

H. B. 4187

(By Delegates Staggers, Marshall, Perry,
Pino, Guthrie, Fragale and Gearheart)

[Introduced January 15, 2014; referred to the
Committee on Roads and Transportation then Finance.]

**FISCAL
NOTE**

A BILL to repeal §17-16A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11B-2-20a; and to amend and reenact §17-16A-1, §17-16A-3, §17-16A-4, §17-16A-5, §17-16A-6, §17-16A-7, §17-16A-8, §17-16A-9, §17-16A-10, §17-16A-11, §17-16A-12, §17-16A-13, §17-16A-13a, §17-16A-15, §17-16A-16, §17-16A-17, §17-16A-18, §17-16A-18a, §17-16A-21, §17-16A-22, §17-16A-23, §17-16A-25, §17-16A-26, §17-16A-27, §17-16A-29 and §17-16A-30 of said code, all relating to dissolution of the West Virginia Parkways, Economic Development and Tourism Authority; transferring its powers to the Secretary of the Department of Transportation; requiring all outstanding bonds of the Parkways Authority to be paid off via a loan from funds managed by the West Virginia Investment Management Board; and requiring that the loan be repaid at the same interest rate as the current bonds.

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

2 That §17-16A-2 of the Code of West Virginia, 1931, as amended,
3 be repealed; that said code be amended by adding thereto a new
4 section, designated §11B-2-20a; and that §17-16A-1, §17-16A-3,
5 §17-16A-4, §17-16A-5, §17-16A-6, §17-16A-7, §17-16A-8, §17-16A-9,
6 §17-16A-10, §17-16A-11, §17-16A-12, §17-16A-13, §17-16A-13a,
7 §17-16A-15, §17-16A-16, §17-16A-17, §17-16A-18, §17-16A-18a,
8 §17-16A-21, §17-16A-22, §17-16A-23, §17-16A-25, §17-16A-26,
9 §17-16A-27, §17-16A-29 and §17-16A-30 of said code be amended and
10 reenacted, all to read as follows:

11 **CHAPTER 11B. DEPARTMENT OF REVENUE.**

12 **ARTICLE 2. STATE BUDGET OFFICE.**

13 **§11B-2-20a. Use of funds managed by the West Virginia Investment**
14 **Management Board to pay outstanding West Virginia**
15 **Parkways Authority bonds; repayment.**

16 (a) Notwithstanding any provision of this code to the
17 contrary, the Governor shall by June 30, 2014 use funds managed by
18 the West Virginia Investment Management Board established by
19 article six, chapter twelve of this code to pay off all outstanding
20 bonds of the West Virginia Parkways Authority. The funds
21 transferred from the West Virginia Investment Management Board
22 shall be repaid to the board's funds at the same interest rate
23 applicable to those bonds and at the same frequency.

1 **CHAPTER 17. ROADS AND HIGHWAYS.**2 **ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND**
3 **TOURISM AUTHORITY.**4 **§17-16A-1. Constructing, operating, financing, etc., parkway**
5 **~~economic development and tourism projects.~~**

6 In order to remove the present handicaps and hazards on the
7 congested highways and roads in the State of West Virginia, to
8 facilitate vehicular traffic throughout the state, ~~to promote and~~
9 ~~enhance the tourism industry and to develop and improve tourist~~
10 ~~facilities and attractions in the state, to promote the~~
11 ~~agricultural, economic and industrial development of the state and~~
12 to provide for the construction of modern express highways,
13 including center divisions, ample shoulder widths, long sight
14 distances, the bypassing of cities, multiple lanes in each
15 direction and grade separations at all intersections with other
16 highways and railroads, ~~to provide for the development,~~
17 ~~construction, improvement and enhancement of state parks, tourist~~
18 ~~facilities and attractions and to provide for the improvement and~~
19 ~~enhancement of state parks presently existing, the West Virginia~~
20 ~~Parkways, Economic Development and Tourism Authority (hereinafter~~
21 ~~created) the West Virginia Secretary of Transportation is hereby~~
22 authorized and empowered to construct, reconstruct, improve,
23 maintain, repair and operate parkway projects, ~~economic development~~

1 ~~projects and tourism projects~~ (as those terms are hereinafter
2 defined in section five of this article) at such locations as shall
3 be approved by the state Department of Transportation.

4 ~~§17-16A-3. West Virginia Parkways Authority. Dissolution and~~
5 ~~termination of the West Virginia Parkways, Economic~~
6 ~~Development and Tourism Authority.~~

7 ~~(a) The West Virginia Parkways, Economic Development and~~
8 ~~Tourism Authority is continued as an agency of the state, and~~
9 ~~commencing July 1, 2010, it shall be known as the West Virginia~~
10 ~~Parkways Authority. Any reference to the West Virginia Parkways,~~
11 ~~Economic Development and Tourism Authority within this code shall~~
12 ~~mean the West Virginia Parkways Authority.~~

13 ~~(b) To be effective on July 1, 2010, the Governor shall~~
14 ~~appoint, by and with the advice and consent of the Senate:~~

15 ~~(1) A public member representing the first congressional~~
16 ~~district for a term of five years; and~~

17 ~~(2) A public member representing the first congressional~~
18 ~~district for a term of four years.~~

19 ~~(c) The public member representing the third congressional~~
20 ~~district whose term expires in 2010 may be reappointed for a term~~
21 ~~of five years. The public member representing the second~~
22 ~~congressional district whose term expires in 2011 may be~~
23 ~~reappointed for a term of five years.~~

24 ~~(d) To be effective on July 1, 2014, the Governor shall~~

1 ~~appoint, by and with the advice and consent of the Senate, a public~~
2 ~~member representing the second congressional district for a term of~~
3 ~~five years to replace the public member representing the third~~
4 ~~congressional district whose term expires in 2014.~~

5 ~~(e) To be effective on July 1, 2015, the Governor shall~~
6 ~~appoint, by and with the advice and consent of the Senate, an~~
7 ~~at-large public member for a term of five years to replace one of~~
8 ~~the public members representing the third congressional district~~
9 ~~whose terms expire in 2015.~~

10 ~~(f) Commencing July 1, 2015, the Authority shall consist of~~
11 ~~the following nine members:~~

12 ~~(1) The Governor or a designee;~~

13 ~~(2) The Secretary of the Department of Transportation or a~~
14 ~~designee;~~

15 ~~(3) Two public members representing the first congressional~~
16 ~~district;~~

17 ~~(4) Two public members representing the second congressional~~
18 ~~district;~~

19 ~~(5) Two public members representing the third congressional~~
20 ~~district; and~~

21 ~~(6) One at-large public member.~~

22 ~~(g) After the initial appointment term, the term for the~~
23 ~~public members shall be five years. All public members'~~
24 ~~appointments shall be made by the Governor, by and with the advice~~

1 ~~and consent of the Senate.~~

2 ~~(h) A public member may not serve more than two consecutive~~
3 ~~full five year terms. A public member may continue to serve until~~
4 ~~a successor has been appointed and has qualified.~~

5 ~~(i) Each public member shall be a resident of this state~~
6 ~~during the appointment term and shall have been a qualified elector~~
7 ~~for a period of at least one year next preceding the appointment.~~

8 ~~(j) A vacancy on the Authority shall be filled by appointment~~
9 ~~by the Governor for the unexpired term of the public member whose~~
10 ~~office is vacant and the appointment shall be made within sixty~~
11 ~~days of the vacancy.~~

12 ~~(k) The Governor may remove any public member from the~~
13 ~~Authority for neglect of duty, incompetency or official misconduct.~~

14 ~~(l) A public member immediately and automatically forfeits~~
15 ~~membership to the Authority if he or she is convicted of a felony~~
16 ~~under the laws of any jurisdiction, or becomes a nonresident of~~
17 ~~this state.~~

18 ~~(m) The Governor or designee shall serve as chair of the~~
19 ~~Authority. The Authority shall annually elect one of the public~~
20 ~~members as vice chair, and shall also elect a secretary and~~
21 ~~treasurer who need not be members of the Authority.~~

22 ~~(n) The Governor shall appoint an Executive Director of the~~
23 ~~Authority, by and with the advice and consent of the Senate. The~~
24 ~~Executive Director serves at the will and pleasure of the Governor.~~

1 ~~The Executive Director is responsible for managing and~~
2 ~~administering the daily functions of the Authority and performing~~
3 ~~all other functions necessary to the effective operation of the~~
4 ~~Authority. The compensation of the Executive Director is annually~~
5 ~~set by the Governor.~~

6 ~~(o) The public members of the Authority are not entitled to~~
7 ~~compensation for their services, but shall be reimbursed for all~~
8 ~~reasonable and necessary expenses actually incurred in the~~
9 ~~performance of their duties in a manner consistent with guidelines~~
10 ~~of the Travel Management Office of the Department of~~
11 ~~Administration.~~

12 ~~(p) Five members of the Authority constitutes a quorum and the~~
13 ~~vote of a majority of members present shall be necessary for any~~
14 ~~action taken by the Authority. No vacancy in the membership of the~~
15 ~~Authority shall impair the right of a quorum to exercise all the~~
16 ~~rights and perform all the duties of the Authority.~~

17 ~~(q) The Authority shall meet at least monthly. The chair or~~
18 ~~any five members of the Authority may call a special meeting:~~
19 ~~Provided, That notice shall be given to all members of the~~
20 ~~Authority not less than ten days prior to any special meeting.~~

21 ~~(r) Prior to commencing his or her duties as a member of the~~
22 ~~Authority, each public member shall take and subscribe to the oath~~
23 ~~required by section five, article IV of the Constitution of this~~
24 ~~state.~~

1 ~~(s) Before the issuance of any revenue bonds or revenue~~
2 ~~refunding bonds under the provisions of this article, each public~~
3 ~~member of the Authority shall execute a surety bond in the penal~~
4 ~~sum of \$25,000. The secretary and treasurer of the Authority shall~~
5 ~~execute a surety bond in the penal sum of \$50,000. Each surety~~
6 ~~bond shall be conditioned upon the faithful performance of the~~
7 ~~duties of his or her office, shall be executed by a surety company~~
8 ~~authorized to transact business in West Virginia as a surety, shall~~
9 ~~be approved by the Governor and filed in the Office of the~~
10 ~~Secretary of State.~~

11 ~~(t) All expenses incurred in carrying out the provisions of~~
12 ~~this article shall be paid solely from funds provided under this~~
13 ~~article and no liability or obligation shall be incurred by the~~
14 ~~Authority beyond the extent to which moneys shall have been~~
15 ~~provided under this article.~~

16 Effective July 1, 2014 the West Virginia Parkways Authority,
17 formerly known as the West Virginia Parkways, Economic Development
18 and Tourism Authority, is abolished and the powers conferred by
19 this article are transferred to the West Virginia Secretary of
20 Transportation.

