

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 166

**FISCAL
NOTE**

BY SENATORS BLAIR, RUCKER AND JEFFRIES

[Introduced February 8, 2017; referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17-4-55, relating to requiring protective fencing on any newly constructed
 3 overpasses or overpasses that undergo significant construction; and requiring the
 4 commissioner to promulgate rules to effectuate purposes of section.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §17-4-55, to read as follows:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-55. Requiring protective fencing on overpasses; rulemaking.

1 (a) Any new construction of an overpass on a public road or highway which commences
 2 on or after the effective date of this section shall install protective fencing along the length of the
 3 overpass.

4 (b) If any significant construction occurs to an existing overpass, the commission shall
 5 install protective fencing as described in subsection a.

6 (c) In order to effectuate the provisions of this section, the commissioner or designee shall
 7 promulgate rules to determine when construction is significant for purposes of subsection b, and
 8 to establish uniform requirements for the selection and installation of protective fencing for
 9 overpasses.

NOTE: The purpose of this bill is to require protective fencing to be included in any new construction of an overpass, and to require commissioner to promulgate rules to effectuate section’s purposes.

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