

Senate Bill No. 142

(By Senators Walters, Blair and Carmichael)

[Introduced February 13, 2013; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §7-1-3pp; to amend
and reenact §8-12-5 of said code; and to amend and reenact
§17-2A-8 of said code, all relating to authorizing the
construction of improvements of streets, alleys, sidewalks,
roads and highways by private investors in the state, counties
and municipalities; permitting advertising by the private
investors of the improvements; providing that the rates for
the advertisements are to be determined by the Commissioner of
Highways, the county commission and the municipality,
respectively, for the various improvements; and requiring that
money received from advertising sponsorship by private
investors for improvements of state roads and highways be
deposited in the State Road Fund.

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

2 That the Code of West Virginia, 1931, as amended, be amended
3 by adding thereto a new section, designated §7-1-3pp; to amend and
4 reenact §8-12-5 of said code; and that §17-2A-8 of said code be
5 amended and reenacted, all to read as follows:

6 **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

7 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

8 **§7-1-3pp. Construction of improvements of streets, alleys and**
9 **sidewalks by private investors; improved streets and**
10 **maintenance of roads not in the state road system.**

11 In addition to all other powers and duties now conferred by
12 law upon county commissions, such commissions may make and
13 promulgate rules for the construction, reconstruction, repair and
14 maintenance of streets, alleys, sidewalks, roads, highways, drains
15 and gutters through investments by private company or corporate
16 sponsors: *Provided*, That any such roads or highways are not in the
17 state highway system. In return for the investment for
18 reconstruction, repair or maintenance of streets, alleys,
19 sidewalks, roads, highways, drains and gutters by private companies
20 or corporations, the private companies or corporations may place
21 advertising on signs, to be placed along the affected street,
22 alley, sidewalk, road, highway, drains and gutters that feature the
23 logo of the company or corporation name and a statement that the

1 company or corporation is sponsoring the street, alley, sidewalk,
 2 road, highway or portion of the street, alley, sidewalk, road,
 3 highway, drains or gutters. A safety message may be included on
 4 the sign: *Provided, however,* That such authority and power herein
 5 conferred upon county commissions may not extend into the territory
 6 within any municipal corporation: *Provided, further,* That any
 7 county commission may enter into contracts or agreements with any
 8 municipality within the county, or with a municipality in an
 9 adjoining county, with reference to the exercise of the powers
 10 vested in the commissions by this section. The county commission
 11 shall determine the rate private companies or corporations are to
 12 be charged for advertising the sponsorship of streets, avenues,
 13 roads, alleys, ways, sidewalks, drains or gutters.

14 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

15 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**
 16 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**
 17 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**
 18 **MUNICIPALITIES.**

19 **§8-12-5. General powers of every municipality and the governing**
 20 **body thereof.**

21 In addition to the powers and authority granted by: (i) The
 22 Constitution of this state; (ii) other provisions of this chapter;
 23 (iii) other general law; and (iv) any charter, and to the extent

1 not inconsistent or in conflict with any of the foregoing except
2 special legislative charters, every municipality and the governing
3 body thereof shall have plenary power and authority therein by
4 ordinance or resolution, as the case may require, and by
5 appropriate action based thereon:

6 (1) To lay off, establish, construct, open, alter, curb,
7 recurb, pave or repave and keep in good repair, or vacate,
8 discontinue and close, streets, avenues, roads, alleys, ways,
9 sidewalks, drains and gutters, for the use of the public, and to
10 improve and light the same, and have them kept free from
11 obstructions on or over them which have not been authorized
12 pursuant to the succeeding provisions of this subdivision; and,
13 subject to such terms and conditions as the governing body shall
14 prescribe, to permit, without in any way limiting the power and
15 authority granted by the provisions of article sixteen of this
16 chapter, any person to construct and maintain a passageway,
17 building or other structure overhanging or crossing the airspace
18 above a public street, avenue, road, alley, way, sidewalk or
19 crosswalk, but before any permission for any person to construct
20 and maintain a passageway, building or other structure overhanging
21 or crossing any airspace is granted, a public hearing thereon shall
22 be held by the governing body after publication of a notice of the
23 date, time, place and purpose of the public hearing has been
24 published as a Class I legal advertisement in compliance with the

