

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 539

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(By Request of the Executive)

[Introduced February 01, 2022; referred
to the Committee on Government Organization]

1 A BILL to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-
2 7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-
3 13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-
4 16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended;
5 to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia,
6 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-
7 2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c,
8 §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, and §29-2A-20
9 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-
10 18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-
11 18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21,
12 §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code
13 by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-
14 4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11,
15 §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-
16 18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-
17 16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31,
18 §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of
19 Multimodal Transportation and combining the powers and duties and eliminating certain
20 references to the Public Port Authority, the West Virginia State Rail Authority, and the
21 state Aeronautics Commission; providing for legislative findings and creation of the
22 division; transferring employees, equipment, assets, liabilities, contracts, agreements,
23 functions, and duties to the division or its sections; providing for all property currently held
24 by the Public Port Authority, the West Virginia State Rail Authority, and the state
25 Aeronautics Commission to be transferred to the division; authorizing the Secretary of the
26 Department of Transportation to appoint the commissioner; establishing general powers

27 and duties of the commissioner; defining terms; establishing the powers and duties of the
28 division generally; requiring the division to promote, supervise and support safe, adequate
29 and efficient transportation, preserve rail, water and airway facilities and promote
30 economic development and tourism; authorizing division to work cooperatively with similar
31 entities within and without the state; providing for siting, development and operation of
32 facilities; authorizing employment of trained and qualified staff and consultants and
33 compensating therefor; providing the right to enter into contracts and agreements;
34 authorizing acquisition of various types and interests in property to be held in the name of
35 the state; authorizing use of eminent domain; authorizing acquisition and disposal of
36 property by various means; authorizing interagency cooperation; authorizing division to
37 act on behalf of the state in planning, financing, development, construction and operation
38 of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on
39 status of projects, operations, finances, and related information; authorizing study and
40 assessment of state transportation needs; authorizing use of various financing options
41 including issuing revenue bonds and receipt of grants and loans; authorizing division to
42 make grants and loans to governmental agencies and persons for multimodal
43 transportation projects; permitting collection of reasonable fees and charges connected to
44 making and servicing loans, notes, bonds, and other obligations; granting rule-making
45 authority to the division; continuing all rules, policies, and orders of the combined entities
46 until revised and reissued by the division; requiring strategic plan and reports to the
47 Governor and the Legislature; requiring collection and analysis of shipping through state
48 ports; providing for confidentiality of collected information and providing criminal penalty
49 for violation; providing that division employees may not have direct or indirect financial
50 interest in contracts, sale of property of the division, and providing criminal penalty for
51 violation; providing that activities of division are for public purpose; authorizing the division
52 to use certain property or facilities of a public utility, common carrier, public road or railroad

53 for certain public projects; requiring the division to relocate any such property or facilities;
54 providing for rules regarding relocation or removal of railroad or public utility located on
55 division property; requiring the division to pay for said relocation or removal; encouraging
56 participation of private enterprise in construction and operation of facilities; authorizing
57 lease back to division; authorizing development of foreign trade zones, free trade zones,
58 ports of entry, and customs zones; providing for specific duties related to port projects;
59 authorizing the division to act on behalf of the state in developing, operating, improving,
60 and maintaining ports; authorizing the division to coordinate and cooperate with other port
61 entities; creating the West Virginia Multimodal Operations Fund and transference of funds
62 and liabilities of the West Virginia Public Port Authority Operations Fund; providing for
63 specific duties related to rail projects; authorizing the exercise of powers necessary to
64 qualify for federal subsidies; authorizing various means to carry out rail projects that are
65 consistent with state plan with other entities; providing authority for the division to
66 establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain, and
67 make available to other entities railroad projects; providing that research and development
68 of railroads may be conducted; providing that contracts may be entered into to acquire
69 various rolling stock, equipment or trackage, and providing the requirements therefor;
70 providing for the authority to enter into agreements that are beneficial to railroad projects
71 notwithstanding other code provisions, including the authority to reject bids; authorizing
72 division to purchase various types of insurance; authorizing the collection of fees for use
73 of rail projects; providing for the administration and coordination of a state plan, including
74 the distribution of federal subsidies; providing for investigation, research, promotion, and
75 development with public participation; authorizing the provision of fiscal assurances and
76 adoption of accounting procedures necessary to continue subsidies; authorizing
77 compliance with applicable federal regulations; authorizing all actions necessary to
78 maximize federal assistance for rail subsidies; providing powers necessary to coordinate

79 with the Maryland Transit Administration for continued operation in the state, including
80 negotiation and contracting authority; providing that any commuter rail operation
81 agreement will meet certain service standards; providing that any track access fees to be
82 paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail
83 Access Fund; authorizing sale or transfer of interest in rail property with federal approval
84 when required; authorizing assistance to entities seeking federal railroad service
85 certification, including the provision of any necessary assurances or guarantees;
86 authorizing division to retain attorney or others to title ownership of rail properties within
87 the state; requiring rail properties offered for sale within the state to be offered first to the
88 state; providing that division may acquire railroad rights in other states and may cooperate
89 with other states in so purchasing any rail properties; providing for the division to give
90 consideration to county or municipality interest in acquiring abandoned property interest
91 and providing for the division to acquire any such abandoned property for subsequent
92 conveyance to a county or municipality; authorizing the division to apply for and utilize
93 federal funds or loans in carrying out its purposes of this article; authorizing the purchase
94 of any railroad rolling stock, equipment and machinery necessary for the operation and
95 maintenance of state rail properties and authorizing contracts with the Division of
96 Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding
97 or relocation of state rail properties and authorizing expenditures for the modernization,
98 rebuilding and relocation of any rail properties owned by the state or private carrier;
99 providing for contracting with domestic or foreign entities to provide, maintain or improve
100 rail transportation service on state rail properties; providing for transfer of rail properties to
101 other entities within the state when permitted by the Governor; authorizing the division to
102 resolve conflicts when multiple entities want to utilize the same rail property; providing for
103 proceeds from the sale of state rail property to be deposited in Railroad Maintenance
104 Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad

