

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 708

FISCAL
NOTE

BY SENATORS CLEMENTS, NELSON, SMITH, SWOPE, AND

MARONEY

[Introduced February 21, 2022; 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 §17-4-17f; relating to costs of relocating public utility facilities for certain
 3 highway construction projects; identifying projects that are subject to this statute; and
 4 providing for sharing of relocation costs between the utility and the Division of Highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-17f. Utility relocation on state highway construction projects financed by certain federal sources.

1 Subject to the provisions of §17-4-17d of this code, and notwithstanding any other
 2 provisions to the contrary, whenever the Commissioner of Highways determines that any utility
 3 facility located upon, across, above, or under any portion of a state highway needs to be relocated
 4 in order to accommodate a highway project funded, in whole or in part, with moneys derived from
 5 the American Rescue Plan Act of 2021, “Public Law 117-2” (5 U.S.C. 8101, *et seq.*), the
 6 Coronavirus Aid, Relief, and Economic Security Act, “Public Law 116-136” (2 U.S.C. 661, *et seq.*),
 7 or the Infrastructure Investment and Jobs Act, “Public Law 117-58” (2 U.S.C. 661, *et seq.*), the
 8 commissioner shall notify the utility owning or operating the facility, which shall relocate the facility
 9 in accordance with this article and in accordance with the cost-sharing provisions of this section.
 10 The utility shall bear 50 percent of any such relocation costs, and the Division of Highways shall
 11 bear 50 percent of any such relocation costs. The division’s share shall be paid out of the State
 12 Road Fund or paid with other eligible funds, within two years of completion of the highway project,
 13 and shall be considered a cost of the highway project: *Provided*, That nothing in this section shall
 14 alter or amend the responsibility of the division to pay for the cost of utility facilities relocation
 15 when such costs are incurred to accommodate a highway project and such utilities maintain pre-
 16 existing property rights in their facilities’ present location.

NOTE: The purpose of this bill is to establish a cost-sharing procedure providing for sharing

of relocation costs between a public utility and the Division of Highways on certain projects.

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