1 provisions of article three, chapter fifty-nine of this code and
2 the publication area for the publication shall be the municipality:
3 *Provided*, That any permit so granted shall automatically cease and
4 terminate in the event of abandonment and nonuse thereof for the
5 purposes intended for a period of ninety days, and all rights
6 therein or thereto shall revert to the municipality for its use and
7 benefit;

8 (2) To make and promulgate rules for the construction,
9 reconstruction, repair and maintenance of streets, avenues, roads,
10 alleys, ways, sidewalks, drains and gutters through investments by
11 private company or corporate sponsors to repair and maintain
12 streets, avenues, roads, alleys, ways, sidewalks, drains and
13 gutters: *Provided*, That any such roads are not in the state
14 highway system. In return for the investment for reconstruction,
15 repair or maintenance of streets, avenues, roads, alleys, ways,
16 sidewalks, drains and gutters by private companies or corporations,
17 the private companies or corporations may place advertising on
18 signs, to be placed along or on the affected streets, avenues,
19 roads, alleys, ways, sidewalks, drains and gutters, that feature
20 the logo of the company or corporation name and a statement that
21 the company or corporation is sponsoring the streets, avenues,
22 roads, alleys, ways, sidewalks, drains and gutters or portion of
23 the streets, avenues, roads, alleys, ways, sidewalks, drains and
24 gutters. A safety message may be included on the sign. The

1 municipality and the governing body thereof shall determine the
2 rate private companies or corporations are to be charged for
3 sponsorship of streets, avenues, roads, alleys, ways, sidewalks,
4 drains and gutters.

5 ~~(2)~~ (3) To provide for the opening and excavation of streets,
6 avenues, roads, alleys, ways, sidewalks, crosswalks and public
7 places belonging to the municipality and regulate the conditions
8 under which any such opening may be made;

9 ~~(3)~~ (4) To prevent by proper penalties the throwing,
10 depositing or permitting to remain on any street, avenue, road,
11 alley, way, sidewalk, square or other public place any glass, scrap
12 iron, nails, tacks, wire, other litter or any offensive matter or
13 anything likely to injure the feet of individuals or animals or the
14 tires of vehicles;

15 ~~(4)~~ (5) To regulate the use of streets, avenues, roads,
16 alleys, ways, sidewalks, crosswalks and public places belonging to
17 the municipality, including the naming or renaming thereof, and to
18 consult with local postal authorities, the Division of Highways and
19 the directors of county emergency communications centers to assure
20 uniform, nonduplicative addressing on a permanent basis;

21 ~~(5)~~ (6) To regulate the width of streets, avenues and roads,
22 and, subject to the provisions of article eighteen of this chapter,
23 to order the sidewalks, footways and crosswalks to be paved,
24 repaved, curbed or recurbed and kept in good order, free and clean,

1 by the owners or occupants thereof or of the real property next
2 adjacent thereto;

3 ~~(6)~~ (7) To establish, construct, alter, operate and maintain,
4 or discontinue, bridges, tunnels and ferries and approaches
5 thereto;

6 ~~(7)~~ (8) To provide for the construction and maintenance of
7 water drains, the drainage of swamps or marshlands and drainage
8 systems;

9 ~~(8)~~ (9) To provide for the construction, maintenance and
10 covering over of watercourses;

11 ~~(9)~~ (10) To control and administer the waterfront and
12 waterways of the municipality and to acquire, establish, construct,
13 operate and maintain and regulate flood control works, wharves and
14 public landings, warehouses and all adjuncts and facilities for
15 navigation and commerce and the utilization of the waterfront and
16 waterways and adjacent property;

