

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3214

BY DELEGATES CAPITO, RILEY, WILLIAMS, YOUNG,

STORCH AND JENNINGS

[Passed March 10, 2023; in effect ninety days from passage.]

FILED

2023 MAR 28 P 4: 48

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17-2A-25, relating to creating the Road Optimization and Assessment Data
3 Pilot Program; setting forth legislative findings and purpose; requiring the Commissioner
4 of Highways to implement the program; specifying assessment methods and term of
5 program; and requiring reporting by the Division of Highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

**§17-2A-25. Road optimization and assessment data pilot program; legislative findings
and purposes; reporting.**

1 (a) The Legislature hereby finds and declares that:

2 (1) Properly maintained roads are important to the economic and industrial growth and
3 development of the state and to the health, education, welfare, and prosperity of the state's
4 residents;

5 (2) Roads that are not well-maintained because of potholes, patching, cracking, road
6 shoulder issues, canopy brush, or drainage issues do not contribute to the health, education,
7 welfare, and prosperity of the residents of this state;

8 (3) Data is and has been collected by the West Virginia Division of Highways for purposes
9 of an overall assessment and evaluation of road maintenance; and

10 (4) The purpose of this section is to create a pilot program to study alternative, advanced
11 methods of assessing the conditions of the roads that will lead to improved processes of
12 addressing road maintenance needs.

13 (b) The Road Optimization and Assessment Data (ROAD) Pilot Program is hereby
14 created. The Commissioner of Highways shall develop and implement the pilot program
15 concerning the collection of data and the overall assessment of the conditions of the paved roads
16 of the state and the repairs and maintenance required to ensure well-maintained roads. The pilot

17 program shall include a combination of urban and rural roads, using Monongalia County and
18 Preston County as the test areas for this pilot program and, to the broadest extend feasible:

- 19 (1) Use existing assessments in the pilot counties to teach the program;
 - 20 (2) Incorporate machine learning (ML), artificial intelligence (AI), or other advanced
21 technologies to assess state roads;
 - 22 (3) Use Global Positioning System (GPS) data or geotagging, including high accuracy
23 precision GPS, to indicate road geometry and curvature;
 - 24 (4) Use laser measuring systems, including video, that are capable of longitudinal
25 profiling, identifying and measuring of cracks, pavement distress, potholes, patching, road
26 shoulder issues, canopy brush, and drainage issues;
 - 27 (5) Use video for road imagery as well as canopy brush and drainage documentation;
 - 28 (6) Use a reflectometer system to check the reflectivity of painted lines;
 - 29 (7) Utilize post-data capture processing to create a baseline for road condition
30 assessment based on standards of the Division of Highways and the ASTM D6433-11 Standard
31 Practice for Roads and Parking Lots Pavement Condition Index Surveys; and
 - 32 (8) Incorporate the data gathered pursuant to this section within the Division of Highways'
33 existing pavement management system, or an alternative machine learning or artificial
34 intelligence system in order to improve predictive analysis of roads and to guide in the
35 performance of preventive maintenance for roads rather than reactive maintenance.
- 36 (c) The commissioner shall provide for the data capturing and processing pursuant to this
37 section at intervals determined by the commissioner to adequately collect and assess data for
38 maintenance purposes: *Provided*, That data capturing and processing shall occur at least twice
39 during the pilot project. The data shall compare the changes in road conditions, such as
40 deterioration of roads from previous conditions, average daily traffic, and heavy truck traffic if such
41 information is available.

42 (d) The term of this pilot program is five years. At the conclusion of year two and year four
43 of the pilot program, and at the conclusion of the pilot program, the commissioner shall report to
44 the Joint Legislative Oversight Commission on Department of Transportation Accountability on
45 the steps taken to implement the pilot program, identify the technologies used in the pilot program,
46 outline the data collected through the pilot program, identify costs of the pilot program, summarize
47 any improvements in road maintenance and pavement management processes that may be
48 realized through the pilot program, and make recommendations concerning improvements to and
49 continuation of the pilot program.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Steve Harris

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Clerk of the House of Delegates

Dee Linn

.....
Clerk of the Senate

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SECRETARY OF STATE

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FILED

Originated in the House of Delegates.

In effect ninety days from passage.

Les Hankew

.....
Speaker of the House of Delegates

C. P. M.

.....
President of the Senate

The within is approved this the 28th
Day of March, 2023.

James Justice

.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2023

Time 2:52pm