105 Maintenance Fund for proceeds and expenditures related to division's purpose;
106 authorizing expenditure from any fund for study of proposed rail projects and use of funds
107 from Railroad Maintenance Fund for study and engineering costs; authorizing the
108 issuance of railroad maintenance revenue bonds and notes for costs of rail projects,
109 including issuance of renewal notes and bond refund, with aggregate amount of all issues
110 of bonds and notes outstanding at one time not exceeding amount capable of being
111 serviced by revenues received; providing that issues of bonds or notes are negotiable
112 instruments and are obligations of the division and are payable out of the revenues which
113 are pledged for such payment; providing for maturity date, terms of execution, sale,
114 redemption and delivery; authorizing the establishment of various conditions necessary to
115 secure sufficient funds to protect bonds or notes; providing that person executing bonds
116 or notes is not personally liable therefor; providing for trust agreement to secure bonds
117 issued by division and creating conditions therefor, not including mortgage of any rail
118 project; allocating expenses of bond issuance or trust agreement to rail projects; providing
119 for civil action for bondholders seeking to enforce rights granted; providing that bonds are
120 payable from division revenues and are not a debt of state or political subdivision;
121 restricting division from incurring debt on behalf of state or political subdivision; authorizing
122 use of proceeds from bonds to carry out division's powers and prohibiting commingling
123 with other funds; providing for the investment of excess funds by West Virginia State Board
124 of Investments; authorizing division to collect rents or revenues for use of rail projects;
125 providing for cooperation with other governmental agencies to effect acquisition of rail
126 project or bond issuance; authorizing division to maintain rail projects in good repair;
127 providing that railroad maintenance bonds are lawful investments for various entities;
128 continuing West Virginia Commuter Rail Access Fund which is administered by division
129 commissioner; requiring division to establish a state rail plan that complies with federal
130 requirements for funding; providing specific powers and duties for director of public transit;

131 designation of public transit as the agency of the state responsible for administering all
 132 federal and state programs related to public transportation; providing for assistance and
 133 cooperation of other state agencies with all multimodal sections; providing for specific
 134 duties related to aeronautics projects; authorizing division to advance development of
 135 aeronautics in cooperation with municipalities; authorizing rules necessary for public
 136 safety related to airports and aeronautics; authorizing division to fund grants for public
 137 airport authorities; authorizing division to receive federal funding to support airports or air
 138 navigation facilities; providing for procedures and conditions for use of federal funds;
 139 requiring a federal license to operate an aircraft; allowing for the use of state and municipal
 140 facilities and services; disposing of fees collected under this code section, and providing
 141 a severability clause.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16B. PUBLIC PORT AUTHORITY.

§17-16B-1. Creation of authority.

1 [Repealed].

§17-16B-2. Board of directors -- Members, officers, qualifications, terms, oath, compensation, quorum and delegation of power.

1 [Repealed].

§17-16B-3. Executive director; appointment; powers and duties; compensation.

1 [Repealed].

§17-16B-5. Definitions.

1 [Repealed].

§17-16B-6. Powers and duties of authority.

1 [Repealed].

§17-16B-7. Special West Virginia public port authority operations fund.

1 [Repealed].

§17-16B-7a. Special Railroad and Intermodal Enhancement Fund; purposes.

1 [Repealed].

§17-16B-7b. Study of feasibility intermodal facility at Prichard, West Virginia.

1 [Repealed].

§17-16B-8. Designation of local port authority districts, powers and duties; plan for development.

1 [Repealed].

§17-16B-9. Construction and operation of facilities by private enterprise; leasing of facilities by port authority.

1 [Repealed].

§17-16B-10. Foreign trade zones; free trade zones; ports of entry and customs zones.

1 [Repealed].

§17-16B-11. Study of feasibility of establishment of export trading company.

1 [Repealed].

§17-16B-12. Division of tourist trains and transportation; duties.

1 [Repealed].

§17-16B-13. Disclaimer of any liability of state of West Virginia.

1 [Repealed].

§17-16B-14. Prohibition on funds inuring to the benefit of or being distributable to directors, employees, officers or private persons; prohibition against certain financial interests; criminal penalties.

1 [Repealed].

§17-16B-15. Port revenue bonds -- Generally.

1 [Repealed].

§17-16B-16. Public port revenue bonds -- Trust agreements.

1 [Repealed].

§17-16B-17. Tolls, rents, fees, charges and revenues.

1 [Repealed].

§17-16B-18. Trust funds.

1 [Repealed].

§17-16B-19. Remedies.

1 [Repealed].

§17-16B-20. Exemption from taxes.

1 [Repealed].

§17-16B-21. Preliminary expenses.

1 [Repealed].

§17-16B-22. Public port revenue refunding bonds -- Generally.

1 [Repealed].

ARTICLE 16C. DIVISION OF PUBLIC TRANSIT.

§17-16C-1. Creation of division.

1 [Repealed].

§17-16C-2. Designation of department.

1 [Repealed].

§17-16C-3. Powers and duties of the division.

1 [Repealed].

§17-16C-5. Assistance of other state agencies.

1 [Repealed].

**ARTICLE 16F. WEST VIRGINIA DIVISION OF MULTIMODAL TRANSPORTATION
FACILITIES.**

§17-16F-1. Legislative findings and creation of division.

1 (a) The Legislature finds and declares that there is a need to streamline the execution and
2 implementation of the state's multimodal transportation goals and reduce related costs by
3 consolidating existing multimodal authorities to a single division, known as the West Virginia
4 Division of Multimodal Transportation Facilities, under the Secretary of Transportation pursuant
5 to the provisions of chapter five-f of this code. The Department of Transportation through the West
6 Virginia Division of Multimodal Transportation Facilities is designated as the agency of this state
7 responsible for administering all federal and state programs related to public ports, railroads,
8 aeronautics, airports, and air navigation facilities.

9 (b) On July 1, 2022, the Public Port Authority, the West Virginia State Rail Authority,
10 Division of Public Transit, and the West Virginia State Aeronautics Commission are reestablished,
11 reconstituted, and continued as the West Virginia Division of Multimodal Transportation Facilities,
12 an agency of the state. The purpose of the division is to administer all federal and state programs
13 related to public ports, railroad transportation and commerce, public transit, aeronautics, airports,
14 and air navigation facilities in the state of West Virginia, and thereby to encourage and facilitate
15 growth and economic development opportunities utilizing such transport facilities. The powers
16 and duties heretofore imposed upon the Public Port Authority, the West Virginia State Rail
17 Authority, Division of Public Transit, and the West Virginia State Aeronautics Commission are
18 transferred to and imposed upon the West Virginia Division of Multimodal Transportation Facilities
19 in the manner prescribed by this article.

20 (c) It is the intent of this article to consolidate into the West Virginia Division of Multimodal
21 Transportation Facilities those entities and employees performing functions which will be
22 facilitated by their consolidation. The Department of Transportation shall provide appropriate
23 office locations necessary to fulfill the functions of the division.