17 ~~(10)~~ (11) To prohibit the accumulation and require the
18 disposal of garbage, refuse, debris, wastes, ashes, trash and other
19 similar accumulations whether on private or public property:
20 *Provided, That, in the event the municipality annexes an area which*
21 *has been receiving solid waste collection services from a*
22 *certificated solid waste motor carrier, the municipality and the*
23 *solid waste motor carrier may negotiate an agreement for*
24 *continuation of the private solid waste motor carrier services for*

1 a period of time, not to exceed three years, during which time the
2 certificated solid waste motor carrier may continue to provide
3 exclusive solid waste collection services in the annexed territory;

4 ~~(11)~~ (12) To construct, establish, acquire, equip, maintain
5 and operate incinerator plants and equipment and all other
6 facilities for the efficient removal and destruction of garbage,
7 refuse, wastes, ashes, trash and other similar matters;

8 ~~(12)~~ (13) To regulate or prohibit the purchase or sale of
9 articles intended for human use or consumption which are unfit for
10 use or consumption, or which may be contaminated or otherwise
11 unsanitary;

12 ~~(13)~~ (14) To prevent injury or annoyance to the public or
13 individuals from anything dangerous, offensive or unwholesome;

14 ~~(14)~~ (15) To regulate the keeping of gunpowder and other
15 combustibles;

16 ~~(15)~~ (16) To make regulations guarding against danger or
17 damage by fire;

18 ~~(16)~~ (17) To arrest, convict and punish any individual for
19 carrying about his or her person any revolver or other pistol,
20 dirk, bowie knife, razor, slingshot, billy, metallic or other false
21 knuckles or any other dangerous or other deadly weapon of like kind
22 or character;

23 ~~(17)~~ (18) To arrest, convict and punish any person for
24 importing, printing, publishing, selling or distributing any

1 pornographic publications;

2 ~~(18)~~ (19) To arrest, convict and punish any person for keeping
3 a house of ill fame, or for letting to another person any house or
4 other building for the purpose of being used or kept as a house of
5 ill fame, or for knowingly permitting any house owned by him or her
6 or under his or her control to be kept or used as a house of ill
7 fame, or for loafing, boarding or loitering in a house of ill fame,
8 or frequenting same;

9 ~~(19)~~ (20) To prevent and suppress conduct and practices which
10 are immoral, disorderly, lewd, obscene and indecent;

11 ~~(20)~~ (21) To prevent the illegal sale of intoxicating liquors,
12 drinks, mixtures and preparations;

13 ~~(21)~~ (22) To arrest, convict and punish any individual for
14 driving or operating a motor vehicle while intoxicated or under the
15 influence of liquor, drugs or narcotics;

16 (22) (23) To arrest, convict and punish any person for
17 gambling or keeping any gaming tables, commonly called "A, B, C,"
18 or "E, O," table or faro bank or keno table, or table of like kind,
19 under any denomination, whether the gaming table be played with
20 cards, dice or otherwise, or any person who shall be a partner or
21 concerned in interest, in keeping or exhibiting the table or bank,
22 or keeping or maintaining any gaming house or place, or betting or
23 gambling for money or anything of value;

24 ~~(23)~~ (24) To provide for the elimination of hazards to public

1 health and safety and to abate or cause to be abated anything which
2 in the opinion of a majority of the governing body is a public
3 nuisance;

4 ~~(24)~~ (25) To license, or for good cause to refuse to license
5 in a particular case, or in its discretion to prohibit in all
6 cases, the operation of pool and billiard rooms and the maintaining
7 for hire of pool and billiard tables notwithstanding the general
8 law as to state licenses for any such business and the provisions
9 of section four, article thirteen of this chapter; and when the
10 municipality, in the exercise of its discretion, refuses to grant
11 a license to operate a pool or billiard room, mandamus may not lie
12 to compel the municipality to grant the license unless it shall
13 clearly appear that the refusal of the municipality to grant a
14 license is discriminatory or arbitrary; and in the event that the
15 municipality determines to license any business, the municipality
16 has plenary power and authority and it shall be the duty of its
17 governing body to make and enforce reasonable ordinances regulating
18 the licensing and operation of the businesses;

