

H. B. 3175

(By Delegates Savilla, Andes, Gearheart,
Ellington, Snuffer, Hall and Armstead)

[Introduced February 17, 2011; referred to the
Committee on Government Organization then the Judiciary.]

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A BILL to amend and reenact §17-16A-13a of the Code of West
Virginia, 1931, as amended, relating to public notice and
hearing requirements of the Parkways Authority.

Be it enacted by the Legislature of West Virginia:

That §17-16A-13a of the Code of West Virginia, 1931, as
amended, be amended and reenacted to read as follows:

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
TOURISM AUTHORITY.**

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

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

(1) Fix initial rates, tolls or charges along any portion of
a parkway project, or approve any proposal or contract that would
require the Parkways Authority to fix any initial rates, tolls or
charges along any portion of a parkway project;

(2) Increase any rates, tolls or charges along any portion of
the parkway project, or approve any proposal or contract that would

1 result in or require an increase in any rates or tolls along any
2 portion of the parkway project;

3 (3) Issue any refunding bond pursuant to sections twenty-one
4 and twenty-two of this article which would require the Parkways
5 Authority to increase rates, tolls or charges;

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

9 (5) Take any other action which would require or result in an
10 increase in the rates, tolls or charges along any portion of the
11 parkway project.

12 (b) The Parkways Authority shall publish notice of any
13 proposed contract, project or bond which would require the Parkways
14 Authority to fix any initial toll rates or charges, result in an
15 increase of any toll rates or charges or extend any bond repayment
16 obligation, along with the associated initial rate, rate increase
17 or revised bond repayment period, by a Class II legal advertisement
18 in accordance with the provisions of article three, chapter fifty-
19 nine of this code, published and of general circulation in each
20 county which borders the parkway project or proposed parkway
21 project affected by the proposed contract, project or bond.

22 (c) Once notice has been provided in accordance with the
23 provisions of this section, the Parkways Authority shall conduct a
24 public hearing in each county which borders the parkway project or
25 proposed parkway project affected by the proposed contract, project
26 or bond, and any citizen may communicate by writing to the Parkways

1 Authority his or her opposition to or approval of such proposal,
2 initial rate or toll, rate or toll increase or amended bond terms.
3 The public notice and written public comment period shall be
4 conducted not less than forty-five days from the publication of the
5 notice and the affected public must be provided with at least
6 twenty days' notice of each scheduled public hearing.

7 (d) All studies, records, documents and other materials which
8 were considered by the Parkways Authority before recommending the
9 approval of any such project or recommending the adoption of any
10 such initial rate or increase shall be made available for public
11 inspection for a period of at least twenty days prior to the
12 scheduled hearing at a convenient location in each county where a
13 public hearing is held.

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

23 (f) On and after July 1, 2010, any final action taken by the
24 Parkways Authority to approve or implement any proposed initial
25 rate, rate increase, contract or project which would require or
26 result in a proposed initial rate or toll or a proposed increase of

1 any rate or tolls along any portion of the parkway project without
2 first satisfying the public notice and hearing requirements of this
3 section, shall be null and void.

4 (g) On and after July, 1, 2011, any final action taken by the
5 Parkways Authority to approve or implement any proposed initial
6 rate, rate increase, contract or project which would require or
7 result in a proposed initial rate or toll or a proposed increase of
8 any rate or tolls along any portion of the parkway project shall be
9 required to be subjected to a vote of the residents of the county
10 affected by the proposed initial rate or toll or a proposed
11 increase of any rate or tolls. A majority of all voters
12 participating in such election is required to approve the proposed
13 initial rate or toll or a proposed increase of any rate or tolls
14 before it can be implemented.

NOTE: The purpose of this bill is to require a popular vote of the residents of the county affected by a proposed initial rate or toll or a proposed increase of any rate or tolls.

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