24 (d) On the effective date of this article, all real property interests, vehicles, equipment
25 contracts or agreements, interests under any existing insurance policy and records belonging to

26 the Public Port Authority, the West Virginia State Rail Authority, the Division of Public Transit, and
27 the West Virginia State Aeronautics Commission shall be transferred to the West Virginia Division
28 of Multimodal Transportation Facilities. Any state funds, special revenue funds and all accounts
29 created for the benefit or use of the Public Port Authority, the West Virginia State Rail Authority,
30 the Division of Public Transit, and the West Virginia State Aeronautics Commission are
31 transferred to the West Virginia Division of Multimodal Transportation Facilities in accordance with
32 the provisions of this article.

§17-16F-2. Secretary's Powers and duties.

1 (a) The Secretary of the Department of Transportation or his or her designee shall be the
2 chief operating officer of the division who shall:

3 (1) Administer the operations of the division, consistent with the provisions of this article,
4 by allocating the functions, activities, and personnel of the division among sections;

5 (2) To coordinate with the Secretary of the Department of Economic Development and
6 any other applicable departments or agencies to facilitate economic development utilizing
7 transportation facilities;

8 (3) Supervise payrolls and audit payrolls, reports, or transactions for conformity with the
9 provisions of this article;

10 (4) Plan, evaluate, administer, and implement multimodal transportation programs and
11 policies in the state as set forth in this article;

12 (5) Utilize professional staff within the Department of Transportation to assist in the
13 operations of the division and authorize reimbursement therefor;

14 (6) Assist the Governor in multimodal transportation matters; and

15 (7) Make an annual report to the Governor and Legislature and all other special or periodic
16 reports as may be required.

§17-16F-3. Definitions.

1 As used in this article, unless the context indicates another or different meaning or intent:

2 “Aeronautics” means the art and science of flight, including, but not limited to,
3 transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft
4 power plants and accessories, including the repair, packing and maintenance of parachutes; and
5 the design, establishment, construction, extension, operation, improvement, repair or
6 maintenance of airports or other air navigation facilities.

7 “Aircraft” means any contrivance now known, or hereafter invented, used or designed for
8 navigation of or flight in the air whether manned or unmanned.

9 “Air navigation” means the operation or navigation of aircraft in the air space over this
10 state or upon any airport within this state.

11 “Air navigation facility” means any facility other than one owned or controlled by the federal
12 government used in, available for use in, or designed for use in aid of air navigation, including
13 airports, and any structures, mechanisms, lights, beacons, markers, communications system or
14 other instrumentalities or devices used or useful as an aid or constituting an advantage or
15 convenience to the safe taking off, air navigation and landing of aircraft or the safe and efficient
16 operation or maintenance of an airport, and any combination of any or all of such facilities.

17 “Airport” means any area of land or water which is used, or intended for use, for the landing
18 and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport
19 buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities
20 located thereon.

21 “Bond” means a revenue bond or rate issued by the division to effectuate the intents and
22 purposes of this article.

23 “Commissioner” means the chief executive office and administrative head of the
24 Multimodal Division, who is appointed by the Secretary of Transportation.

25 “Commuter rail” means a transit mode that is an electric or diesel propelled railway for
26 urban passenger train service consisting of local short distance travel operating between a central
27 city and adjacent suburbs. Service must be operated on a regular basis by or under contract with

28 a transit operator for the purpose of transporting passengers within urbanized areas or between
29 urbanized areas and outlying areas. The rail service, using either locomotive-hauled or self-
30 propelled railroad passenger cars, is generally characterized by multitrip tickets, specific station-
31 to-station fares or railroad employment practices and usually has only one or two stations in the
32 central business district. It does not include heavy rail, rapid transit, light rail, or streetcar transit
33 service. Intercity rail service is excluded except for that portion of service operated by or under
34 contract with a public transit agency for predominantly commuter services. Only the predominantly
35 commuter service portion of an intercity route is eligible for inclusion when determining commuter
36 rail route miles.

37 “Development plan” means a document which details the overall strategy of the division
38 for the proper planning and sustainable development of an area and consists of a written
39 statement and accompanying maps. The plan usually includes the broad aims of the division for
40 infrastructure projects and intermodal facilities which are reinforced by more detailed policies and
41 objectives.

42 “Division” means the West Virginia Division of Multimodal Transportation Facilities.

43 “Heavy rail” means a transit mode that is an electric railway with the capacity for a heavy
44 volume of traffic. It is characterized by high speed and rapid acceleration passenger rail cars
45 operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other
46 vehicular and foot traffic are excluded, sophisticated signaling and high platform loading.

47 “Income” means and includes all money accruing to the division or part thereof from any
48 source.

49 “Intermodal transportation” means the successive transport of goods or passengers using
50 more than one mode of transportation, including air, rail, ship, or roadway.

51 “Light rail” means a transit mode that typically is an electric railway with a light volume
52 traffic capacity compared to heavy rail. It is characterized by passenger rail cars operating singly
53 or in short, usually two-car trains, on fixed rails in shared or exclusive rights-of-way, low- or high-

54 platform loading, and vehicle power drawn from an overhead electric line via a trolley or a
55 pantograph.

56 “Multimodal transportation” means the consideration or connection of various modes of
57 transportation, including air, rail, ship, or roadway, with the goal of unifying and developing
58 transportation in the state through a unified Department of Transportation.

59 “Municipality” means any county, city, town, village, or other political subdivision of this
60 state.

61 “Municipal” means pertaining to a municipality.

62 “Operation fund” means the special West Virginia Public Port Operation Fund as created
63 by section twelve of this article.

64 “Operation of aircraft” or “operate aircraft” means the use, navigation, or piloting of aircraft
65 in the airspace over this state or upon the ground within this state.

66 “Owner” means and includes all individuals, co-partnerships, associations, corporations,
67 companies, transportation companies, public service corporations, the United States or any of its
68 agencies or instrumentalities, common carriers by rail and railroad companies having any title or
69 interest in any rail properties authorized to be acquired, leased, or used by this article.

70 “Person” means any individual, firm, co-partnership, corporation, partnership, company,
71 foreign or domestic association, including railroads, joint stock association or body politic and
72 includes any trustee, receiver, assignee, or other similar representative.

73 “Port” or “public port” means ports, airports, wayports, terminals, buildings, roadways,
74 rights-of-way, rails, rail lines, facilities for rail, water, highway or air transportation, and such
75 structures, equipment, facilities, or improvements as are necessary.

76 “Predominantly commuter services” means that for any given trip segment (i.e., distance
77 between two stations), more than 50 percent of the average daily ridership travels on the train at
78 least three times a week.

79 “Public port development” or “public port project” means any activities which are

80 undertaken with respect to public ports.

81 “Rail properties” means assets or rights owned, leased, or otherwise controlled by a
82 railroad or other person which are used, or useful, in rail transportation service: *Provided*, That
83 rail properties do not include any properties owned, leased or otherwise controlled by a railroad
84 not in reorganization, unless it consents to such properties’ inclusion in the particular transaction.