21 **§17-16A-4. Transfer of powers, duties, functions, assets and**
22 **liabilities of turnpike commission to parkways**
23 **authority to Secretary of Transportation.**

1 (a) The duties, powers and functions of the West Virginia
2 ~~turnpike commission~~ parkways authority are hereby transferred to
3 the ~~parkways authority~~ West Virginia Secretary of Transportation.

4 (b) All obligations, indebtedness and other liabilities of,
5 and all rights, assets and other property owned by or used in the
6 administration of, the West Virginia ~~turnpike commission~~ parkways
7 authority as of ~~the first day of June one thousand nine hundred~~
8 ~~eighty-nine~~ July 1, 2014 and all compensated personnel of said
9 ~~turnpike commission~~ parkways authority as of said date are hereby
10 assumed by and transferred to the ~~parkways authority~~ Transportation
11 Secretary, which is hereby constituted the successor in interest to
12 said ~~commission~~ parkways authority in all respects.

13 (c) All books, papers, maps, charts, plans, literature and
14 other records in the possession of the West Virginia turnpike
15 commission as of ~~the first day of June one thousand nine hundred~~
16 ~~eighty-nine~~ July 1, 2014 shall be delivered or turned over to the
17 ~~parkways authority~~ Transportation Secretary.

18 (d) The unexpended balance of appropriations or other funds
19 available for use of the West Virginia ~~turnpike commission~~ parkways
20 authority as of the first day of ~~June one thousand nine hundred~~
21 ~~eighty-nine~~ July 1, 2014 is hereby transferred to the ~~parkways~~
22 ~~authority for the use of the parkways authority~~ Transportation
23 Secretary.

24 **§17-16A-5. Definitions.**

1 As used in this article, the following words and terms shall
2 have the following meanings, unless the context shall indicate
3 another or different meaning or intent:

4 (a) "Cost" means the cost of construction, reconstruction,
5 maintenance, improvement, repair and operation of the project, the
6 cost of the acquisition of all land, rights-of-way, property,
7 rights, easements and interests acquired by the ~~Parkways Authority~~
8 Transportation Secretary for such construction, reconstruction,
9 maintenance, improvement and repair, the cost of all machinery,
10 equipment, material and labor which are deemed essential thereto,
11 the cost of improvements, the cost of financing charges, interest
12 prior to and during construction and for one year after completion
13 of construction, the cost of traffic estimates and of engineering,
14 consultant, accounting, architects', trustees' and legal fees and
15 expenses, plans, specifications, surveys, estimates of cost and of
16 revenues, other costs and expenses necessary or incident to
17 determining the feasibility or practicability of constructing any
18 such project, administrative expenses and such other costs and
19 expenses as may be necessary or incident to the construction of the
20 project, the financing of such construction and the placing of the
21 project in operation or to the operation of the project. Any
22 obligation or expense hereafter incurred by the ~~Department of~~
23 ~~Transportation~~ Division of Highways with the approval of the
24 ~~Parkways Authority~~ Transportation Secretary, regardless of whether

1 the approval was authorized before or after the obligation or
2 expense was incurred, for traffic surveys, borings, preparation of
3 plans and specifications. ~~and other engineering and consulting~~
4 ~~services in connection with the construction of a parkway project~~
5 ~~shall be regarded as a part of the cost of such project and may be~~
6 ~~reimbursed to the state out of the proceeds of parkway revenue~~
7 ~~bonds or revenue refunding bonds hereinafter authorized.~~

8 (b) "Department of Transportation" means the West Virginia
9 Department of Transportation and each of its respective divisions
10 and subordinate agencies, including, without limitation, the
11 Division of Highways.

12 (c) "Economic development project" means any land or water
13 site, structure, facility or equipment which the ~~Parkways Authority~~
14 Transportation Secretary may acquire, create, develop, construct,
15 reconstruct, improve or repair under the provisions of this article
16 to promote the agricultural, economic or industrial development of
17 the state, together with all property rights, easements and
18 interests which may be acquired by the ~~Parkways Authority~~
19 Transportation Secretary for the development, construction or
20 operation of such project.

21 (d) "Expressway" means any road serving major intrastate and
22 interstate travel, including federal interstate routes.

23 (e) "Feeder roads" means any road serving community to
24 community travel or collects and feeds traffic to an expressway or

1 turnpike.

2 (f) "Local service road" means any local arterIALIZED and spur
3 roads which provide land access and socioeconomic benefits to
4 abutting properties.

5 (g) "Owner" means all individuals, copartnerships,
6 associations or corporations having any title or interest in any
7 property, rights, easements and interests authorized to be acquired
8 by this article.

9 (h) "Park and forest roads" means any road serving travel
10 within state parks, state forests and public hunting and fishing
11 areas.

12 (i) "Parkways Authority" or "Authority" means the West
13 Virginia Parkways Authority, or if the Parkways Authority is
14 abolished, the board, body, commission or authority succeeding to
15 the principal functions thereof or to whom the powers given by this
16 article to the Parkways Authority shall be given by law.

17 (j) "Parkway project" means any expressway, turnpike, bridge,
18 tunnel, trunkline, feeder road, state local service road or park
19 and forest road, or any portion or portions of any expressway,
20 turnpike, trunkline, feeder road, state local service road or park
21 and forest road, whether contiguous or noncontiguous to the West
22 Virginia Turnpike or to any such portion or portions, which the
23 ~~Parkways Authority~~ Transportation Secretary may acquire,
24 construct, reconstruct, maintain, operate, improve or repair under

1 the provisions of this article, which shall include for all
2 purposes of this article, any acquisition, construction,
3 reconstruction, maintenance, operation, improvement or repair that
4 the ~~authority~~ Transportation Secretary may undertake by agreement
5 with the Department of Transportation, or any expressway, turnpike
6 or other road constructed by the West Virginia Turnpike Commission
7 pursuant to the authority granted to it under the laws of this
8 state prior to ~~June 1, 1989,~~ July 1, 2014 and shall embrace all
9 bridges, tunnels, overpasses, underpasses, interchanges, entrance
10 plazas, approaches, toll houses, service stations and
11 administration, storage and other buildings, which the ~~Parkways~~
12 ~~Authority~~ Transportation Secretary may deem necessary for the
13 operation of the parkway project, or which is used in the operation
14 of a parkway project constructed prior to ~~June 1, 1989,~~ July 1,
15 2014 together with all property, rights, easements and interests
16 which may be acquired by the ~~Parkways Authority~~ Transportation
17 Secretary for the construction or the operation of the parkway
18 project or which were acquired in connection with or are used in
19 the operation of a parkway project constructed prior to ~~June 1,~~
20 ~~1989~~ July 1, 2014.

21 (k) "Project" or "projects" means a parkway project, economic
22 development project or tourism project, or any combination thereof.

23 (l) "Transportation secretary" means the Secretary of the
24 State Department of Transportation.

1 (m) "Tourism project" means:

2 (1) Any park or tourist facility and attraction which the
3 ~~Parkways Authority~~ Transportation Secretary may create, develop,
4 construct, reconstruct, improve, maintain or repair under the
5 provisions of this article, and shall include all roads,
6 interchanges, entrance plazas, approaches, service stations,
7 administration, storage and any other buildings or service
8 stations, structures which the ~~Parkways Authority~~ Transportation
9 Secretary may deem necessary for the operation of the tourism
10 project, together with all property rights, easements and interests
11 which may be acquired by the ~~Parkways Authority~~ Transportation
12 Secretary for the construction or operation of the tourism project;
13 and

14 (2) The construction, reconstruction, improvement, maintenance
15 and repair of any park or tourist facility and attraction owned by
16 the state as of ~~June 1, 1989~~ July 1, 2014.

17 (n) "Tourist facility and attraction" mean cabins, lodges,
18 recreational facilities, restaurants, and other revenue producing
19 facilities, any land or water site, and any information center,
20 visitors' center or rest stop which the ~~Parkways Authority~~
21 Transportation Secretary determines may improve, enhance or
22 contribute to the development of the tourism industry in the state.

23 (o) "Trunkline" means any road serving major city to city
24 travel.

1 (p) "Turnpike" means the West Virginia Turnpike or any other
2 toll road in the state.

3 (q) "West Virginia Turnpike Commission" means the State
4 Turnpike Commission existing as of June 1, 1989.

5 (r) "West Virginia Turnpike" means the turnpike from
6 Charleston to a point approximately one mile south of the
7 intersection of Interstate 77 and U.S. Route 460 near Princeton in
8 Mercer County, West Virginia, which road is presently a part of the
9 federal interstate highway system.

10 **§17-16A-6. Parkways Authority's Transportation Secretary's powers.**

11 ~~(a) The Parkways Authority~~ The Transportation Secretary is
12 hereby authorized and empowered:

13 ~~(1) To adopt bylaws for the regulation of its affairs and the~~
14 ~~conduct of its business;~~

15 ~~(2) To adopt an official seal and alter the same at pleasure;~~

16 ~~(3) To maintain an office at such place or places within the~~
17 ~~state as it may designate;~~

18 ~~(4) To sue and be sued in its own name, plead and be~~
19 ~~impleaded. Any and all actions against the Parkways Authority~~
20 ~~shall be brought only in the county in which the principal office~~
21 ~~of the Parkways Authority is located;~~

22 ~~(5)~~ (1) To construct, reconstruct, improve, maintain, repair
23 and operate parkway projects, at such locations within the state as
24 may be determined by the ~~Parkways Authority~~ Transportation

1 Secretary subject to the provisions of section thirty of this
2 article: *Provided*, That after July 1, 2010, the ~~Parkways Authority~~
3 Transportation Secretary is prohibited from constructing new
4 tourism projects or new economic development projects, but this
5 prohibition shall not prevent the ~~Authority~~ Transportation
6 Secretary from entering into lease agreements, development
7 agreements or other agreements with private businesses or companies
8 allowing and providing for such private businesses or companies to
9 acquire, develop, construct and operate motels, lodging facilities
10 or other businesses and business facilities on land owned by the
11 Transportation Secretary and located adjacent to the Tamarack
12 project and facilities at Exit 45 of the West Virginia Turnpike;

13 ~~(6)~~ (2) To issue parkway revenue bonds of the State of West
14 Virginia, payable solely from revenues, for the purpose of paying
15 all or any part of the cost of any one or more parkway projects,
16 which costs may include, with respect to the West Virginia
17 Turnpike, such funds as are necessary to repay to the State of West
18 Virginia all or any part of the state funds used to upgrade the
19 West Virginia Turnpike to federal interstate standards. However,
20 beginning July 1, 2014, and once all existing parkway revenue bonds
21 have been repaid, the Transportation Secretary may not issue any
22 more parkway revenue bonds and may not refinance any existing
23 parkway revenue bonds previously issued;

