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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4049**

(By Delegate Warner)



Passed March 11, 2000

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 4049

(BY DELEGATE WARNER)

[Passed March 11,2000; 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; and to amend said article by adding thereto a new section, designated section seventeen-d, all relating to the payment of utilities on highway construction projects.

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

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

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

30 (c) The commissioner of highways is hereby authorized to
31 include within the cost of highway construction the cost of

32 relocation necessarily incurred by any public utility, and any
33 pipeline company subject to the jurisdiction of the federal
34 energy regulatory commission, in relocating any public utility
35 line, pipeline or facility as a result of the construction of any
36 fully or partially controlled access highway as a part of the
37 national highway system as authorized by the “Federal
38 Intermodal Surface Transportation Efficiency Act of 1991”, and
39 all acts amendatory and supplementary thereto as of the
40 twentieth day of March, one thousand nine hundred
41 ninety-three. The provisions of article five-a, chapter
42 twenty-one of this code apply to all work performed pursuant
43 to the provisions of this subsection.

44 (d) Any notice required by this section is sufficient if given
45 by registered or certified mail, return receipt requested,
46 addressed to any officer of the utility or to an individual if the
47 person to whom the notice is required is an individual.

**§17-4-17d. Relocation of public utility lines on state highway
construction projects.**

1 (a) Whenever the commissioner of highways determines
2 that any public utility line owned by a county or municipal
3 governmental body located upon, across or under any portion
4 of a state highway needs to be relocated in order to accommo-
5 date a highway project for which proportionate reimbursement
6 of the cost is not available from any federal program, the
7 commissioner shall notify the public utility owning or operating
8 the facility which shall relocate the same in accordance with the
9 order of the commissioner, and the cost of the relocation shall
10 be paid out of the state road fund.

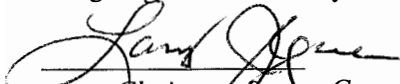
11 (b) The commissioner may propose legislative rules in
12 accordance with the provisions of article three, chapter twenty-
13 nine-a of this code to provide for reimbursement of privately
14 held public utilities for the cost of relocation, due to the

15 division of highways construction or improvement projects, of
16 their public utility lines located upon, across or under any
17 portion of a state highway in order to accommodate a highway
18 project for which proportionate reimbursement of the cost is not
19 available from any federal program, with the cost of the
20 relocation to be paid out of the state road fund.

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

27 (d) Any notice required by this section is sufficient if given
28 by registered mail or certified mail, return receipt requested,
29 addressed to any officer of the utility or to an individual if the
30 person to whom notice is required is an individual.

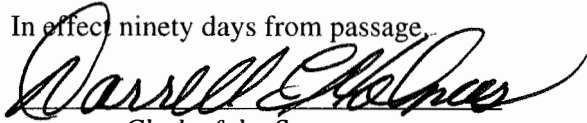
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

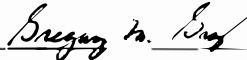

Chairman Senate Committee
MEMBER

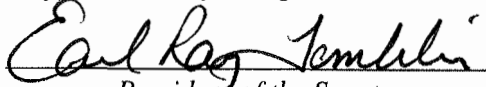

Chairman House Committee


Originating in the House.

In effect ninety days from passage.

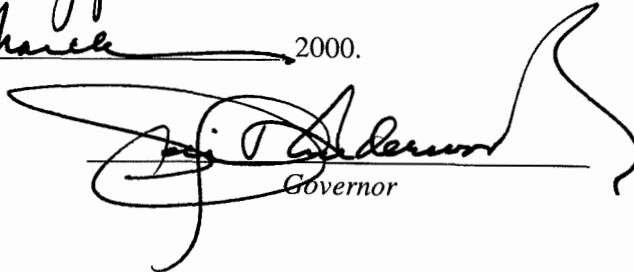

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 20th
day of March 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/15

Time 12:27 pm