85 “Rail service” means both freight and passenger service.

86 “Railroad” means a common carrier by railroad as defined in Section 10102 of the
87 Interstate Transportation Act (49 U.S.C. 10102).

88 “Railroad project” means the initiation, acquisition, construction, maintenance, repair,
89 equipping or operation of rail properties or rail service, or the provisions of loans or grants to or
90 with government agencies, or to persons for such purposes, by the division.

91 “Wayport” means an airport used primarily as a location at which passengers and cargo
92 may be transferred between connecting flights of air carriers engaged in air commerce, but also
93 allows passengers to initiate and terminate flights and shipments of cargo to originate and
94 terminate at the airport or similar type facility.

95 “West Virginia Commuter Rail Access Fund” means the special West Virginia Commuter
96 Rail Access Fund created by section twenty-seven of this article.

97 “West Virginia Railroad Maintenance Fund” means the West Virginia Railroad
98 Maintenance Fund created by section seventeen of this article.

99 The singular of any of the above defined terms shall include the plural and plural the
100 singular.

§17-16F-4. Powers and duties of division.

1 The division shall perform any and all acts necessary and proper to carry out the purposes
2 of this article and is granted the following powers and duties:

3 (a) To promote, supervise and support safe, adequate, and efficient transportation
4 throughout the state;

5 (b) To preserve roadway, railroad, waterway, and airway facilities,

6 (c) To help facilitate economic development in this state utilizing transportation facilities;

7 (d) To meet and cooperate with similar divisions, authorities, or bodies of any of the several
8 states contiguous with this state, whose purpose in their respective states is to establish an
9 interstate or intermodal transportation network;

10 (e) To take all steps appropriate and necessary to effect siting, development, and
11 operation of public ports, railroads, or airport facilities within the state;

12 (f) To employ managers, superintendents and other sufficiently trained and qualified
13 personnel and retain or contract with consulting engineers, financial consultants, accountants,
14 attorneys, and other consultants and independent contractors when necessary to carry out the
15 provisions of this article and fix their compensation or fees. All expenses are payable from the
16 proceeds of revenue bonds or notes issued by the division, from revenues and funds appropriated
17 for this purpose by the Legislature, or from grants from the federal government which may be
18 used for such purpose;

19 (g) To make and enter into all contracts and agreements with any federal, state, county,
20 municipal agency, or private entity and execute all instruments necessary or incidental to the
21 performance of its duties and the execution of its powers including, but not limited to, the power
22 to make contracts and agreements in accordance with the provisions set forth in this article;

23 (h) To acquire, purchase, lease, construct, own, hold, operate, maintain, equip, use, and
24 control, by eminent domain or other means, any land, property, rights, franchises, easements,
25 ports, and such terminals, buildings, roadways, rights-of-way, rails and such structures,
26 equipment, facilities, any and every kind or character of motive powers and conveyances or
27 appliances necessary or proper to carry goods, wares and merchandise over, along, upon or
28 through the railway, waterway or airway or other conveyance of such transportation system,
29 excluding pipelines or improvements, as are necessary or incident to carry out the provisions of
30 this article, upon such terms and at such price as may be considered by it to be reasonable and

31 to take title in the name of the state;

32 (i) To acquire, by gift or purchase, lease, sell or otherwise dispose of real and personal
33 property in the exercise of its powers and the performance of its duties as set forth in this article;

34 (j) To act on behalf of the state and to represent the state in the planning, financing,
35 development, construction and operation of any port, transit facility, railroad, or aeronautics
36 project or any facility related to any such project, with the concurrence of the affected public
37 agency. Other state agencies and local governmental entities in this state shall cooperate to the
38 fullest extent the division deems appropriate to effectuate the duties of the division;

39 (k) To act as agent for the United States of America, or any of its agencies, departments,
40 corporations, or instrumentalities, in any manner coming within the purposes or powers of the
41 division;

42 (l) To expend funds available for the purpose of studying any proposed railroad project,
43 which may include consulting with engineers. All expenses incurred in conducting the study and
44 necessary engineering shall be paid from the funds established in §17-16F-17 of this code;

45 (m) To report annually to the Legislature by December 31 of each year the status of
46 projects, operations, financial condition, and other necessary information relating to the statewide
47 multimodal transportation system and activities in accordance with this article;

48 (n) To meet with political subdivisions of the state to assess both specific and general
49 transportation needs of the state in terms of transportation, as well as consider feasibility studies
50 for the purpose of determining the best site locations for transportation centers, terminals,
51 railroads, airports, ports and harbors and foreign trade zones;

52 (o) To apply for and accept loans, grants or gifts of money, property or service from the
53 United States or the State of West Virginia or any political subdivision, from any public or private
54 sources available for any and all of the purposes authorized in this article or imposed thereon by
55 any federal agency, the State of West Virginia or any political subdivision, or any public or private
56 lender or donor, to give such evidences of indebtedness as may be required and to permit the

57 state Board of Investments to invest, as provided by this code, any funds received by the division
58 pursuant to the provisions of this code;

59 (p) To make loans and grants, out of any appropriation made to the division by the
60 Legislature or out of any funds at its disposal, to governmental agencies and persons for carrying
61 out any multimodal transportation projects by any governmental agency or person in accordance
62 with rules adopted under this article;

63 (q) To issue revenue bonds or request other appropriate state agencies to issue and
64 administer revenue bonds to finance port, railroad, transit, or aeronautics projects; and

65 (r) To collect reasonable fees and charges in connection with making and servicing loans,
66 notes, bonds, obligations, commitments, and other evidence of indebtedness, and in connection
67 with providing technical, consulting and project assistance services.

§17-16F-5. Rules of division.

68 (a) All rules promulgated by the Public Port Authority, the West Virginia State Rail
69 Authority, the Division of Public Transit, or the West Virginia State Aeronautics Commission in
70 effect at the time of creation of the division shall continue in full force and effect until revised or
71 repealed by the division.

72 (b) The division, upon consultation with the Secretary of the Department of Transportation,
73 may propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code
74 to implement the purposes of this article. The division may promulgate any necessary emergency
75 rules to implement the provisions of this article pursuant to the provisions of §29A-3-15 of this
76 code.

§17-16F-6. Advisory Boards.

1 (a) The division may convene advisory boards comprised of members with subject-matter
2 expertise and experience in the various modes of transportation under the purview of the division.

3 (b) Any such advisory board may advise the division on issues and assist the division as
4 requested.

5 (c) The Secretary of the Department of Transportation shall be the chairperson of any
6 such advisory board: *Provided*, That the secretary may appoint a designee to act in his or her
7 stead at meetings.