24 ~~(7)~~ (3) To issue parkway revenue refunding bonds of the State

1 of West Virginia, payable solely from revenues, for any one or more
2 of the following purposes:

3 (A) Refunding any bonds which shall have been issued under the
4 provisions of this article or any predecessor thereof; and

5 (B) Repaying to the state all or any part of the state funds
6 used to upgrade the West Virginia Turnpike to federal interstate
7 standards;

8 ~~(8)~~ (4) To fix and revise, from time to time, tolls for
9 transit over each parkway project constructed or improved by it, by
10 the Department of Transportation, or by the West Virginia Turnpike
11 Commission, or by the Transportation Secretary, as provided in
12 section thirteen of this article;

13 ~~(9)~~ (5) To fix and revise, rents, fees or other charges, of
14 whatever kind or character, for the use of each tourism project or
15 economic development project previously constructed by ~~it~~ the
16 parkways authority or for the use of any building, structure or
17 facility constructed by it in connection with a parkway project.
18 However, beginning July 1, 2014 the Transportation Secretary may
19 not construct, finance or otherwise develop any additional tourism
20 projects or economic development projects;

21 ~~(10)~~ (6) To acquire, hold, lease and dispose of real and
22 personal property in the exercise of its powers and the performance
23 of its duties under this article;

24 ~~(11)~~ (7) To acquire in the name of the state by purchase or

1 otherwise, on such terms and conditions and in such manner as it
2 may deem proper, or by the exercise of the right of condemnation in
3 the manner hereinafter provided, such public or private lands,
4 including public parks, playgrounds or reservations, or parts
5 thereof or rights therein, rights-of-way, property, rights,
6 easements and interests, as it may deem necessary for carrying out
7 the provisions of this article. No compensation shall be paid for
8 public lands, playgrounds, parks, parkways or reservations so
9 taken, and all public property damaged in carrying out the powers
10 granted by this article shall be restored or repaired and placed in
11 its original condition as nearly as practicable;

12 ~~(12)~~ (8) To designate the locations, and establish, limit and
13 control such points of ingress to and egress from each project as
14 may be necessary or desirable in the judgment of the ~~Parkways~~
15 ~~Authority~~ Transportation Secretary to ensure the proper operation
16 and maintenance of such project, and to prohibit entrance to such
17 project from any point or points not so designated;

18 ~~(13)~~ (9) To make and enter into all contracts and agreements
19 necessary or incidental to the performance of its duties and the
20 execution of its powers under this article, and to employ
21 consulting engineers, attorneys, accountants, architects,
22 construction and financial experts, trustees, superintendents,
23 managers and such other employees and agents as may be necessary in
24 its judgment, and to fix their compensation. All such expenses

1 shall be payable solely from the proceeds of parkway revenue bonds
2 or parkway revenue refunding bonds issued under the provisions of
3 this article, tolls or from revenues;

4 ~~(14)~~ (10) To make and enter into all contracts, agreements or
5 other arrangements with any agency, department, division, board,
6 bureau, commission, authority or other governmental unit of the
7 state to operate, maintain, or repair any project;

8 ~~(15)~~ (11) To receive and accept from any federal agency grants
9 for or in aid of the construction of any parkway project, and to
10 receive and accept aid or contributions from any source of either
11 money, property, labor or other things of value, to be held, used
12 and applied only for the purposes for which such grants and
13 contributions may be made;

14 ~~(16)~~ (12) To investigate and, if feasible, develop and
15 implement a "single fee" program which would produce on an annual
16 basis a sum of money equal to the total toll revenue received from
17 all West Virginia drivers on West Virginia toll roads during the
18 ~~AUTHORITY'S~~ preceding fiscal year, divided into at least three
19 classes based upon usage, size and number of axles. Said sum, plus
20 an amount necessary to cover the expected costs of such program,
21 shall be produced by adding to either the annual cost of vehicle
22 registration or of vehicle inspection a single fee equal to the
23 proportionate share of that vehicle owner of the total toll revenue
24 needed to be produced from all vehicles within that class. A

1 vehicle for which such fee has been paid shall be entitled to
2 traverse all toll roads within the state without stopping to pay
3 individual tolls during the effective period of said registration
4 or said inspection: *Provided, however,* That if the single fee
5 proposed to be charged under said program exceeds the standard
6 round trip toll for that vehicle over the entire length of the West
7 Virginia Turnpike, the ~~Authority~~ Transportation Secretary shall not
8 implement such program without the prior approval of both Houses of
9 the Legislature: *Provided further,* That any such program shall
10 also include comparable provisions which would allow vehicles
11 registered in other states to traverse West Virginia toll roads in
12 like fashion to West Virginia vehicles as set forth in this section
13 upon the payment of a single fee for each and every vehicle
14 registered in such state, in accordance with the same
15 classification system adopted for West Virginia vehicles.

16 ~~(17)~~ (13) To do all acts and things necessary or convenient to
17 carry out the powers expressly granted in this article; and

18 ~~(18)~~ (14) To file the necessary petition or petitions pursuant
19 to Title 11, United States Code, Sec. 401 (being section 81 of the
20 Act of Congress entitled "An act to establish a uniform system of
21 bankruptcy throughout the United States", approved July 1, 1898, as
22 amended) and to prosecute to completion all proceedings permitted
23 by Title 11, United States Code, Secs. 401-403 (being sections 81
24 to 83, inclusive, of said Act of Congress). The State of West

1 Virginia hereby consents to the application of said Title 11,
2 United States Code, Secs. 401-403, to the ~~Parkways Authority~~
3 Transportation Secretary.

4 ~~(b) Nothing in this article shall be construed to prohibit the~~
5 ~~issuance of parkway revenue refunding bonds in a common plan of~~
6 ~~financing with the issuance of parkway revenue bonds.~~

7 **§17-16A-7. ~~Parkways authority's~~ Transportation Secretary's**
8 **incidental powers.**

9 The ~~parkways authority~~ Transportation Secretary ~~shall have~~ has
10 authority to construct grade separations at intersections of any
11 project with public roads and state highways and to change and
12 adjust the lines and grades of such roads and highways so as to
13 accommodate the same to the design of such grade separation. The
14 cost of such grade separations and any damage incurred in changing
15 and adjusting the lines and grades of such roads and highways shall
16 be ascertained and paid by the ~~parkways authority~~ Transportation
17 Secretary as a part of the cost of such project.

18 If the ~~parkways authority~~ Transportation Secretary shall find
19 it necessary to change the location of any portion of any public
20 road or state highway, it shall cause the same to be reconstructed
21 at such location as the ~~parkways authority~~ Transportation Secretary
22 shall deem most favorable and of substantially the same type and in
23 as good condition as the original road or highway. The cost of
24 such reconstruction and any damage incurred in changing the

1 location of any such road or highway shall be ascertained and paid
2 by the ~~parkways authority~~ Transportation Secretary as a part of the
3 cost of such project.

4 Upon the request of the ~~parkways authority~~ Transportation
5 Secretary, the commissioner of the State ~~department~~ Division of
6 Highways shall relocate or discontinue any road or highway over
7 which he or she has authority and control which is affected by the
8 construction of any project.

9 In addition to the foregoing powers, the ~~parkways authority~~
10 Transportation Secretary and ~~its~~ his or her authorized agents and
11 employees may enter upon any lands, waters and premises in the
12 state for the purpose of making surveys, soundings, drillings and
13 examinations as ~~it~~ he or she may ~~deem~~ consider necessary or
14 convenient for the purposes of this article, and such entry ~~shall~~
15 may not be deemed a trespass, nor shall an entry for such purposes
16 be ~~deemed~~ an entry under any condemnation proceedings which may be
17 then pending. The ~~parkways authority~~ Transportation Secretary
18 shall make reimbursement for any actual damages resulting to such
19 lands, waters and premises as a result of such activities.

20 The State of West Virginia hereby consents to the use of all
21 lands owned by it, including lands lying under water, which are
22 ~~deemed~~ considered by the ~~parkways authority~~ Transportation
23 Secretary to be necessary for the construction or operation of any
24 project.

1 **§17-16A-8. Acquisition of land, property, easements, etc.**

2 The ~~parkways authority~~ Transportation Secretary is hereby
3 authorized and empowered to acquire by purchase, whenever ~~it~~ he or
4 she shall ~~deem~~ consider such purchase expedient, any land,
5 property, rights, rights-of-way, franchises, easements and other
6 interests in lands as ~~it~~ he or she may ~~deem~~ consider necessary or
7 convenient for the construction or operation of any parkway project
8 upon such terms and at such price as may be considered by ~~it~~ he or
9 she to be reasonable and can be agreed upon between the ~~parkways~~
10 ~~authority~~ Transportation Secretary and the owner thereof, and to
11 take title thereto in the name of the state.

12 **§17-16A-9. Condemnation of property.**

13 Whenever a reasonable price cannot be agreed upon, or whenever
14 the owner is legally incapacitated, or is absent, unknown or unable
15 to convey valid title, the ~~parkways authority~~ Transportation
16 Secretary is hereby authorized and empowered to acquire, by the
17 exercise of the power of condemnation in accordance with and
18 subject to the provisions of any and all existing laws and statutes
19 applicable to the exercise of the power of condemnation of property
20 for public use, any land, property, rights, rights-of-way,
21 franchises, easements or other property deemed necessary or
22 convenient for the construction or the efficient operation of any
23 parkway project or necessary in the restoration of public or
24 private property damaged or destroyed. In any condemnation

1 proceedings the court having jurisdiction of the suit, action or
2 proceeding may make such orders as may be just to the ~~parkways~~
3 ~~authority~~ Transportation Secretary and to the owners of the
4 property to be condemned and may require an undertaking or other
5 security to secure such owners against any loss or damage by reason
6 of the failure of the ~~parkways authority~~ Transportation Secretary
7 to accept and pay for the property, but neither such undertaking or
8 security nor any act or obligation of the ~~parkways authority~~
9 Transportation Secretary shall impose any liability upon the state
10 or the ~~parkways authority~~ Transportation Secretary except such as
11 may be paid from the funds provided under the authority of this
12 article.

13 **§17-16A-10. Parkway revenue bonds generally.**

14 (a) ~~The Parkways Authority is authorized to provide by~~
15 ~~resolution for the issuance of parkway revenue bonds of the state~~
16 ~~for the purpose of paying all or any part of the cost of one or~~
17 ~~more parkway projects: *Provided,* That this section shall not be~~
18 ~~construed as authorizing the issuance of parkway revenue bonds for~~
19 ~~the purpose of paying the cost of the West Virginia Turnpike, which~~
20 ~~parkway revenue bonds may be issued only as authorized under~~
21 ~~section eleven of this article. The principal of and the interest~~
22 ~~on bonds shall be payable solely from the funds provided for~~
23 ~~payment. Beginning July 1, 2014, and once all existing parkway~~
24 ~~revenue bonds have been repaid, the Transportation Secretary may~~

1 not issue any more parkway revenue bonds as mentioned in this
2 section. Beginning July 1, 2014, the Transportation Secretary may
3 not refinance any existing parkway revenue bonds previously issued.