19 ~~(25)~~ (26) To protect places of divine worship and to preserve
20 peace and order in and about the premises where held;

21 ~~(26)~~ (27) To regulate or prohibit the keeping of animals or
22 fowls and to provide for the impounding, sale or destruction of
23 animals or fowls kept contrary to law or found running at large;

24 ~~(27)~~ (28) To arrest, convict and punish any person for

1 cruelly, unnecessarily or needlessly beating, torturing,
2 mutilating, killing, or overloading or overdriving or willfully
3 depriving of necessary sustenance any domestic animal;

4 ~~(28)~~ (29) To provide for the regular building of houses or
5 other structures, for the making of division fences by the owners
6 of adjacent premises and for the drainage of lots by proper drains
7 and ditches;

8 ~~(29)~~ (30) To provide for the protection and conservation of
9 shade or ornamental trees, whether on public or private property,
10 and for the removal of trees or limbs of trees in a dangerous
11 condition;

12 ~~(30)~~ (31) To prohibit with or without zoning the location of
13 occupied house trailers or mobile homes in certain residential
14 areas;

15 ~~(31)~~ (32) To regulate the location and placing of signs,
16 billboards, posters and similar advertising;

17 ~~(32)~~ (33) To erect, establish, construct, acquire, improve,
18 maintain and operate a gas system, a waterworks system, an electric
19 system or sewer system and sewage treatment and disposal system, or
20 any combination of the foregoing (subject to all of the pertinent
21 provisions of articles nineteen and twenty of this chapter and
22 particularly to the limitations or qualifications on the right of
23 eminent domain set forth in articles nineteen and twenty), within
24 or without the corporate limits of the municipality, except that

1 the municipality may not erect any system partly without the
2 corporate limits of the municipality to serve persons already
3 obtaining service from an existing system of the character proposed
4 and where the system is by the municipality erected, or has
5 heretofore been so erected, partly within and partly without the
6 corporate limits of the municipality, the municipality has the
7 right to lay and collect charges for service rendered to those
8 served within and those served without the corporate limits of the
9 municipality and to prevent injury to the system or the pollution
10 of the water thereof and its maintenance in a healthful condition
11 for public use within the corporate limits of the municipality;

12 ~~(33)~~ (34) To acquire watersheds, water and riparian rights,
13 plant sites, rights-of-way and any and all other property and
14 appurtenances necessary, appropriate, useful, convenient or
15 incidental to any system, waterworks or sewage treatment and
16 disposal works, as aforesaid, subject to all of the pertinent
17 provisions of articles nineteen and twenty of this chapter;

18 ~~(34)~~ (35) To establish, construct, acquire, maintain and
19 operate and regulate markets and prescribe the time of holding the
20 same;

21 ~~(35)~~ (36) To regulate and provide for the weighing of articles
22 sold or for sale;

23 ~~(36)~~ (37) To establish, construct, acquire, maintain and
24 operate public buildings, municipal buildings or city halls,

1 Auditoriums, arenas, jails, juvenile detention centers or homes,
2 motor vehicle parking lots or any other public works;

3 ~~(37)~~ (38) To establish, construct, acquire, provide, equip,
4 maintain and operate recreational parks, playgrounds and other
5 recreational facilities for public use and in this connection also
6 to proceed in accordance with the provisions of article two,
7 chapter ten of this code;

8 ~~(38)~~ (39) To establish, construct, acquire, maintain and
9 operate a public library or museum or both for public use;

10 ~~(39)~~ (40) To provide for the appointment and financial support
11 of a library board in accordance with the provisions of article
12 one, chapter ten of this code;