8 (d) The Secretary of the Department of Transportation shall not receive any compensation
9 for serving as chairperson. Any appointed members of a board shall receive the same
10 compensation and expense reimbursement as is paid to members of the Legislature for their
11 interim duties as recommended by the citizens legislative compensation commission and
12 authorized by law for each day or substantial portion thereof engaged in the discharge of official
13 duties. All compensation and expenses incurred shall be payable solely from funds of the state
14 rail section or from funds appropriated for such purpose by the Legislature and no liability or
15 obligation shall be incurred by the section beyond the extent to which moneys are available from
16 funds of the section or from such appropriations.

§17-16F-7. Annual report.

1 (a) The division shall prepare and file a comprehensive report annually by December 31
2 with the Governor and the Legislature setting forth the overall strategic plan both short term and
3 long term for accomplishing the purposes set forth in this article. Incidental to the development of
4 a comprehensive strategic plan for multimodal transportation, the division shall analyze the
5 intermodal shipment of products and passengers through the state, and shall be authorized to
6 collect and analyze such information, which is maintained in the ordinary course of business by
7 the person, firm or corporation providing such information, pertaining to the transportation of
8 products and passengers which has been moved by rail, water or air to and from points within
9 and without this state.

10 (b) Any such information and data supplied to the division shall be for exclusive use of the
11 division. Such information is deemed confidential and is not subject to disclosure under the
12 Freedom of Information Act. The division shall not publicly disclose this information and data to
13 any person, firm, corporation, or agent. It is unlawful for any employee of this State to divulge or

14 make known in any manner any information obtained pursuant to this subsection or disclose
15 information concerning the personal or business affairs of any individual or the business of any
16 single firm or corporation, or disclose any particulars set forth or disclosed in any report or other
17 information provided to the division. Violation of this subsection by any employee or former
18 employee will result in a misdemeanor, and upon conviction thereof, is punishable by a fine of not
19 more than \$1,000 or by imprisonment for not more than one year, or by both, together with costs
20 of prosecution.

§17-16F-8. Financial interest in contracts prohibited; penalty.

1 No employee of the division may be financially interested, directly or indirectly, in any
2 contract of any person with the division, or in the sale of any property, real or personal, to or from
3 the division. This section does not apply to contracts or purchases of property, real or personal,
4 between the division and any governmental agency. Violation of this subsection by a division
5 employee will result in a misdemeanor, and upon conviction thereof, is punishable by a fine of not
6 more than \$1,000 or by imprisonment for not more than one year, or by both, together with costs
7 of prosecution.

§17-16F-9. Public purpose of activities; property of public utilities and common carriers.

1 (a) The division is authorized to acquire any lands or interests pursuant to this article. The
2 planning, acquisition, establishment, construction, improvement, maintenance and operation of
3 public port, railroad, transit, airport, or air navigation facilities, whether by the state separately or
4 jointly with any municipalities and the exercise of any other powers granted to the division are
5 declared to be public and governmental functions, exercised for a public purpose, and matters of
6 public necessity. All lands and other property and privileges acquired and used by or on behalf of
7 the state in the manner and for the purposes enumerated in this article are declared to be acquired
8 and used for governmental purposes and as a matter of public necessity.

9 (b) The division shall take or distribute property or facilities belonging to any public utility
10 or to a common carrier, which property or facilities are required for the proper and convenient

11 operation of such public utility or common carrier, if provision is made for the restoration,
12 relocation or duplication of such property or facilities elsewhere at the cost of the division.

13 (c) The division shall make reasonable policies for the installation, construction,
14 maintenance, repair, renewal, relocation and removal of railroad or public utility facilities in, on,
15 over or under any public port, railroad, airport, or air navigation facility project. Whenever the
16 division determines that any such facilities installed or constructed in, on, over or under property
17 of the division pursuant to such policies must be relocated, the railroad or public utility owning or
18 operating such facilities shall relocate or remove them in accordance with the order of the division.
19 The cost and expenses of such relocation or removal, including the cost of installing such facilities
20 in a new location, the cost of any lands or any rights or interests in lands and the cost of any other
21 rights acquired to accomplish such relocation or removal, may be paid by the division as a part of
22 the cost of such project.

23 (d) When relocating or removing facilities, the railroad or public utility owning or operating
24 them, and its successors or assigns, shall maintain, and operate such facilities, with the necessary
25 appurtenances in the new location in, on, over or under the property of the division for as long a
26 period and upon the same terms as it had the right to maintain and operate such facilities in their
27 former location.

28 (e) In the condemnation of property authorized by this section, the division shall proceed
29 in the name of the State in the manner provided by chapter fifty-four of this code.

§17-16F-10. Construction and operation of facilities by private enterprise; leasing of facilities by port authority.

1 (a) The division shall foster and encourage the participation of private enterprise in the
2 development of railroad, waterway, transit, and airway facilities to the fullest extent it deems
3 practicable in the interest of limiting the necessity of construction and operation of such facilities
4 by the division. In this respect, the division shall advertise and solicit for the construction,
5 operation, maintenance, or a combination thereof any facility included in the development plan in

6 accordance to plans, specifications, policies or guidance prepared by the division.

7 (b) When the division considers it advisable and practicable, it may include certain facilities
8 in the development plan to be installed by private enterprise and leased back to the division on
9 an installment contract or option to purchase: *Provided*, That any such lease back arrangement
10 must be financially feasible, and any bonds or loans utilized to enter into such lease back
11 arrangement shall be repayable in full from the expected rentals to be generated by such facility.

§17-16F-11. Foreign trade zones; free trade zones; ports of entry and customs zones.

1 The division shall develop, maintain, and operate foreign trade zones, free trade zones,
2 ports of entry and customs zones under such terms and conditions as are or may be prescribed
3 by federal law, and to keep foreign trade zone status for, and to assist in the applications for
4 foreign trade zone status of political subdivisions and eligible private corporations under federal
5 law.

§17-16F-12. Special West Virginia Public Port Operations Fund; West Virginia Multimodal
Division Operations Fund.

1 The special West Virginia Public Port Authority Operations Fund created by prior
2 enactment of §17-16B-7 of this code, is continued and shall be known as the West Virginia
3 Multimodal Division Fund. The moneys in the fund shall only be expended to fulfill the provisions
4 of this article. At the end of each fiscal year, any unexpended funds in this account shall be
5 appropriated and available for expenditure for the subsequent fiscal year.

§17-16F-13. Additional powers and duties of division related to railroad projects.