4 (b) The bonds of each issue shall be dated, shall bear
5 interest at a rate as may be determined by the ~~Parkways Authority~~
6 Transportation Secretary in its sole discretion, shall mature at a
7 time not exceeding forty years from their date or of issue as may
8 be determined by the ~~Parkways Authority~~ Transportation Secretary,
9 and may be made redeemable before maturity, at the option of the
10 ~~Parkways Authority~~ Transportation Secretary at a price and under
11 the terms and conditions as may be fixed by the ~~Parkways Authority~~
12 Transportation Secretary prior to the issuance of the bonds.

13 (c) The ~~Parkways Authority~~ Transportation Secretary shall
14 determine the form of the bonds, including any interest coupons to
15 be attached thereto, and shall fix the denomination of the bonds
16 and the place of payment of principal and interest, which may be at
17 any bank or trust company within or without the state.

18 (d) The bonds shall be executed by manual or facsimile
19 signature by the chair of the ~~Parkways Authority~~ Transportation
20 Secretary, and the official seal of the ~~Parkways Authority~~
21 Transportation Secretary shall be affixed to or printed on each
22 bond, and attested, manually or by facsimile signature, by the
23 ~~secretary and treasurer of the Parkways Authority~~ Transportation
24 Secretary. Any coupons attached to any bond shall bear the manual

1 or facsimile signature of the ~~chair of the Parkways Authority~~
2 Transportation Secretary.

3 (e) In case any officer whose signature or a facsimile of
4 whose signature appears on any bonds or coupons shall cease to be
5 an officer before the delivery of the bonds, the signature or
6 facsimile shall nevertheless be valid and sufficient for all
7 purposes the same as if he had remained in office until delivery.
8 In case the seal of the ~~Parkways Authority~~ Transportation Secretary
9 has been changed after a facsimile has been imprinted on the bonds,
10 then the facsimile seal will continue to be sufficient for all
11 purposes.

12 (f) All bonds issued under the provisions of this article
13 shall have all the qualities and incidents of negotiable
14 instruments under the negotiable instruments law of the state. The
15 bonds may be issued in coupon or in registered form, or both, as
16 the ~~Parkways Authority~~ Transportation Secretary may determine, and
17 provision may be made for the registration of any coupon bonds as
18 to principal alone and also as to both principal and interest, and
19 for the recorders into coupon bonds of any bonds registered as to
20 both principal and interest.

21 (g) The ~~Parkways Authority~~ Transportation Secretary may sell
22 the bonds at a public or private sale at a price it determines to
23 be in the best interests of the state.

24 (h) The proceeds of the bonds of each issue shall be used

1 solely for the payment of the cost of the parkway project or
2 parkway projects for which the bonds were issued, and shall be
3 disbursed in a manner consistent with the resolution authorizing
4 the issuance of the bonds or in the trust agreement securing the
5 bonds.

6 (i) If the proceeds of the bonds of any issue, by error of
7 estimates or otherwise, shall be less than the cost, then
8 additional bonds may in like manner be issued to provide the amount
9 of the deficit. Unless otherwise provided in the resolution
10 authorizing the issuance of the bonds or in the trust agreement
11 securing the bonds, the additional bonds shall be deemed to be of
12 the same issue and shall be entitled to payment from the same fund
13 without preference or priority of the bonds first issued.

14 (j) If the proceeds of the bonds of any issue exceed the cost
15 of the parkway project or parkway projects for which the bonds were
16 issued, then the surplus shall be deposited to the credit of the
17 sinking fund for the bonds.

18 (k) Prior to the preparation of definitive bonds, the ~~Parkways~~
19 ~~Authority~~ Transportation Secretary may, under like restrictions,
20 issue interim receipts or temporary bonds, with or without coupons,
21 exchangeable for definitive bonds when the bonds have been executed
22 and are available for delivery. The ~~Parkways Authority~~
23 Transportation Secretary may also provide for the replacement of
24 any bonds that become mutilated or are destroyed or lost.

1 (1) Bonds may be issued under the provisions of this article
2 without obtaining the consent of any department, division,
3 commission, board, bureau or agency of the state in accordance with
4 this article: *Provided*, That the ~~Parkways Authority~~ Transportation
5 Secretary shall comply with the provisions of section twenty-eight,
6 article one, chapter five of this code.

7 **§17-16A-11. Parkway revenue bonds -- West Virginia Turnpike;**
8 **related projects.**

9 (a) The ~~Parkways Authority~~ Transportation Secretary is
10 authorized to provide by resolution, at one time or from time to
11 time, for the issuance of parkway revenue bonds of the state in an
12 aggregate outstanding principal amount not to exceed, from time to
13 time, \$200 million for the purpose of paying:

14 (1) All or any part of the cost of the West Virginia Turnpike,
15 which may include, but not be limited to, an amount equal to the
16 state funds used to upgrade the West Virginia Turnpike to federal
17 interstate standards;

18 (2) All or any part of the cost of any one or more parkway
19 projects that involve improvements to or enhancements of the West
20 Virginia Turnpike, including, without limitation, lane-widening on
21 the West Virginia Turnpike and that are or have been recommended by
22 the ~~Parkways Authority's~~ Transportation Secretary's traffic
23 engineers or consulting engineers or by both of them prior to the
24 issuance of parkway revenue bonds for the project or projects; and

1 (3) To the extent permitted by federal law, all or any part of
2 the cost of any related parkway project.

3 (b) For purposes of this section only, a "related parkway
4 project" means any information center, visitors' center or rest
5 stop, or any combination thereof, and any expressway, turnpike,
6 trunkline, feeder road, state local service road or park and forest
7 road which connects to or intersects with the West Virginia
8 Turnpike and is located within seventy-five miles of the turnpike
9 as it existed on June 1, 1989, or any subsequent expressway,
10 trunkline, feeder road, state local service road or park and forest
11 road constructed pursuant to this article: *Provided*, That nothing
12 in this section shall be construed as prohibiting the ~~Parkways~~
13 ~~Authority~~ Transportation Secretary from issuing parkway revenue
14 bonds pursuant to section ten of this article for the purpose of
15 paying all or any part of the cost of any related parkway project:
16 *Provided, however*, That none of the proceeds of the issuance of
17 parkway revenue bonds under this section shall be used to pay all
18 or any part of the cost of any economic development project, except
19 as provided in section twenty-three of this article: *Provided*
20 *further*, That nothing in this section shall be construed as
21 prohibiting the ~~Parkways Authority~~ Transportation Secretary from
22 issuing additional parkway revenue bonds to the extent permitted by
23 applicable federal law for the purpose of constructing, maintaining
24 and operating any highway constructed, in whole or in part, with

1 money obtained from the Appalachian Regional Commission as long as
2 the highway connects to the West Virginia Turnpike as it existed on
3 June 1, 1989: *And provided further,* That, for purposes of this
4 section, in determining the amount of bonds outstanding, from time
5 to time, within the meaning of this section: Original par amount
6 or original stated principal amount at the time of issuance of
7 bonds shall be used to determine the principal amount of bonds
8 outstanding, except that the amount of parkway revenue bonds
9 outstanding under this section may not include any bonds that have
10 been retired through payment, defeased through the deposit of funds
11 irrevocably set aside for payment or otherwise refunded so that
12 they are no longer secured by toll revenues of the West Virginia
13 Turnpike: *And provided further,* That the authorization to issue
14 bonds under this section is in addition to the authorization and
15 power to issue bonds under any other section of this code: *And*
16 *provided further,* That, without limitation of the authorized
17 purposes for which parkway revenue bonds are otherwise permitted to
18 be issued under this section, and without increasing the maximum
19 principal par amount of parkway revenue bonds permitted to be
20 outstanding, from time to time, under this section, the ~~Authority~~
21 Transportation Secretary is specifically authorized by this section
22 to issue, at one time or from time to time, by resolution or
23 resolutions under this section, parkway revenue bonds under this
24 section for the purpose of paying all or any part of the cost of

1 one or more parkway projects that:

2 (1) Consist of enhancements or improvements to the West
3 Virginia Turnpike, including, without limitation, projects
4 involving lane widening, resurfacing, surface replacement, bridge
5 replacement, bridge improvements and enhancements, other bridge
6 work, drainage system improvements and enhancements, drainage
7 system replacements, safety improvements and enhancements, and
8 traffic flow improvements and enhancements; and

9 (2) Have been recommended by the ~~Authority's~~ Transportation
10 Secretary's consulting engineers or traffic engineers, or both,
11 prior to the issuance of the bonds.

12 (c) Except as otherwise specifically provided in this section,
13 the issuance of parkway revenue bonds pursuant to this section, the
14 maturities and other details of the bonds, the rights of the
15 holders of the bonds, and the rights, duties and obligations of the
16 ~~Parkways Authority~~ Transportation Secretary in respect of the bonds
17 shall be governed by the provisions of this article insofar as the
18 provisions are applicable.

19 ~~(d) Notwithstanding any other provision of this code to the~~
20 ~~contrary, the Authority may not issue parkway revenue bonds under~~
21 ~~this section for projects on the West Virginia Turnpike after June~~
22 ~~30, 2010: Provided, That the authority may issue revenue refunding~~
23 ~~bonds pursuant to sections twenty-one and twenty-two of this~~
24 ~~article. Beginning July 1, 2014, and once all existing parkway~~

1 revenue bonds have been repaid, the Transportation Secretary may
2 not issue any more parkway revenue bonds: Provided, That beginning
3 July 1, 2014, the Transportation Secretary may not refinance any
4 existing parkway revenue bonds previously issued.

