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**H. B. 2861**

(By Delegates Martin, Caputo, Ferro and D. Poling)  
(By Request of the Department of Transportation)  
[Introduced January 26, 2011; referred to the  
Committee on Government Organization then Finance.]

A BILL to amend and reenact §17-2D-2 and §17-2D-5 of the Code of  
West Virginia, 1931, as amended, all relating to continuing  
the pilot highway design-build program.

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

That §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931,  
as amended, be amended and reenacted all to read as follows:

**ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

**§17-2D-2. Highway Design-Build Pilot Program.**

(a) Notwithstanding any provision of this code to the  
contrary, the Commissioner of the West Virginia Division of  
Highways may continue with the pilot program to expedite the  
construction of no more than ten special projects, in addition to  
the three projects authorized by prior enactment of this section,  
by combining the design and construction elements of a highway or  
bridge project into a single contract.

1 (b) A design-build project may not be let to contract after  
2 June 30, ~~2011~~ 2013. The Division of Highways may expend no more  
3 than \$50 million in each of the three years remaining in the pilot  
4 program, for an aggregate total of \$150 million.

5 (c) A design-build project may be let to contract only in  
6 accordance with the commissioner's established policies and  
7 procedures concerning design-build projects.

8 (d) After June 30, ~~2011~~ 2013, ~~no~~ projects may not be let under  
9 the provisions of this article unless the West Virginia Legislature  
10 either approves additional projects or makes the program permanent.

11 (e) Projects receiving special funding above the regular  
12 federal core funding ~~including any Competitive Surface~~  
13 ~~Transportation Grants received as a result of the American Recovery~~  
14 ~~and Reinvestment Act of 2009~~, may utilize the pilot program, but  
15 shall not be included in the total number of projects or  
16 expenditure limits provided by subsections (a) and (b) of this  
17 section.

18 **§17-2D-5. Report to the Legislature.**

19 On or before December 1, ~~2011~~ 2013, the commissioner shall  
20 prepare and submit to the Joint Standing Committee on Government  
21 Organization a report evaluating the experience of the Division of  
22 Highways with each project, including whether the division realized  
23 any cost or time savings, the number and cost of change orders, the  
24 quality of work performed, the number of bids received and other

1 issues the commissioner considers appropriate.

NOTE: The purpose of this bill is to continue the Highway Design-build Pilot Program until June 2013.

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