13 ~~(40)~~ (41) To establish and maintain a public health unit in
14 accordance with the provisions of section two, article two, chapter
15 sixteen of this code, which unit shall exercise its powers and
16 perform its duties subject to the supervision and control of the
17 West Virginia Board of Health and State Bureau for Public Health;

18 ~~(41)~~ (42) To establish, construct, acquire, maintain and
19 operate hospitals, sanitariums and dispensaries;

20 ~~(42)~~ (43) To acquire, by purchase, condemnation or otherwise,
21 land within or near the corporate limits of the municipality for
22 providing and maintaining proper places for the burial of the dead
23 and to maintain and operate the same and regulate interments
24 therein upon terms and conditions as to price and otherwise as may

1 be determined by the governing body and, in order to carry into
2 effect the authority, the governing body may acquire any cemetery
3 or cemeteries already established;

4 ~~(43)~~ (44) To exercise general police jurisdiction over any
5 territory without the corporate limits owned by the municipality or
6 over which it has a right-of-way;

7 ~~(44)~~ (45) To protect and promote the public morals, safety,
8 health, welfare and good order;

9 ~~(45)~~ (46) To adopt rules for the transaction of business and
10 the government and regulation of its governing body;

11 ~~(46)~~ (47) Except as otherwise provided, to require and take
12 bonds from any officers, when considered necessary, payable to the
13 municipality, in its corporate name, with such sureties and in a
14 penalty as the governing body may see fit, conditioned upon the
15 faithful discharge of their duties;

16 ~~(47)~~ (48) To require and take from the employees and
17 contractors such bonds in a penalty, with such sureties and with
18 such conditions, as the governing body may see fit;

19 ~~(48)~~ (49) To investigate and inquire into all matters of
20 concern to the municipality or its inhabitants;

21 ~~(49)~~ (50) To establish, construct, require, maintain and
22 operate such instrumentalities, other than free public schools, for
23 the instruction, enlightenment, improvement, entertainment,
24 recreation and welfare of the municipality's inhabitants as the

1 governing body may consider necessary or appropriate for the public
2 interest;

3 ~~(50)~~ (51) To create, maintain and operate a system for the
4 enumeration, identification and registration, or either, of the
5 inhabitants of the municipality and visitors thereto, or the
6 classes thereof as may be considered advisable;

7 ~~(51)~~ (52) To require owners, residents or occupants of
8 factory-built homes situated in a factory-built rental home
9 community with at least ten factory-built homes, to visibly post
10 the specific numeric portion of the address of each factory-built
11 home on the immediate premises of the factory-built home of
12 sufficient size to be visible from the adjoining street: *Provided,*
13 That in the event no numeric or other specific designation of an
14 address exists for a factory-built home subject to the
15 authorization granted by this subdivision, the municipality has the
16 authority to provide a numeric or other specific designation of an
17 address for the factory-built home and require that it be posted in
18 accordance with the authority otherwise granted by this section.

19 ~~(52)~~ (53) To appropriate and expend not exceeding 25¢ per
20 capita per annum for advertising the municipality and the
21 entertainment of visitors;

22 ~~(53)~~ (54) To conduct programs to improve community relations
23 and public relations generally and to expend municipal revenue for
24 such purposes;

1 ~~(54)~~ (55) To reimburse applicants for employment by the
2 municipality for travel and other reasonable and necessary expenses
3 actually incurred by the applicants in traveling to and from the
4 municipality to be interviewed;

5 ~~(55)~~ (56) To provide revenue for the municipality and
6 appropriate the same to its expenses;

7 ~~(56)~~ (57) To create and maintain an Employee Benefits Fund
8 which may not exceed one tenth of one percent of the annual payroll
9 budget for general employee benefits and which is set up for the
10 purpose of stimulating and encouraging employees to develop and
11 implement cost-saving ideas and programs and to expend moneys from
12 the fund for these purposes;