5 **§17-16A-12. Parkway revenue bonds -- Trust agreement.**

6 In the discretion of the ~~parkways authority~~ Transportation
7 Secretary any bonds issued under the provisions of this article may
8 be secured by a trust agreement by and between the ~~parkways~~
9 ~~authority~~ Transportation Secretary and a corporate trustee, which
10 may be any trust company or bank having the powers of a trust
11 company within or without the state. Any such trust agreement may
12 pledge or assign the tolls, rents, fees, charges and other revenues
13 to be received, but shall not convey or mortgage any project or any
14 part thereof. Any such trust agreement or any resolution providing
15 for the issuance of such bonds may contain such provisions for
16 protecting and enforcing the rights and remedies of the bondholders
17 as may be reasonable and proper and not in violation of law,
18 including covenants setting forth the duties of the ~~parkways~~
19 ~~authority~~ Transportation Secretary in relation to the acquisition
20 of property and the construction, reconstruction, improvement,
21 maintenance, repair, operation and insurance of the project or
22 projects in connection with which such bonds shall have been
23 authorized, and the custody, safeguarding and application of all
24 moneys, and provisions for the employment of consulting engineers

1 in connection with the construction or operation of such project or
2 projects. It shall be lawful for any bank or trust company
3 incorporated under the laws of the state which may act as
4 depository of the proceeds of bonds or of revenues to furnish such
5 indemnifying bonds, or to pledge such securities as may be required
6 by the ~~parkways authority~~ Transportation Secretary. Any such trust
7 agreement may set forth the rights and remedies of the bondholders
8 and of the trustee, and may restrict the individual right of action
9 by bondholders as is customary in trust agreements or trust
10 indentures securing bonds and debentures of corporations. In
11 addition to the foregoing, any such trust agreement may contain
12 such other provisions as the ~~parkways authority~~ Transportation
13 Secretary may deem reasonable and proper for the security of the
14 bondholders. All expenses incurred in carrying out the provisions
15 of any such trust agreement may be treated as a part of the cost of
16 the operation of the project or projects to which the trust
17 agreement applies.

18 **§17-16A-13. Tolls, rents, fees, charges and revenues; competitive**
19 **bidding on contracts.**

20 (a) (1) The ~~parkways authority~~ Transportation Secretary is
21 hereby authorized to fix, revise, charge and collect tolls for the
22 use of each parkway project and the different parts or sections
23 thereof and to fix, revise, charge and collect rents, fees, charges
24 and other revenues, of whatever kind or character, for the use of

1 each economic development project or tourism project, or any part
2 or section thereof, and to contract with any person, partnership,
3 association or corporation desiring the use of any part thereof,
4 including the right-of-way adjoining the paved portion, for placing
5 thereon telephone, telegraph, electric light, power or other
6 utility lines, gas stations, garages, stores, hotels, restaurants
7 and advertising signs, or for any other purpose except for tracks
8 for railroad or railway use, and to fix the terms, conditions,
9 rents and rates of charges for such use. Such tolls, rents, fees
10 and charges shall be so fixed and adjusted in respect of the
11 aggregate of tolls, or in respect of the aggregate rents, fees and
12 charges, from the project or projects in connection with which the
13 bonds of any issue shall have been issued as to provide a fund
14 sufficient with other revenues, if any, to pay: (A) The cost of
15 maintaining, repairing and operating such project or projects; and
16 (B) the principal of and the interest on such bonds as the same
17 shall become due and payable and to create reserves for such
18 purposes. ~~Such tolls, rents, fees and other charges shall not be~~
19 ~~subject to supervision or regulation by any other commission,~~
20 ~~board, bureau, department or agency of the state.~~ The tolls, rents,
21 fees, charges and all other revenues derived from the project or
22 projects in connection with which the bonds of any issue shall have
23 been issued, except such part thereof as may be necessary to pay
24 the cost of maintenance, repair and operation and to provide such

1 reserves therefor as may be provided in the resolution authorizing
2 the issuance of such bonds or in the trust agreement securing the
3 same, shall be set aside at regular intervals as may be provided in
4 the resolution or the trust agreement in a sinking fund which is
5 hereby pledged to, and charged with, the payment of: (i) The
6 interest upon the bonds as such interest shall fall due; (ii) the
7 principal of the bonds as the same shall fall due; (iii) the
8 necessary charges of paying agents for paying principal and
9 interest; and (iv) the redemption price or the purchase price of
10 bonds retired by call or purchase as therein provided. The use and
11 disposition of moneys to the credit of such sinking fund shall be
12 subject to the provisions of the resolution authorizing the
13 issuance of the bonds or of the trust agreement. Except as may
14 otherwise be provided in the resolution or the trust agreement,
15 such sinking fund shall be a fund for all bonds without distinction
16 or priority of one over another. The moneys in the sinking fund,
17 less such reserve as may be provided in the resolution or trust
18 agreement, if not used within a reasonable time for the purchase of
19 bonds for cancellation as above provided, shall be applied to the
20 redemption of bonds at the redemption price then applicable.

21 (2) (A) In fiscal year 1998, after the ~~parkways authority~~
22 Transportation Secretary has met or provided for the satisfaction
23 of each requirement imposed by the provisions of subdivision (1) of
24 this subsection, the ~~parkways authority~~ Transportation Secretary

1 shall pay \$250,000 to the Hatfield-McCoy regional recreation
2 authority from any remaining balance of revenues received from
3 economic development projects and tourism projects.

4 (B) Upon the effective date of this act, the ~~parkways~~
5 ~~authority~~ Transportation Secretary shall seek authorization from
6 the federal highway administration, the State Department of
7 Transportation and the trustee under any trust indenture or
8 agreement existing as the result of the issuance of any revenue
9 bonds under the provisions of this article to issue additional
10 revenue bonds in a total amount not to exceed \$6 million for the
11 purpose of funding projects of the Hatfield-McCoy regional
12 recreation authority. Upon the agreement of all of such entities
13 that the ~~parkways authority~~ Transportation Secretary be authorized
14 to do so, as certified to the ~~parkways authority~~ Transportation
15 Secretary, the Governor and the Joint Committee on Government and
16 Finance, the ~~parkways authority~~ Transportation Secretary is
17 authorized to issue additional revenue bonds in a total amount not
18 to exceed \$6 million. The proceeds of the revenue bonds shall be
19 used to fund projects of the Hatfield-McCoy regional recreation
20 authority. Each issuance of such revenue bonds and the application
21 of the proceeds thereof shall be subject to each condition,
22 restriction or other provision of this article applicable to the
23 issuance of parkway revenue bonds. In the event the agreement is
24 not certified as required by this subsection, and until the same is

1 certified, the ~~parkways authority~~ Transportation Secretary shall
2 pay \$250,000 to the Hatfield-McCoy regional recreation authority in
3 the fiscal year ending June 30, 2000, and in each fiscal year
4 thereafter, for a total of nine consecutive years, for the purpose
5 of funding projects of the Hatfield-McCoy regional recreation
6 authority. These amounts shall be paid in quarterly installments
7 from remaining balances in each fiscal year of revenues received
8 from economic development projects and tourism projects as
9 determined in the manner provided in paragraph (A) of this
10 subdivision.

11 (b) The ~~parkways authority~~ Transportation Secretary shall
12 cause, as soon as it is legally able to do so, all contracts to
13 which it is a party and which relate to the operation, maintenance
14 or use of any restaurant, motel or other lodging facility, truck
15 and automobile service facility, food vending facility or any other
16 service facility located along the West Virginia Turnpike, to be
17 renewed on a competitive bid basis. All contracts relating to any
18 facility or services entered into by the ~~parkways authority~~
19 Transportation Secretary with a private party with respect to any
20 project constructed after the effective date of this legislation
21 shall be let on a competitive bid basis only. If the ~~parkways~~
22 ~~authority~~ Transportation Secretary receives a proposal for the
23 development of a project, such proposal shall be made available to
24 the public in a convenient location in the county wherein the

1 proposed facility may be located. The ~~parkways authority~~
2 Transportation Secretary shall publish a notice of the proposal by
3 a Class I legal advertisement in accordance with the provisions of
4 article three, chapter fifty-nine of this code. The publication
5 area shall be the county in which the proposed facility would be
6 located. Any citizen may communicate by writing to the ~~parkways~~
7 ~~authority~~ Transportation Secretary his or her opposition to or
8 approval to such proposal within a period of time not less than
9 forty-five days from the publication of the notice. No contract
10 for the development of a project may be entered into by the
11 ~~parkways authority~~ Transportation Secretary until a public hearing
12 is held in the vicinity of the location of the proposed project
13 with at least twenty days' notice of such hearing by a Class I
14 publication pursuant to section two of said article. The ~~parkways~~
15 ~~authority~~ Transportation Secretary shall make written findings of
16 fact prior to rendering a decision on any proposed project. All
17 studies, records, documents and other materials which are
18 considered by the ~~parkways authority~~ Transportation Secretary in
19 making such findings shall be made available for public inspection
20 at the time of the publication of the notice of public hearing and
21 at a convenient location in the county where the proposed project
22 may be located. The ~~parkways authority~~ Transportation Secretary
23 shall promulgate rules in accordance with chapter twenty-nine-a of
24 this code for the conduct of any hearing required by this section.

1 Persons attending any such hearing shall be afforded a reasonable
2 opportunity to speak and be heard on the proposed project.

3 **§17-16A-13a. Public notice and hearing requirements.**

4 (a) Notwithstanding any provision of the law to the contrary,
5 on and after July 1, 2010, the ~~Parkways Authority~~ Transportation
6 Secretary is authorized after prior public notice and hearing, as
7 set forth in this section, to:

8 (1) Fix initial rates, tolls or charges along any portion of
9 a parkway project, or approve any proposal or contract that would
10 require the Transportation Secretary to fix any initial rates,
11 tolls or charges along any portion of a parkway project;

12 (2) Increase any rates, tolls or charges along any portion of
13 the parkway project, or approve any proposal or contract that would
14 result in or require an increase in any rates or tolls along any
15 portion of the parkway project;

16 (3) Issue any refunding bond pursuant to sections twenty-one
17 and twenty-two of this article which would require the ~~Parkways~~
18 ~~Authority~~ Transportation Secretary to increase rates, tolls or
19 charges;

20 (4) Approve any contract or project which would require or
21 result in an increase in the rates, tolls or charges along any
22 portion of the parkway project; or

23 (5) Take any other action which would require or result in an
24 increase in the rates, tolls or charges along any portion of the

1 parkway project.

2 (b) The ~~Parkways Authority~~ Transportation Secretary shall
3 publish notice of any proposed contract, project or bond which
4 would require the ~~Parkways Authority~~ Transportation Secretary to
5 fix any initial toll rates or charges, result in an increase of any
6 toll rates or charges or extend any bond repayment obligation,
7 along with the associated initial rate, rate increase or revised
8 bond repayment period, by a Class II legal advertisement in
9 accordance with the provisions of article three, chapter fifty-nine
10 of this code, published and of general circulation in each county
11 which borders the parkway project or proposed parkway project
12 affected by the proposed contract, project or bond.

13 (c) Once notice has been provided in accordance with the
14 provisions of this section, the ~~Parkways Authority~~ Transportation
15 Secretary shall conduct a public hearing in each county which
16 borders the parkway project or proposed parkway project affected by
17 the proposed contract, project or bond, and any citizen may
18 communicate by writing to the ~~Parkways Authority~~ Transportation
19 Secretary his or her opposition to or approval of such proposal,
20 initial rate or toll, rate or toll increase or amended bond terms.
21 The public notice and written public comment period shall be
22 conducted not less than forty-five days from the publication of the
23 notice and the affected public must be provided with at least
24 twenty days' notice of each scheduled public hearing.

