce created by
21 this section in the maintenance of the orphan roads and
22 bridges in each district and county.

§17-2C-5. Upgrading of roads and bridges in maintenance system.

1 Roads and bridges accepted into the maintenance
2 system under the provisions of this article are admitted
3 only for the purposes of maintenance. No upgrading of
4 said roads and bridges is to be undertaken unless
5 otherwise determined by the commissioner of highways.

§17-2C-6. Termination of orphan roads and bridges program; report to the Legislature.

1 The orphan roads and bridges acquisition and
2 maintenance program established pursuant to this article
3 will terminate on the thirty-first day of December, two
4 thousand one.

5 On or before the thirtieth day of January, one
6 thousand nine hundred ninety-nine, and annually
7 thereafter, the commissioner of the division of highways
8 shall submit a report to the Legislature which recounts the
9 activities of the program and the roads and bridges which
10 have been accepted into the state maintenance system.
11 The report shall include a breakdown by county of those
12 roads and bridges being maintained, the estimated costs
13 associated with maintenance and any other information
14 the commissioner deems necessary. Before the thirtieth
15 day of January, two thousand two, the commissioner shall
16 also submit proposed legislation formulating a policy for
17 the designation and acceptance into the state system of
18 orphan roads and bridges in the future.

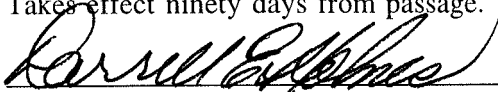
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

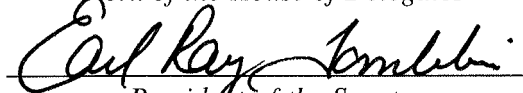

Chairman House Committee

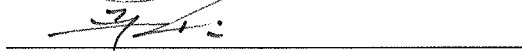
Originating in the House.

Takes effect ninety days from passage.

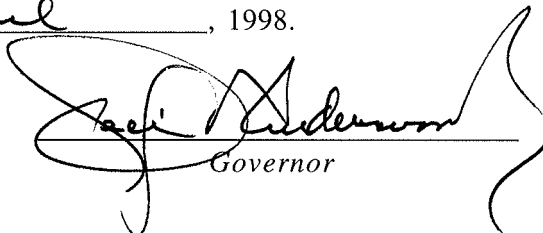

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 6th
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 2/3/98

Time 11:10 am