13 ~~(57)~~ (58) To enter into reciprocal agreements with
14 governmental subdivisions or agencies of any state sharing a common
15 border for the protection of people and property from fire and for
16 emergency medical services and for the reciprocal use of equipment
17 and personnel for these purposes;

18 ~~(58)~~ (59) To provide penalties for the offenses and violations
19 of law mentioned in this section, subject to the provisions of
20 section one, article eleven of this chapter, and such penalties may
21 not exceed any penalties provided in this chapter and chapter
22 sixty-one of this code for like offenses and violations; and

23 ~~(59)~~ (60) To participate in a purchasing card program for
24 local governments authorized and administered by the State Auditor

1 as an alternative payment method.

2 **CHAPTER 17. ROADS AND HIGHWAYS.**

3 **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

4 **§17-2A-8. Powers, duties and responsibilities of commissioner.**

5 In addition to all other duties, powers and responsibilities
6 given and assigned to the commissioner in this chapter, the
7 commissioner may:

8 (1) Exercise general supervision over the state road program
9 and the construction, reconstruction, repair and maintenance of
10 state roads and highways;

11 (2) Determine the various methods of road construction best
12 adapted to the various sections and areas of the state and
13 establish standards for the construction and maintenance of roads
14 and highways in the various sections and areas of the state;

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

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

23 (5) Acquire, in name of the department, by lease, grant, right
24 of eminent domain or other lawful means all lands and interests and

1 rights in lands necessary and required for roads, rights-of-way,
2 cuts, fills, drains, storage for equipment and materials and road
3 construction and maintenance in general;

4 (6) Procure photostatic copies of any or all public records on
5 file at the State Capitol of Virginia which may be considered
6 necessary or proper in ascertaining the location and legal status
7 of public road rights-of-way located or established in what is now
8 the State of West Virginia, which when certified by the
9 commissioner, may be admitted in evidence, in lieu of the original,
10 in any of the courts of this state;

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

16 (8) Negotiate and enter in reciprocal contracts and agreements
17 with proper authorities of other states and of the United States
18 relating to and regulating the use of roads and highways with
19 reference to weights and types of vehicles, registration of
20 vehicles and licensing of operators, military and emergency
21 movements of personnel and supplies and all other matters of
22 interstate or national interest;

23 (9) Classify and reclassify, locate and relocate, expressway,
24 trunkline, feeder and state local service roads and designate by

1 number the routes within the state road system;

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

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

8 (12) Discontinue, vacate and close any road or highway, or any
9 part of any road or highway, the continuance and maintenance of
10 which are found unnecessary and improper, upon petition and hearing
11 or upon investigation initiated by the commissioner;

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

15 (14) Adjust damages occasioned by construction, reconstruction
16 or repair of any state road or the establishment of any temporary
17 road;

18 (15) Establish and maintain a uniform system of road signs and
19 markers;

20 (16) Fix standard widths for road rights-of-way, bridges and
21 approaches to bridges and fix and determine grades and elevations
22 therefor;

23 (17) Test and standardize materials used in road construction
24 and maintenance, either by governmental testing and standardization

1 activities or through contract by private agencies;

2 (18) Allocate the cost of retaining walls and drainage
3 projects, for the protection of a state road or its right-of-way,
4 to the cost of construction, reconstruction, improvement or
5 maintenance;

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

9 (20) Exercise general supervision over the construction and
10 maintenance of airports and landing fields under the jurisdiction
11 of the West Virginia state aeronautics commission, of which the
12 commissioner is a member, and make a study and general plan of a
13 statewide system of airports and landing fields;

14 (21) Provide traffic engineering services to municipalities of
15 the state upon request of the governing body of any municipality
16 and upon terms that are agreeably arranged;

17 (22) Institute complaints before the Public Service Commission
18 or any other appropriate governmental agency relating to freight
19 rates, car service and movement of road materials and equipment;