1 (d) All studies, records, documents and other materials which
2 were considered by the ~~Parkways Authority~~ Transportation Secretary
3 before recommending the approval of any such project or
4 recommending the adoption of any such initial rate or increase
5 shall be made available for public inspection for a period of at
6 least twenty days prior to the scheduled hearing at a convenient
7 location in each county where a public hearing is held.

8 ~~(e) At the conclusion of all required public hearings, the~~
9 ~~Parkways Authority~~ Transportation Secretary shall render a final
10 decision which shall include written findings of fact supporting
11 its final decision on any proposed project which would result in or
12 require initial rates, a rate increase, or prior to finally
13 approving any proposed initial rate or toll or rate or toll
14 increase, and such required findings and conclusions must reference
15 and give due consideration to the public comments and additional
16 evidence offered during the public hearings.

17 (f) On and after July 1, 2010, any final action taken by the
18 ~~Parkways Authority~~ Transportation Secretary to approve or implement
19 any proposed initial rate, rate increase, contract or project which
20 would require or result in a proposed initial rate or toll or a
21 proposed increase of any rate or tolls along any portion of the
22 parkway project without first satisfying the public notice and
23 hearing requirements of this section, shall be null and void.

24 **§17-16A-15. Remedies.**

1 Any holder of bonds issued under the provisions of this
2 article or any of the coupons appertaining thereto, and the trustee
3 under any trust agreement, except to the extent the rights herein
4 given may be restricted by such trust agreement, may, either at law
5 or in equity, by suit, action, mandamus or other proceeding,
6 protect and enforce any and all rights under the laws of the state
7 or granted hereunder or under such trust agreement or the
8 resolution authorizing the issuance of such bonds, and may enforce
9 and compel the performance of all duties required by this article
10 or by such trust agreement or resolution to be performed by the
11 ~~parkways authority~~ Transportation Secretary ~~or by any officer~~
12 ~~thereof~~, including the fixing, charging and collecting of tolls,
13 rents, fees and charges.

14 **§17-16A-16. Exemption from taxation.**

15 (a) The exercise of the powers granted by this article will be
16 in all respects for the benefit of the people of the state, for the
17 increase of their commerce and prosperity, and for the improvement
18 of their health and living conditions, and as the operation and
19 maintenance of projects by the ~~parkways authority~~ Transportation
20 Secretary will constitute the performance of essential governmental
21 functions, the ~~parkways authority~~ Transportation Secretary shall
22 not be required to pay any taxes or assessments upon any project or
23 any property acquired or used by the ~~parkways authority~~
24 Transportation Secretary under the provisions of this article or

1 upon the income therefrom, and the bonds issued under the
2 provisions of this article, their transfer and the income therefrom
3 (including any profit made on the sale thereof) shall at all times
4 be free from taxation within the state.

5 (b) In lieu of payment by the ~~parkways authority~~
6 Transportation Secretary of county property taxes and other
7 assessments on restaurant and gas service facilities owned by it,
8 or upon any facility described in subsection (b), ~~of~~ section
9 thirteen ~~herein~~ of this article which is leased to any private
10 person, corporation, or entity, the ~~parkways authority~~
11 Transportation Secretary shall make an annual payment as provided
12 herein to the county commission of such county. Any ~~parkways~~
13 ~~authority~~ Transportation Secretary project which is leased and is
14 exempt from taxation shall be subject to a payment in lieu of
15 taxes. Said payment shall be made to the county commission of the
16 county in which the project is located and shall be in an amount
17 equal to the property taxes otherwise payable. The county
18 commission receiving such in lieu of payment shall distribute such
19 payment to the different levying bodies in that county in the same
20 manner as are property taxes. Nothing contained herein may be
21 construed to prohibit the ~~parkways authority~~ Transportation
22 Secretary from collecting such in lieu payment from any private
23 party by contract or otherwise.

24 **§17-16A-17. Repair, etc., of damaged property; conveyances, etc.,**

1 **by counties, cities, etc., to ~~parkways authority~~**
2 **Transportation Secretary; maintenance and policing**
3 **of projects; defrauding transportation secretary;**
4 **evading payment of tolls, rents, fees or charges;**
5 **trespassing.**

6 All private property damaged or destroyed in carrying out the
7 powers granted by this article shall be restored or repaired and
8 placed in its original condition as nearly as practicable or
9 adequate compensation made therefor out of funds provided under the
10 authority of this article.

11 All counties, cities, villages, townships and other political
12 subdivisions and all public agencies and commissions of the State
13 of West Virginia, notwithstanding any contrary provision of law,
14 are hereby authorized and empowered to lease, lend, grant or convey
15 to the ~~parkways authority~~ Transportation Secretary at its request
16 upon such terms and conditions as the proper authorities of such
17 counties, cities, villages, townships, other political subdivisions
18 or public agencies and commissions of the state may deem reasonable
19 and fair and without the necessity for any advertisement, order of
20 court or other action or formality, other than the regular and
21 formal action of the authorities concerned, any real property which
22 may be necessary or convenient to the effectuation of the
23 authorized purposes of the ~~parkways authority~~ Transportation

1 Secretary, including public roads and other real property already
2 devoted to public use.

3 Each project when constructed and opened to traffic or use
4 shall be maintained and kept in good condition and repair by the
5 ~~parkways authority~~ Transportation Secretary. The ~~parkways~~
6 ~~authority~~ Transportation Secretary and the Superintendent of the
7 ~~Department of Public Safety~~ State Police may by agreement provide
8 that such project or projects shall be policed by members of such
9 department under such terms and conditions as they may determine,
10 excepting that all costs thereof, either direct or indirect,
11 including overhead costs attributable thereto, shall be paid unto
12 such department by the ~~parkways authority~~ Transportation Secretary
13 at regular intervals not to exceed one year. Whoever shall
14 knowingly or intentionally defraud or attempt to defraud the
15 ~~parkways authority~~ Transportation Secretary, any of its tolltakers
16 or other employees in regard to the payment of tolls, rents, fees
17 or charges established by the ~~parkways authority~~ Transportation
18 Secretary for the use of any such project or evade or attempt to
19 evade or whoever shall aid another to evade or attempt to evade the
20 payment of such toll, rent, fee or charge or whoever shall
21 intentionally and knowingly trespass upon any project shall be
22 guilty of a misdemeanor; and for every such offense shall upon
23 conviction thereof be fined not in excess of \$50. Magistrate courts
24 shall have jurisdiction of misdemeanors created by this paragraph

1 concurrently with circuit courts.

2 **§17-16A-18. Cessation of tolls.**

3 (a) Except as provided herein, when all bonds issued under the
4 provisions of this article in connection with any parkway project
5 or projects and the interest thereon shall have been paid or a
6 sufficient amount for the payment of all such bonds and the
7 interest thereon to the maturity thereof shall have been set aside
8 in trust for the benefit of the bondholders, such project or
9 projects, if then in good condition and repair to the satisfaction
10 of the Commissioner of the state Division of Highways, shall be
11 transferred to the state Division of Highways and shall thereafter
12 maintained by the state Division of Highways free of tolls.

13 (b) No later than February 1, 1990, the ~~parkways authority~~
14 Transportation Secretary shall discontinue, remove and not relocate
15 all toll collection facilities on the West Virginia Turnpike as the
16 same existed on June 1, 1989, except for the three main toll
17 barriers and collection facilities and, provided solely that the
18 provisions of section eighteen-a are complied with, the toll
19 collection facilities at the intersection of U.S. Route 19
20 (Corridor "L") and said turnpike.

21 **§17-16A-18a. Corridor "L" toll fees authorized; commuter pass;**
22 **annual report.**

23 (a) The ~~parkways authority~~ Transportation Secretary is hereby
24 authorized to operate the currently existing toll collection

1 facility located at the interchange of U.S. Route 19 (Corridor "L")
2 and said turnpike subject to the following:

3 (1) The toll fee charges by the ~~Parkways, Economic Development~~
4 ~~and Tourism Authority~~ Transportation Secretary at its toll
5 facilities located at the interchange of U.S. Route 19 (Corridor
6 "L") and said turnpike shall not exceed those toll charges levied
7 and collected by the ~~authority~~ Transportation Secretary at said
8 interchange as of January 1, 1990, and hereafter, no proposed
9 increase in such toll fees shall be implemented by the ~~parkways~~
10 ~~authority~~ Transportation Secretary unless the ~~authority~~
11 Transportation Secretary shall have first complied with validly
12 promulgated and legislatively approved rules pursuant to the
13 applicable provisions of chapter twenty-nine-a of this code;

14 (2) The ~~parkways authority~~ Transportation Secretary shall
15 maintain, advertise, implement and otherwise make generally
16 available to all qualified members of the public, resident or
17 nonresident, a system of commuter passes, in a form to be
18 determined by the ~~authority~~ Transportation Secretary: *Provided,*
19 That said system of commuter passes shall, at a minimum, permit the
20 holder of such pass or passes, after paying the applicable fee to
21 the ~~authority~~ Transportation Secretary, to travel through the U.S.
22 Route 19 (Corridor "L") turnpike interchange and toll facilities on
23 an unlimited basis, without additional charge therefor, for a
24 period of one year after the issuance of said commuter pass or

1 passes: *Provided, however,* That the cost for such commuter pass or
2 passes shall in no event aggregate more than \$5 per year for a full
3 calendar year of unlimited travel through the U.S. Route 19
4 (Corridor "L") turnpike interchange toll facilities. Applications
5 for these commuter passes are to be made available by the ~~Parkway~~
6 ~~Authority~~ Transportation Secretary to every Division of Motor
7 Vehicles office in the state.

