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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*



**ENROLLED**

*Com. Sub. for Com. Sub. for 8.*

SENATE BILL NO. 279

(By Senator Ross, et al)



PASSED March 6, 2002

In Effect ninety days from **Passage**

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COMMITTEE SUBSTITUTE

FOR

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FOR

**Senate Bill No. 279**

(SENATORS ROSS, LOVE, ANDERSON, MCCABE, MITCHELL,  
BURNETTE AND ROWE, *original sponsors*)

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[Passed March 6, 2002; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the commissioner of the division of highways to provide family restrooms at each rest area on interstate highways in West Virginia.

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

That section eight, article two-a, 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 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-8. Powers, duties and responsibilities of commissioner.

1 In addition to all other duties, powers and responsibili-  
2 ties given and assigned to the commissioner in this chap-  
3 ter, the commissioner may:

4 (1) Exercise general supervision over the state road  
5 program and the construction, reconstruction, repair and  
6 maintenance of state roads and highways;

7 (2) Determine the various methods of road construction  
8 best adapted to the various sections and areas of the state  
9 and establish standards for the construction and mainte-  
10 nance of roads and highways in the various sections and  
11 areas of the state;

12 (3) Conduct investigations and experiments, hold  
13 hearings and public meetings and attend and participate  
14 in meetings and conferences within and without the state  
15 for purposes of acquiring information, making findings  
16 and determining courses of action and procedure relative  
17 to advancement and improvement of the state road and  
18 highway system;

19 (4) Enter private lands to make inspections and surveys  
20 for road and highway purposes;

21 (5) Acquire, in name of the department, by lease, grant,  
22 right of eminent domain or other lawful means all lands  
23 and interests and rights in lands necessary and required  
24 for roads, rights-of-way, cuts, fills, drains, storage for  
25 equipment and materials and road construction and  
26 maintenance in general;

27 (6) Procure photostatic copies of any or all public records  
28 on file at the state capitol of Virginia which may be  
29 considered necessary or proper in ascertaining the location  
30 and legal status of public road rights-of-way located or  
31 established in what is now the state of West Virginia,  
32 which when certified by the commissioner, may be admit-

33 ted in evidence, in lieu of the original, in any of the courts  
34 of this state;

35 (7) Plan for and hold annually a school of good roads, of  
36 not less than three or more than six days' duration, for  
37 instruction of his or her employees, which is held in  
38 conjunction with West Virginia university and may be held  
39 at the university or at any other suitable place in the state;

40 (8) Negotiate and enter in reciprocal contracts and  
41 agreements with proper authorities of other states and of  
42 the United States relating to and regulating the use of  
43 roads and highways with reference to weights and types of  
44 vehicles, registration of vehicles and licensing of operators,  
45 military and emergency movements of personnel and  
46 supplies and all other matters of interstate or national  
47 interest;

48 (9) Classify and reclassify, locate and relocate, express-  
49 way, trunkline, feeder and state local service roads and  
50 designate by number the routes within the state road  
51 system;

52 (10) Create, extend or establish, upon petition of any  
53 interested party or parties or on the commissioner's own  
54 initiative, any new road or highway found necessary and  
55 proper;

56 (11) Exercise jurisdiction, control, supervision and  
57 authority over local roads, outside the state road system,  
58 to the extent determined by him or her to be expedient and  
59 practicable;

60 (12) Discontinue, vacate and close any road or highway,  
61 or any part of any road or highway, the continuance and  
62 maintenance of which are found unnecessary and im-  
63 proper, upon petition and hearing or upon investigation  
64 initiated by the commissioner;

65 (13) Close any state road while under construction or  
66 repair and provide a temporary road during the time of the  
67 construction or repair;

68 (14) Adjust damages occasioned by construction, recon-  
69 struction or repair of any state road or the establishment  
70 of any temporary road;

71 (15) Establish and maintain a uniform system of road  
72 signs and markers;

73 (16) Fix standard widths for road rights-of-way, bridges  
74 and approaches to bridges and fix and determine grades  
75 and elevations therefor;

76 (17) Test and standardize materials used in road con-  
77 struction and maintenance, either by governmental testing  
78 and standardization activities or through contract by  
79 private agencies;