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

24 (24) Make and promulgate rules for the government and conduct

1 of personnel, for the orderly and efficient administration and
2 supervision of the state road program and for the effective and
3 expeditious performance and discharge of the duties and
4 responsibilities placed upon him or her by law;

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

8 (26) Designate and define any construction and maintenance
9 districts within the state road system that is found expedient and
10 practicable;

11 (27) Contract for the construction, improvement and
12 maintenance of the roads;

13 (28) Comply with provisions of present and future federal aid
14 statutes and regulations, including execution of contracts or
15 agreements with and cooperation in programs of the United States
16 government and any proper department, bureau or agency of the
17 United States government relating to plans, surveys, construction,
18 reconstruction, improvement and maintenance of state roads and
19 highways;

20 (29) Prepare budget estimates and requests;

21 (30) Establish a system of accounting covering and including
22 all fiscal and financial matters of the department;

23 (31) Establish and advance a right-of-way acquisition
24 revolving fund, a materials revolving fund and an equipment

1 revolving fund;

2 (32) Enter into contracts and agreements with and cooperate in
3 programs of counties, municipalities and other governmental
4 agencies and subdivisions of the state relating to plans, surveys,
5 construction, reconstruction, improvement, maintenance and
6 supervision of highways, roads, streets and other travel ways when
7 and to the extent determined by the department to be expedient and
8 practical;

9 (33) Report, as provided by law, to the Governor and the
10 Legislature;

11 (34) Purchase materials, supplies and equipment required for
12 the state road program and system;

13 (35) Dispose of all obsolete and unusable and surplus supplies
14 and materials which cannot be used advantageously and beneficially
15 by the department in the state road program by transfer of the
16 supplies and materials to other governmental agencies and
17 institutions by exchange, trade or sale of the supplies and
18 materials;

19 (36) Investigate road conditions, official conduct of
20 department personnel and fiscal and financial affairs of the
21 department and hold hearings and make findings thereon or on any
22 other matters within the jurisdiction of the department;

23 (37) Establish road policies and administrative practices;

24 (38) Fix and revise from time to time tolls for transit over

1 highway projects constructed by the Division of Highways after May
2 1, 1999, that have been authorized by the provisions of section
3 five-b, article seventeen-a of this chapter;

4 (39) Take actions necessary to alleviate any conditions as the
5 Governor may declare to constitute an emergency, whether or not the
6 emergency condition affects areas normally under the jurisdiction
7 of the department of highways; and

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

11 (41) Make and promulgate rules for the construction,
12 reconstruction, repair and maintenance of state roads and highways,
13 including allowing investments by private company or corporate
14 sponsors to repair and maintain state roads and highways. In
15 return for the investment for reconstruction, repair or maintenance
16 of state roads and highways by private companies or corporations,
17 the private companies or corporations may place advertising on
18 state signs, to be placed along the affected road or highway, that
19 feature the logo of the company or corporation, name and a
20 statement that the company or corporation is sponsoring the road,
21 highway or portion of the road or highway. A safety message may be
22 included on the sign. The commissioner shall determine the rate
23 private companies or corporations are to be charged for sponsorship
24 of a road or highway. All moneys collected for advertising

1 sponsorship by private companies or corporations shall be deposited
2 into the State Road Fund. The commissioner shall set a goal of
3 obtaining a minimum of ten sponsors within a period of four years
4 after the implementation of this program.

NOTE: The purpose of this bill is to authorize the construction of improvements of streets, alleys, sidewalks, roads and highways by private investors in the state, counties and municipalities. It permits advertising by the private investors of the improvements with signs erected at the place of improvement. The bill also authorizes the Commissioner of Highways, the county commission and the municipality, respectively, to determine the rates for the advertisements for the various improvements. And, the bill requires that money received for sponsorship by private investors for improvements of state roads and highways be deposited in the State Road Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§7-1-3pp is new; therefore strike-throughs and underscoring have been omitted.