8 To the extent required or necessary, the ~~parkways authority~~
9 Transportation Secretary is further hereby authorized and
10 empowered, in addition to the extent previously authorized and
11 empowered pursuant to section six and section thirteen-b, article
12 sixteen-a of this chapter, to promulgate rules in accordance with
13 chapter twenty-nine-a of this code with regard to the
14 implementation of proposed future toll increases at the U.S. Route
15 19 (Corridor "L") turnpike toll facility;

16 (3) The system of commuter passes implemented in accordance
17 with the provisions of subdivision (2), subsection (a), ~~above,~~ of
18 this section shall be available only for use when operating or
19 traveling in a Class "A" motor vehicle as herein defined. Whoever
20 shall knowingly or intentionally utilize any commuter pass issued
21 in accordance with this section while operating other than a Class
22 "A" motor vehicle, as herein defined, at the U.S. Route 19
23 (Corridor "L") turnpike toll facility, or any other toll facility
24 at or upon which such pass may later be usable, shall be guilty of

1 a misdemeanor and, for every such offense shall, upon conviction
2 thereof, be punished in accordance with the provisions of section
3 seventeen, article sixteen-a of this chapter; and the ~~parkways~~
4 ~~authority~~ Transportation Secretary shall hereafter be authorized
5 and empowered to cancel any such commuter pass or passes improperly
6 used in accordance with this section;

7 (4) In addition to the annual report required by section
8 twenty-six of this article, the ~~parkways authority~~ Transportation
9 Secretary will prepare and deliver to the Governor, the Speaker of
10 the House of Delegates and the President of the Senate a separate
11 annual report of toll revenues collected from the U.S. Route 19
12 (Corridor "L") turnpike toll facility. The report shall disclose
13 separately the toll revenues generated from regular traffic and the
14 commuter pass created herein. The reports shall include, but not
15 be limited to, disclosing separately the expenditure of said toll
16 revenues generated from the U.S. Route 19 (Corridor "L") turnpike
17 toll facility including a description of the purposes for which
18 such toll revenues are expended;

19 (5) In the event any court of competent jurisdiction shall
20 issue an order which adjudges that any portion of subdivision (1),
21 (2) or (3) subsection (a) of this section is illegal,
22 unconstitutional, unenforceable or in any manner invalid, the
23 ~~parkways authority~~ Transportation Secretary shall discontinue,
24 remove and not otherwise relocate the U.S. Route 19 (Corridor "L")

1 turnpike toll facility within three hundred sixty-five days after
2 the date upon which said court order is final or all appeals to
3 said order have been exhausted;

4 (6) For the purpose of this section, a Class "A" vehicle shall
5 be defined as a motor vehicle of passenger type and truck with a
6 gross weight of not more than 8,000 pounds and registered or
7 eligible for registration as a Class "A" vehicle in accordance with
8 section one, article ten, chapter seventeen-a of this code as the
9 same is currently constituted; and

10 (7) Notwithstanding any other provisions of the this code to
11 the contrary, the ~~parkways authority~~ Transportation Secretary may
12 not promulgate emergency rules in accordance with section fifteen,
13 article three, chapter twenty-nine-a of this code to increase or
14 decrease toll fees or the commuter pass fee established herein.

15 (b) Nothing in this section is to be construed to apply to,
16 regulate, or in any manner affect the operation of the three main
17 line toll barriers and toll collection facilities currently located
18 on the West Virginia Turnpike and operated by the ~~parkways~~
19 ~~authority~~ Transportation Secretary as Barrier A, Barrier B and
20 Barrier C (I-64, I-77).

21 **§17-16A-21. Parkway revenue refunding bonds-Generally.**

22 The ~~parkways authority~~ Transportation Secretary is hereby
23 authorized to provide by resolution for the issuance of parkway
24 revenue refunding bonds of the state for the purpose of refunding

1 any bonds then outstanding which shall have been issued under the
2 provisions of this article, including the payment of any redemption
3 premium thereon and any interest accrued or to accrue to the date
4 of redemption of such bonds; and, if deemed advisable by the
5 ~~parkways authority~~ Transportation Secretary, for the additional
6 purpose of constructing improvements, extensions or enlargements of
7 the project or projects in connection with which the bonds to be
8 refunded shall have been issued: *Provided*, That this section shall
9 not be construed as authorizing the issuance of parkway revenue
10 refunding bonds for the purpose of refunding any bonds then
11 outstanding which shall have been issued under the provisions of
12 this article, or any predecessor thereof, in connection with the
13 construction of the West Virginia Turnpike, which revenue refunding
14 bonds may be issued only as authorized under section twenty-two of
15 this article. The issuance of such bonds, the maturities and other
16 details thereof, the rights of the holders thereof and the rights,
17 duties and obligations of the ~~parkways authority~~ Transportation
18 Secretary in respect of the same shall be governed by the
19 provisions of this article insofar as the same may be applicable.
20 After the effective date of the amendments to this article enacted
21 by the Legislature during the regular session in 2006, no issuance
22 of a refunding bond may extend the maturity date of such bond being
23 refunded and may not exceed the outstanding principal of such bond
24 being refunded. Any refunding bond issued after the effective date

1 of the amendments to this article enacted by the Legislature during
2 the regular session in 2006 shall be structured to provide for
3 approximately level annual debt service savings each fiscal year
4 through the final maturity or structured to approximate the level
5 of debt service that would have been paid prior to the refunding,
6 with a preponderance of the savings being deferred toward
7 eliminating or reducing the most distant maturities. For purposes
8 of this section, the outstanding principal is to be determined as
9 of the date on which the revenue bond is refinanced.

10 Beginning July 1, 2014, once all existing parkway revenue
11 bonds have been repaid, the Transportation Secretary may not issue
12 any more parkway revenue bonds. Beginning July 1, 2014, the
13 Transportation Secretary may not refinance any existing parkway
14 revenue bonds previously issued.

15 **§17-16A-22. Parkway revenue refunding bonds--West Virginia**
16 **Turnpike.**

17 The ~~parkways authority~~ Transportation Secretary is hereby
18 authorized to provide by resolution for the issuance of parkway
19 revenue refunding bonds of the state in an aggregate principal
20 amount not to exceed \$60,000,000 for the purpose of refunding any
21 bonds which shall have been issued under this article, or any
22 predecessor thereof, in connection with the construction of the
23 West Virginia Turnpike, including the payment of any redemption
24 premium thereon and any interest accrued or to accrue to the date

1 of redemption of such bonds, and, to the extent permissible under
2 federal law and if deemed advisable by the ~~parkways authority~~
3 Transportation Secretary, for repaying to the state all or any part
4 of the state funds used to upgrade the West Virginia Turnpike to
5 federal interstate standards: *Provided*, That any proceeds derived
6 from the issuance of such bonds which are used on any parkway
7 project other than the West Virginia Turnpike must be used solely
8 on parkway projects: (i) Which are either connected to or
9 intersect with the West Virginia Turnpike and are within
10 seventy-five air miles of said turnpike as it exists on June 1,
11 1989, or any subsequent expressway, trunkline, turnpike, feeder
12 road, state local service road or park and forest road constructed
13 pursuant to this article; and (ii) which involve the upgrading or
14 addition of interchanges, the construction of expressways or feeder
15 roads, or the upgrading or construction of information centers,
16 visitors' centers, rest stops or any combination thereof:
17 *Provided, however*, That none of the proceeds of the issuance of
18 parkway revenue refunding bonds issued under this section shall be
19 used to pay all or any part of the cost of any economic development
20 project. Except as otherwise specifically provided in this
21 section, the issuance of parkway revenue refunding bonds pursuant
22 to this section, the maturities and other details thereof, the
23 rights of the holders thereof, and the rights, duties and
24 obligations of the ~~parkways authority~~ Transportation Secretary in

1 respect of the same, shall be governed by the provisions of this
2 article insofar as the same may be applicable.

3 After the effective date of the amendments to this article
4 enacted by the Legislature during the regular session in 2006, no
5 issuance of a refunding bond may extend the maturity date of such
6 bond being refunded and may not exceed the outstanding principal of
7 such bond being refunded. Any refunding bond issued after the
8 effective date of the amendments to this article enacted by the
9 Legislature during the 2006 regular session shall be structured to
10 provide for approximately level annual debt service savings each
11 fiscal year through the final maturity or structured to approximate
12 the level of debt service that would have been paid prior to the
13 refunding, with a preponderance of the savings being deferred
14 toward eliminating or reducing the most distant maturities. For
15 purposes of this section, the outstanding principal is to be
16 determined as of the date on which the revenue bond is refinanced.

17 Beginning July 1, 2014, and once all existing parkway revenue
18 bonds have been repaid, the Transportation Secretary may not issue
19 any more parkway revenue bonds. Beginning July 1, 2014, the
20 Transportation Secretary may not refinance any existing parkway
21 revenue bonds previously issued.

22 **§17-16A-23. Special highway fund; appropriations from fund.**

23 (a) There is hereby created a special fund in the State
24 Treasury which shall be designated and known as the "West Virginia

1 Special Highway Fund." The special highway fund shall consist of:
2 (i) All funds allocated and disbursed to the State ~~Department~~
3 Division of Highways by the ~~parkways authority~~ Transportation
4 Secretary, including without limitation the proceeds of any parkway
5 revenue bonds or revenue refunding bonds issued by the ~~parkways~~
6 ~~authority~~ Transportation Secretary pursuant to sections eleven,
7 twenty-one or twenty-two of this article, in repayment of the
8 amount of state funds used to upgrade the West Virginia Turnpike to
9 federal interstate standards; (ii) any appropriations, grants,
10 gifts, contributions or other revenues received by the special
11 highway fund from any source, and (iii) all interest earned on
12 moneys held in the fund. When any funds are received by the State
13 ~~Department~~ Division of Highways from the ~~parkways authority~~
14 Transportation Secretary pursuant to this section, they shall be
15 paid into the State Treasury by the Commissioner of the ~~Department~~
16 Division of Highways and credited to the special highway fund, and
17 shall be disbursed in the manner set forth in subsections (b) and
18 (c) of this section. The special highway fund shall not be treated
19 by the Auditor and Treasurer as part of the state road fund or as
20 part of the general revenues of the state.

21 (b) The Governor shall have the authority to transfer to the
22 insurance fund created in section eight, article fifteen, chapter
23 thirty-one of this code, on any date or dates after the enactment
24 of this section, up to \$35 million of the funds received or earned

1 by the special highway fund, which funds may be used and applied by
2 the West Virginia Economic Development Authority in the manner and
3 to the extent set forth in article fifteen of ~~said~~ that chapter.
4 ~~thirty-one.~~ On or before December 31, 1994, the Economic
5 Development Authority shall retransfer to the special highway fund
6 the \$35 million advanced to the insurance fund pursuant to this
7 section. All interest earned on the \$35 million while being held
8 in the insurance fund shall remain in, and be the property of, said
9 insurance fund: *Provided*, That on and after July 1, 1992, the
10 Governor shall have the authority to transfer \$6 million from the
11 insurance fund created in section eight, article fifteen, chapter
12 thirty-one of this code to a special fund hereby created in the
13 State Treasury and designated "the West Virginia Economic
14 Development Fund." Expenditures from the fund are to be made only
15 in accordance with appropriations by the Legislature.

