

H. B. 3026

(By Delegates Varner, Pethtel, Ferns, Givens,
Ferro, Swartzmiller, Martin, Jones, Storch,
Ennis and Romine)

[Introduced February 7, 2011; referred to the
Committee on Roads and Transportation then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §17-2A-24, relating
to roads and highways; additional powers of the Commissioner
of Highways relating to entering into agreements or issue
permits to protect the care and maintenance of certain
highways used in natural gas and oil production; and
authorizing emergency legislative rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §17-2A-24, to read as
follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

**§17-2A-24. Commissioner authorized to enter into agreements or
permits with developers of oil and natural gas well
sites to maintain highways; emergency rules.**

(a) In addition to all other powers granted and duties imposed
upon the Commissioner of Highways, the commissioner may enter into

1 agreements or issue permits, as required, with developers of oil
2 and natural gas well sites in this state, or with any other
3 persons, for the purpose of construction, repairing or maintaining
4 secondary highways affected by increased oil and natural gas well
5 drilling activity. These agreements shall contain necessary
6 criteria, including bonding, to assure any damages created by the
7 development of the oil and natural gas well sites are ameliorated.

8 (b) All moneys collected by the commissioner pursuant to these
9 agreements shall be deposited into the State Road Fund and shall be
10 expended solely on construction, repairing or maintaining secondary
11 highways affected by increased of oil and natural gas well drilling
12 activity.

13 (c) Notwithstanding any provision of this code to the
14 contrary, the commissioner may promulgate emergency rules pursuant
15 to the provisions of section fifteen, article three, chapter
16 twenty-nine-a of this code.

NOTE: The purpose of this bill is to authorize additional powers of the Commissioner of Highways by entering into agreements or permits to protect the care and maintenance of certain secondary highways used in natural gas and oil production. The commissioner is authorized to promulgate emergency legislative rules.

This section is new; therefore, it has been completely underscored.