1 (a) The secretary shall appoint necessary staff to oversee and manage the facilities and
2 operations of the state rail section. Staff are covered by the Department of Transportation merit-
3 based personnel system and the Classification and Compensation Career Plan. The division shall
4 facilitate railroad transportation and commerce within the state by exercising those powers of the
5 state necessary to qualify for rail services continuation subsidies pursuant to the provisions of the
6 federal Fixing America's Surface Transportation Act of 2015 and any future amendments and

7 regulations from the federal government.

8 (b) The division shall carry out railroad projects or direct railroad projects to be carried out
9 pursuant to a lease, sublease or agreement with any person or governmental agency; shall make
10 loans and grants to or with governmental agencies or to persons for railroad projects; and shall
11 issue bonds of this state, payable solely from revenues, to pay the cost of such projects. The
12 division will not undertake a railroad project unless it is consistent with any applicable
13 development plans for railroad projects previously approved.

14 (c) The division shall establish, fund, construct, reconstruct, acquire, repair, replace,
15 operate and maintain railroads and railroad projects.

16 (d) The division shall make available the use of services of any railroad project to one or
17 more persons, one or more governmental agencies or any combination.

18 (e) The division shall engage in research and development with respect to railroads.

19 (f) The division shall make and enter into contracts and agreements to acquire rolling stock
20 or equipment with a value of \$1 million or less exempt from the provisions of §5A-3-1 et seq. of
21 this code. The secretary may propose rules for promulgation for adoption by the Legislature in
22 accordance with the provisions of §29A-3-1 et seq. of this code which set forth the methods for
23 determining value of rolling stock or equipment to be purchased and any other rules as may be
24 needed.

25 (1) Where rolling stock, equipment or trackage of the division is in need of immediate
26 maintenance, repair or reconstruction to avoid a cessation of its operations, economic loss, the
27 inability to provide essential service to customers or danger to rail personnel or the public, the
28 following requirements and procedures for entering into the contract or agreement to remedy the
29 condition shall be in lieu of those provided in article three, chapter five-a of this code or any
30 pursuant promulgated legislative rule:

31 (i) If the cost under the contract or agreement involves an expenditure of more than
32 \$1,000, but \$50,000 or less, the division shall award the contract to or enter into the agreement

33 with the lowest responsible bidder based upon at least three oral bids made pursuant to the
34 requirements of the contract or agreement.

35 (ii) If the cost under the contract or agreement, other than one for compensation for
36 personal services, involves an expenditure of more than \$50,000, but \$150,000 or less, the
37 division shall award the contract to or enter into the agreement with the lowest responsible bidder
38 based upon at least three bids, submitted to the division in writing on letterhead stationery, made
39 pursuant to the requirements of the contract or agreement.

40 (2) Notwithstanding any provision of this code to the contrary, a contract or lease for the
41 operation of a railroad project constructed and owned by the division or an agreement for
42 cooperation in the acquisition or construction of a railroad project authorized by this article is not
43 subject to the provisions of §5A- 3-1 et seq. of this code or any pursuant promulgated legislative
44 rule and the division shall enter into the contract or lease or the agreement pursuant to negotiation
45 and upon such terms and conditions and for a period of time as it finds to be reasonable and
46 proper under the circumstances and in the best interests of proper operation or of efficient
47 acquisition or construction of the railroad project.

48 (3) The division may reject any and all bids. A bond with good and sufficient surety,
49 approved by the division, is required of all contractors in an amount equal to at least 50 percent
50 of the contract price, conditioned upon the faithful performance of the contract.

51 (g) The division shall purchase fire and extended coverage and liability insurance for any
52 railroad project, and for any offices of the division insurance protecting the division, officers and
53 employees against liability, if any, for damage to property or injury to or death of persons arising
54 from its operations and be a member of, and to participate in, the state workers' compensation
55 insurance.

56 (h) The division shall charge, alter and collect rates, rentals and other charges for the use
57 or services of any railroad project as provided in this article.

58 (i) The division may purchase railroad tracks being abandoned by any common carrier.

59 (j) The division shall acquire rail properties both within and not within the jurisdiction of the
60 Surface Transportation Board and rail properties within the purview of the federal Fixing America's
61 Surface Transportation Act of 2015, any amendments to it and any other relevant federal
62 legislation.

63 (k) The division shall assume the agreements and contracts currently in effect for the State
64 Rail Authority and may enter into agreements with owners of rail properties for the acquisition of
65 rail properties or use, or both, of rail properties upon the terms, conditions, rates or rentals that
66 can best effectuate the purposes of this article.

67 (l) The division shall acquire rail properties and other property of a railroad in concert with
68 another state or states as is necessary to ensure continued rail service in this state.

69 (m) The division shall provide in the state plan for the equitable distribution of federal rail
70 service continuation subsidies among state, local and regional transportation authorities.

71 (n) The division shall maintain adequate programs of investigation, research, promotion,
72 and development in connection with the purposes and to provide for public participation.

73 (o) The division shall provide satisfactory assurances on behalf of the state that fiscal
74 control and fund accounting procedures will be adopted by the state necessary to assure proper
75 disbursement of and accounting for federal funds paid to the state as rail service continuation
76 subsidies.

77 (p) The division shall comply with the regulations of the Secretary of Transportation of the
78 United States Department of Transportation affecting federal rail service continuation programs.

79 (q) The division shall maximize federal assistance to the state under Title IV of the federal
80 Regional Rail Reorganization Act of 1973 or any current or future federal statutes and to qualify
81 for rail service continuation subsidies pursuant to the federal Fixing America's Surface
82 Transportation Act of 2015 or any future federal statutes.

§17-16F-14. Additional authority in regard to the Maryland Area Regional Commuter.

1 (a) The division shall coordinate all activities with the Maryland Transit Administration for

2 the operation of the commuter rail operation between Maryland, the Washington, D.C.
3 metropolitan area and West Virginia. Any payments of track access fees pursuant to the
4 agreement shall be paid from the fund created in section twenty-seven of this article as provided
5 by appropriation of the Legislature.

§17-16F-15. Rail operations; purchases.

1 (a) The division may sell, transfer or lease all, or any part, of the rail properties and other
2 property acquired under the provisions of this article to any responsible person, firm, or
3 corporation for continued operation of a railroad or other public purpose: *Provided*, That approval
4 for the continued operation or other public purpose, is granted by the Surface Transportation
5 Board of the United States, whenever approval is required. The sale, transfer or lease shall be for
6 a price and subject to any further terms and conditions which the division deems necessary and
7 appropriate to this article.

8 (b) After acquiring any railroad lines within the state, the division shall assist any
9 responsible person, firm, or corporation to secure, as promptly as possible, any order or certificate
10 required by the Surface Transportation Board for the performance of railroad service. The division
11 shall also give any assurances or guarantees which are necessary or desirable to carry out the
12 purposes of this article.