16 (c) Upon the transfer of \$35 million to the insurance fund as
17 provided in subsection (b) of this section, the Legislature shall
18 annually appropriate all or any part of the balance of the funds
19 deposited in the special highway fund for the construction,
20 reconstruction, improvement, maintenance or repair of any parkway
21 project or projects: *Provided*, That all of such funds shall be
22 appropriated to: (i) The upgrading or addition of interchanges;
23 (ii) the construction of expressways or feeder roads; or (iii) the
24 upgrading or construction of information centers, visitors'

1 centers, rest stops, or any combination thereof, and that all such
2 feeder roads, expressways, interchanges, information centers,
3 visitors' centers or rest stops shall connect to the West Virginia
4 Turnpike and within ~~seventy-five~~ fifteen air miles of the West
5 Virginia Turnpike as it existed on the effective date of this
6 legislation, or any subsequent expressway, turnpike or feeder road
7 constructed pursuant to this subsection. The appropriation of
8 funds pursuant to this subsection shall be expended on more than
9 one project.

10 **§17-16A-25. Additional powers of Transportation Secretary;**
11 **issuance of special obligation bonds.**

12 (a) In addition to all powers granted by the foregoing
13 sections of this article, the ~~parkways authority~~ Transportation
14 Secretary in connection with a proceeding prosecuted to completion
15 under Title 11, United States Code, Secs. 401-403, as permitted by
16 subdivision (17), section six of this article is hereby authorized
17 to provide by resolution for the issuance of special obligation
18 bonds of the state for the purpose of exchanging such special
19 obligation bonds for all bonds then outstanding which shall have
20 been issued under the provisions of this article. Special
21 obligation bonds issued under the provisions of this section shall
22 not be deemed to constitute a debt of the state or of any political
23 subdivision thereof or a pledge of the faith and credit of the
24 state or of any such political subdivision, but such bonds shall be

1 payable solely from the funds herein provided therefor from pledged
2 property and income therefrom as provided in subdivision (1) of
3 this subsection. All such special obligation bonds shall contain
4 on the face thereof a statement in accordance with the preceding
5 sentence. The issuance of such bonds, the maturities and other
6 details thereof, the rights of the holders thereof, and the rights,
7 duties and obligations of the ~~parkways authority~~ Transportation
8 Secretary in respect of the same shall be governed by the
9 provisions of this article insofar as the same may be applicable
10 with the following express exceptions:

11 (1) The principal of and the interest on such special
12 obligation bonds shall not be payable from tolls, rents, fees,
13 charges or revenues of any parkway project but shall be payable
14 solely from such other property purchased and pledged as security
15 therefor as the ~~parkways authority~~ Transportation Secretary shall
16 determine together with the income derived therefrom which other
17 property may include direct obligations of, or obligations the
18 principal of and the interest on which are guaranteed by, the
19 United States Government or participation certificates or other
20 obligations issued by or by authority of the United States
21 Government; and

22 (2) Following the issuance of such special obligation bonds
23 there shall be no obligation to fix, revise, charge and collect
24 tolls for the use of any parkway project and any parkway project

1 shall be transferred to the State ~~Department~~ Division of Highways
2 and shall thereafter be maintained by the State ~~Department~~ Division
3 of Highways free of tolls. At such time as the special obligation
4 bonds are issued, then section eighteen of this article shall be of
5 no further force and effect.

6 (b) Financial, legal, engineering and feasibility consultants
7 may be employed to perform such services as the ~~parkways authority~~
8 Transportation Secretary shall deem necessary or desirable in
9 connection with the Title 11 proceedings mentioned above and the
10 issuance and exchange of the special obligation bonds.

11 (c) The entire powers herein granted by this section to the
12 ~~parkways authority~~ Transportation Secretary may be exercised by the
13 State ~~Department~~ Division of Highways in which event the special
14 obligation bonds herein authorized shall be executed by manual or
15 facsimile signature by the Governor and by the Commissioner of the
16 ~~Department~~ Division of Highways, and the official seal of the
17 ~~Department~~ Division of Highways shall be affixed to or printed on
18 each bond, and any coupons attached to such bonds shall bear the
19 manual or facsimile signature of the Commissioner of the State
20 ~~Department~~ Division of Highways. In the event that the State
21 ~~Department~~ Division of Highways shall elect to exercise the powers
22 granted by this section, it shall file a statement to that effect
23 in the office of the ~~chairman of the parkways authority~~
24 Transportation Secretary and in the office of the Secretary of

1 State, and upon the issuance of the special obligation bonds herein
2 provided for, the State ~~Department~~ Division of Highways shall
3 succeed immediately to the principal functions of the ~~parkways~~
4 ~~authority~~ and the ~~parkways~~ authority shall then be abolished
5 Transportation Secretary.

6 (d) Beginning July 1, 2014, and once all existing special
7 obligation bonds have been repaid, the Transportation Secretary may
8 not issue any more special obligation bonds as mentioned in this
9 section. Beginning July 1, 2014, the Transportation Secretary may
10 not refinance any existing special obligation bonds previously
11 issued.

12 ~~(d)~~ (e) The ~~State Department~~ Division of Highways is hereby
13 empowered to acquire ~~by purchase~~ the parkways authority and all
14 its rights-of-way, equipment, facilities and any and all other
15 rights or interest the parkways authority has or had in any
16 project, ~~from any funds available to it~~ and to pay any expenses
17 incident to such acquisition under the provisions of this article:
18 *Provided*, That the contribution of the ~~State Department~~ Division of
19 Highways in making such acquisition shall not exceed the sum of \$20
20 million from all sources of public moneys of the State of West
21 Virginia, excluding any funds reimbursed or reimbursable or
22 otherwise provided or to be provided by the federal government. No
23 funds derived from the sale of the \$350 million bond issue
24 authorized by the roads development amendment shall be included in

1 the acquisition of the West Virginia Turnpike.

2 **§17-16A-26. Annual report; audit.**

3 (a) Annually, the ~~Parkways Authority~~ Transportation Secretary
4 shall prepare and provide to each member of the West Virginia
5 Legislature who so requests, an annual report detailing the
6 financial condition and operations of the ~~Parkways Authority~~
7 Transportation Secretary.. The ~~Parkways Authority~~ Transportation
8 Secretary shall provide to the Joint Committee on Government and
9 Finance any financial statements that are required under any trust
10 agreement to which the ~~Parkways Authority~~ Transportation Secretary
11 is a party.

12 (b) Annually, the ~~Parkways Authority~~ Transportation Secretary
13 shall file with the Legislative Auditor's office a full and
14 complete accounting of its activities, including the collection of
15 all revenues, expenditures, liabilities, assets, bonds and
16 disbursement of funds. The Legislative Auditor shall conduct an
17 annual audit of the information provided by the Transportation
18 Secretary and the audit report of the Legislative Auditor shall be
19 provided to each member of the Legislature requesting a copy.

20 **§17-16A-27. Exit awareness signs.**

21 Consistent with applicable federal laws, rules and
22 regulations, the ~~parkways authority~~ Transportation Secretary shall
23 develop and prepare a uniform roadway sign identifying the
24 availability of restaurants, gas stations, hotel accommodations and

1 emergency services available off each exit of the West Virginia
2 Turnpike. At every tourism project maintained or operated by the
3 ~~parkways authority~~ Transportation Secretary and which is
4 constructed after the effective date of this legislation, and, to
5 the extent permitted under the terms of the applicable lease, at
6 every currently existing service station, gas station, hotel or
7 restaurant, garage or store maintained, operated or leased by the
8 ~~parkways authority~~ Transportation Secretary, the ~~parkways authority~~
9 Transportation Secretary shall at no charge or cost permit the
10 placement of, in a conspicuous place, all reasonably sized
11 advertising literature prepared and delivered by hotels,
12 restaurants and other tourist attractions, whether public or
13 private, located within the State of West Virginia.

14 **§17-16A-29. Discount program for purchasers of West Virginia EZ**
15 **Pass transponders.**

16 (a) The ~~Parkways Authority~~ Transportation Secretary is hereby
17 authorized to create a discount program for purchasers of West
18 Virginia EZ Pass transponders: *Provided*, That prior to the
19 fixation of any initial rates, tolls or charges or any increase in
20 any rates, tolls or charges along any portion of the parkway
21 project, the ~~Parkways Authority~~ Transportation Secretary shall
22 create a discount program for purchasers of West Virginia EZ Pass
23 transponders. Any discount program created pursuant to this

1 section shall provide discounts for each class of motor vehicles.

2 (b) The ~~Authority~~ Transportation Secretary shall provide
3 public notice and hold public hearings on any proposed discount
4 program as required in section thirteen-a of this article prior to
5 implementation of such program.

6 (c) Annually, the ~~Parkways Authority~~ Transportation Secretary
7 shall hold at least one public informational session in each of the
8 following counties: Kanawha, Fayette, Raleigh and Mercer counties.
9 The ~~Authority~~ Transportation Secretary is to distribute educational
10 materials and other information concerning the discount program for
11 purchasers of West Virginia EZ Pass transponders described in this
12 section.

13 (d) Upon the effective date of the amendments to this section
14 enacted during the regular session of the Legislature in the year
15 2010, the ~~Authority~~ Transportation Secretary shall make available
16 West Virginia EZ Pass transponders to the public without the
17 payment of any monetary security deposit. The ~~Authority~~
18 Transportation Secretary shall credit any individual that has paid
19 a security deposit for a West Virginia EZ Pass transponder prior to
20 July 1, 2010, on the individual's next billing statement.

21 (e) For purposes of this section, a "West Virginia EZ Pass
22 transponder" means a device sold by the ~~Parkways Authority~~
23 Transportation Secretary which allows the purchaser to attach the
24 device to his or her motor vehicle and travel through a ~~Parkways~~

1 toll facility and be billed for such travel by the ~~Authority~~
2 Transportation Secretary.

3 **§17-16A-30. Coordination with county commission in counties where**
4 **a parkway project may be located.**

5 Once a parkway project is identified by the ~~Authority~~
6 Transportation Secretary, the Governor shall appoint, with the
7 advice and consent of the Senate, two persons from each county
8 where the parkway project is located to serve on a local committee
9 to provide recommendations and suggestions to the ~~Authority~~
10 Transportation Secretary on all matters regarding the local
11 identified project. The local committee shall also report any of
12 its findings to the county commission or county commissions of the
13 counties in which the parkway project is located. Prior to any
14 final approval of a parkway project, the county commissions of the
15 counties in which a parkway project is located shall by resolution
16 approve the parkway project.

NOTE: The purpose of this bill is to dissolve the West Virginia Parkways, Economic Development and Tourism Authority and transfer its powers to the Secretary of the Department of Transportation. The bill requires all outstanding bonds of the Parkways Authority to be paid off via a loan from the funds managed by the West Virginia Investment Management Board. The bill requires that the loan be repaid to the West Virginia Investment Management Board at the same interest rate and intervals as the current bonds.

§17-16A-2 is repealed.

11B-2-20a is new; therefore, it has been completely

underscored.

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