80 (18) Allocate the cost of retaining walls and drainage  
81 projects, for the protection of a state road or its right-of-  
82 way, to the cost of construction, reconstruction, improve-  
83 ment or maintenance;

84 (19) Acquire, establish, construct, maintain and operate,  
85 in the name of the department, roadside recreational areas  
86 along and adjacent to state roads and highways;

87 (20) Exercise general supervision over the construction  
88 and maintenance of airports and landing fields under the  
89 jurisdiction of the West Virginia state aeronautics commis-  
90 sion, of which the commissioner is a member, and make a  
91 study and general plan of a statewide system of airports  
92 and landing fields;

93 (21) Provide traffic engineering services to municipali-  
94 ties of the state upon request of the governing body of any  
95 municipality and upon terms that are agreeably arranged;

96 (22) Institute complaints before the public service  
97 commission or any other appropriate governmental agency  
98 relating to freight rates, car service and movement of road  
99 materials and equipment;

100 (23) Invoke any appropriate legal or equitable remedies  
101 to enforce his or her orders, to compel compliance with  
102 requirements of law and to protect and preserve the state  
103 road and highway system or any part of the system;

104 (24) Make and promulgate rules for the government and  
105 conduct of personnel, for the orderly and efficient admin-  
106 istration and supervision of the state road program and for  
107 the effective and expeditious performance and discharge  
108 of the duties and responsibilities placed upon him or her  
109 by law;

110 (25) Delegate powers and duties to his or her appointees  
111 and employees who shall act by and under his or her  
112 direction and be responsible to him or her for their acts;

113 (26) Designate and define any construction and mainte-  
114 nance districts within the state road system that is found  
115 expedient and practicable;

116 (27) Contract for the construction, improvement and  
117 maintenance of the roads;

118 (28) Comply with provisions of present and future  
119 federal aid statutes and regulations, including execution  
120 of contracts or agreements with and cooperation in  
121 programs of the United States government and any proper  
122 department, bureau or agency of the United States govern-  
123 ment relating to plans, surveys, construction, reconstruc-  
124 tion, improvement and maintenance of state roads and  
125 highways;

126 (29) Prepare budget estimates and requests;

127 (30) Establish a system of accounting covering and  
128 including all fiscal and financial matters of the depart-  
129 ment;

130 (31) Establish and advance a right-of-way acquisition  
131 revolving fund, a materials revolving fund and an equip-  
132 ment revolving fund;

133 (32) Enter into contracts and agreements with and  
134 cooperate in programs of counties, municipalities and  
135 other governmental agencies and subdivisions of the state  
136 relating to plans, surveys, construction, reconstruction,  
137 improvement, maintenance and supervision of highways,  
138 roads, streets and other travel ways when and to the extent  
139 determined by the department to be expedient and practi-  
140 cal;

141 (33) Report, as provided by law, to the governor and the  
142 Legislature;

143 (34) Purchase materials, supplies and equipment re-  
144 quired for the state road program and system;

145 (35) Dispose of all obsolete and unusable and surplus  
146 supplies and materials which cannot be used advanta-  
147 geously and beneficially by the department in the state  
148 road program by transfer of the supplies and materials to  
149 other governmental agencies and institutions by exchange,  
150 trade or sale of the supplies and materials;

151 (36) Investigate road conditions, official conduct of  
152 department personnel and fiscal and financial affairs of  
153 the department and hold hearings and make findings  
154 thereon or on any other matters within the jurisdiction of  
155 the department;

156 (37) Establish road policies and administrative practices;

157 (38) Fix and revise from time to time tolls for transit  
158 over highway projects constructed by the division of  
159 highways after the first day of May, one thousand nine  
160 hundred ninety-nine, that have been authorized by the  
161 provisions of section five-b, article seventeen-a of this  
162 chapter;

163 (39) Take actions necessary to alleviate any conditions as  
164 the governor may declare to constitute an emergency,  
165 whether or not the emergency condition affects areas

166 normally under the jurisdiction of the department of  
167 highways; and

168 (40) Provide family restrooms at all rest areas along  
169 interstate highways in this state, all to be constructed in  
170 accordance with federal law.



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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *18<sup>th</sup>*  
Day of *March*, 2002.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/12

Time 10:38 am