13 (c) The division shall take whatever steps are necessary to determine the absolute fee
14 simple title ownership of all rail properties of any railroad within the state. The determination may
15 include the status of the rail properties with respect to easements, rights-of-way, leases,
16 reversionary rights, fee simple title ownership and any and all related title matters. The division
17 may retain attorneys, experts, or other assistants, and issue any contracts as are necessary to
18 make the title determination.

19 (d) All rail properties offered for sale by any railway corporation within the state after the
20 enactment date of this article shall be offered first for sale to the state.

21 (e) The division shall cooperate with other states when purchasing rail properties within

22 this state. The division shall also acquire railroad rights in other states and rail properties lying in
23 other states to carry out the intentions and purposes of this article. In carrying out the powers and
24 duties conferred by this article, the division shall enter into general contractual arrangements,
25 including joint purchasing and leasing of rail properties with other states.

26 (f) In weighing the varied interests of the residents of this state, the division shall consider
27 the individual interest of any county or municipality expressing a desire to acquire a portion, or all,
28 of the abandoned real estate located within its jurisdiction. The division may acquire the
29 abandoned property for subsequent conveyance to the county or municipality.

30 (g) The division may utilize federal funds, grants, gifts, or donations which are available
31 and any sums that are appropriated in carrying out the purposes of this article. The division may
32 also apply for discretionary or other funds available under the provisions of the federal Regional
33 Rail Reorganization Act of 1973 or any current or future federal programs.

34 (h) The division may apply for an acquisition and modernization loan, or a guarantee of a
35 loan, pursuant to the federal Regional Rail Reorganization Act of 1973, or any other federal
36 programs, within the limit of funds appropriated for those purposes.

37 (i) The division may purchase any railroad rolling stock, equipment, and machinery
38 necessary for the operation and maintenance of any rail properties purchased by it on behalf of
39 the state, with any funds made available for this purpose. The division may also acquire and have
40 available a pool of equipment and machinery which may be utilized by the operators of the rail
41 properties for the purpose of track maintenance and other related railroad activities upon terms
42 and conditions determined appropriate. Notwithstanding any the provisions of this code to the
43 contrary, the division and the Commissioner of the Division of Highways may enter into contracts
44 or agreements for the lease or purchase and maintenance of any vehicles required for its
45 purposes.

46 (j) The division may contract for the rebuilding or relocation of any rail properties acquired
47 pursuant to this article, within the provisions of the federal Regional Rail Reorganization Act of

48 1973 or any current or future federal statutes, or any other applicable legislation. The division may
49 also spend any sums appropriated, as well as any other available funds, for the modernization,
50 rebuilding and relocation of any rail properties owned by the state or by a private carrier. The
51 division shall do any maintenance on any rail properties owned by the state as is necessary in
52 the public interest.

53 (k) The division may contract with any domestic or foreign person, firm, corporation,
54 agency, or government to provide, maintain or improve rail transportation service on the rail
55 properties acquired by the state under this article.

56 (l) Whenever the division determines that any rail properties acquired by the state are no
57 longer needed for railroad purposes, it shall, with the permission of the Governor, permanently or
58 temporarily transfer the rail properties to any other state department or agency or political
59 subdivision of the state, which shall utilize the properties for a public purpose. Whenever more
60 than one department or agency or political subdivision wishes to utilize the property, the division
61 shall resolve such a conflict and make a prompt determination of the reasonable and proper order
62 of priority, taking into consideration any applicable state plans, policies or objectives. If no state
63 department or agency or political subdivision wants the properties, the division may sell them.

§17-16F-16. Railroad Maintenance Fund.

1 The Railroad Maintenance Fund heretofore created is hereby continued and shall be
2 administered by the division. Expenditures are authorized from collections but are to be made
3 only in accordance with appropriation by the Legislature and in accordance with the provisions of
4 §12-3-1 et seq. of this code and upon fulfillment of the provisions of §11B-2-1 et seq. of this code.
5 Any balance remaining in the special revenue account at the end of any state fiscal year does not
6 revert to the General Revenue Fund but remains in the special revenue account and shall be
7 used solely in a manner consistent with the state rail portions of this article. All costs and expenses
8 incurred pursuant to this article for state rail, including administrative, shall be paid from those
9 funds. The division may expend, out of any funds available for the purpose, such moneys as are

10 necessary for the study of any proposed railroad project and may use its engineering and other
11 forces, including consulting engineers for the purpose of effecting such study. All such expenses
12 incurred by such study and engineering shall be paid from the Railroad Maintenance Fund.

**§17-16F-17. Division empowered to issue bonds, renewal notes and refunding bonds;
requirements and manner of such issuance.**

1 (a) The division, with approval of the secretary, may raise the cost of one or more railroad
2 projects or parts of railroad projects by the issuance of railroad maintenance revenue bonds and
3 notes of the state in such principal amount as the division deems necessary, but the aggregate
4 amount of all issues of bonds and notes outstanding at one time for all projects authorized
5 hereunder may not exceed that amount capable of being serviced by revenues received from
6 such projects.

7 (b) The division, with approval of the secretary, may issue renewal notes, issue bonds to
8 pay the notes and whenever it deems refunding expedient, refund any bonds by the issuance of
9 railroad maintenance revenue refunding bonds of the state, whether the bonds to be refunded
10 have or have not matured, and issue bonds partly to refund bonds then outstanding and partly for
11 any other authorized purpose. The refunding bonds shall be sold and the proceeds applied to the
12 purchase, redemption or payment of the bonds to be refunded. Except as may otherwise be
13 expressly provided by the division, every issue of its bonds or notes are obligations of the division
14 payable out of the revenues of the State Rail Section, which are pledged for such payment,
15 without preference or priority of the first bonds issued, subject only to any agreements with the
16 holders of particular bonds or notes pledging any particular revenues. Such pledge is valid and
17 binding from the time the pledge is made and the revenue so pledged and thereafter received by
18 the division is immediately subject to the lien of such pledge without any physical delivery or
19 further act and the lien of any such pledge is valid and binding as against all parties having claims
20 of any kind in tort, contract or otherwise against the division irrespective of whether the parties
21 have notice.

22 (c) All bonds and notes have and are declared to have all the qualities of negotiable
23 instruments.

24 (d) The bonds and notes authorized by the division, with approval of the secretary, shall
25 bear the date and shall mature at such time, in the case of any note or any renewals not exceeding
26 five years from the date of issue of the original note, and in the case of any bond not exceeding
27 50 years from the date of issue, as the authorization may provide. The bonds and notes shall bear
28 interest at a rate, be in denominations, be in the form, either coupon or registered, carry
29 registration privileges, be payable in a medium of payment, at place and be subject to any terms
30 of redemption that the division may authorize. The bonds and notes shall be sold by the division
31 at public or private sale, at or not less than the price the division determines. The bonds and notes
32 shall be executed by the commissioner. The official seal of or a facsimile shall be affixed or printed
33 and attested, manually or by facsimile signature, by the commissioner, which may be made by
34 facsimile or electronic signature. Any coupons attached shall bear the signature, facsimile
35 signature or electronic signature of the commissioner. In case the commissioner whose signature,
36 a facsimile signature, or an electronic signature, appears on any bonds, notes or coupons ceases
37 to be commissioner before delivery of the bonds or notes, the signature, facsimile or electronic
38 signature is nevertheless sufficient for all purposes the same as if he or she had remained in their
39 respective positions until delivery and in case the seal of the commissioner has been changed
40 after a facsimile has been imprinted on such bonds or notes the facsimile seal will continue to be
41 sufficient for all purposes.

42 (e) Any authorization of any bonds or notes or any issue shall contain provisions, subject
43 to agreements with bondholders or noteholders as may then exist, as part of the contract with the
44 holders, as to pledging all or any part of the revenues of the State Rail Section to secure the
45 payment of the bonds or notes or of any issue; the use and disposition of revenues of the State
46 Rail Section; a covenant to fix, alter and collect rates, rentals and other charges so that pledged
47 revenues will be sufficient to pay the costs of operation, maintenance and repairs, pay principal

48 of and interest on bonds or notes secured by the pledge of such revenues and provide any
49 reserves that may be required by the applicable authorization or trust agreement; the setting aside
50 of reserve funds, sinking funds or replacement and improvement funds and the regulation and
51 disposition; the crediting of the proceeds of the sale of bonds or notes to and among the funds
52 referred to or provided for in the authorization of issuance of the bonds or notes; the use, lease,
53 sale or other disposition of any railroad project or any other assets of the division; limitations on
54 the purpose to which the proceeds of sale of bonds or notes may be applied and pledging such
55 proceeds to secure the payment of the bonds or notes or of any issue; notes issued in anticipation
56 of the issuance of bonds, the agreement of the commissioner to do all things necessary for the
57 authorization, issuance and sale of such bonds in such amounts that may be necessary for the
58 timely retirement of the notes; limitations on the issuance of additional bonds or notes; the terms
59 upon which additional bonds or notes may be issued and secured; the refunding of outstanding
60 bonds or notes; the procedure, if any, by which the terms of any contract with bondholders or
61 noteholders may be amended or abrogated, the amount of bonds or notes the holders of which
62 must consent and the manner in which such consent may be given; limitations on the amount of
63 moneys to be expended by the division for operating, administrative or other expenses of the
64 division; securing any bonds or notes by a trust agreement; and any other matters, of like or
65 different character, which in any way affect the security or protection of the bonds or notes.

66 (f) No person executing the bonds or notes is liable personally on the bonds or notes or
67 be subject to any personal liability or accountability by reason of the issuance.

§17-16F-18. Trustee for bondholders; contents of trust agreement.

1 (a) In the discretion of the commissioner, any railroad maintenance bonds or notes or
2 railroad maintenance refunding bonds issued by them under this article may be secured by a trust
3 agreement between the commissioner and a corporate trustee, which trustee may be any trust
4 company or banking institution having the powers of a trust company within or without this state.

5 (b) Any such trust agreement shall pledge or assign revenues of the State Rail Section to

6 be received, but shall not convey or mortgage any railroad project in whole or in part. Any such
7 trust agreement or any authorization providing for the issuance of such bonds or notes may
8 contain such provisions for protecting and enforcing the rights and remedies of the bondholders
9 or noteholders as are reasonable and proper and not in violation of law, including covenants
10 setting forth the duties of the division in relation to the acquisition of property, the construction,
11 improvement, maintenance, repair, operation and insurance of the railroad project in connection
12 with which such bonds or notes are authorized, the rentals or other charges to be imposed for the
13 use or services of any railroad project, the custody, safeguarding and application of all moneys
14 and provisions for the employment of consulting engineers in connection with the construction or
15 operation of such railroad project. Any banking institution or trust company incorporated under
16 the laws of this state which may act as depository of the proceeds of bonds or notes or of revenues
17 shall furnish such indemnifying bonds or pledge such securities as are required by the division.
18 Any such trust agreement may set forth the rights and remedies of the bondholders and
19 noteholders and of the trustee and may restrict individual rights of action by bondholders and
20 noteholders as customarily provided in trust agreements or trust indentures securing similar
21 bonds. Such trust agreement may contain such other provisions as the commissioner deems
22 reasonable and proper for the security of the bondholders or noteholders. All expenses incurred
23 in carrying out the provisions of any trust agreement may be treated as a part of the cost of the
24 operation of the railroad project. Any trust agreement or authorization of the issuance of railroad
25 maintenance revenue bonds may provide the method whereby the general administrative
26 overhead expenses of the division shall be allocated among the several projects acquired or
27 constructed by it as a factor of the operating expenses of each such project.

§17-16F-19. Legal remedies of bondholders and trustees.

1 Any holder of railroad maintenance revenue bonds issued under the authority of this article
2 or any of the appertaining coupons and the trustee under any trust agreement, except to the
3 extent the rights given by this article may be restricted by the applicable authorization or trust

4 agreement, may by civil action, mandamus or other proceedings, protect and enforce any rights
5 granted under the laws of this state or granted under this article, by the trust agreement or by the
6 authorization of issuance of bonds, and may enforce and compel the performance of all duties
7 required by this article, or by the trust agreement or authorization, to be performed by the
8 commissioner, division or any employee, including the fixing, charging and collecting of sufficient
9 rentals or other charges.

**§17-16F-20. Bonds and notes not debt of state, county, municipality or of any political
subdivision; expenses incurred pursuant to article.**

1 (a) Railroad maintenance revenue bonds and notes and railroad maintenance revenue
2 refunding bonds issued under authority of this article and any coupons in connection therewith do
3 not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any
4 county, municipality or any other political subdivision of this state, and the holders or owners have
5 no right to have taxes levied by the Legislature or taxing authority of any county, municipality or
6 any other political subdivision of this state for the payment of the principal or interest, but such
7 bonds and notes are payable solely from the revenues and funds pledged for their payment as
8 authorized by this article unless the notes are issued in anticipation of the issuance of bonds or
9 the bonds are refunded by refunding bonds issued under authority of this article, which bonds or
10 refunding bonds are payable solely from revenues and funds pledged for their payment as
11 authorized by this article. All bonds and notes shall contain on the face of a statement to the effect
12 that the bonds or notes, as to both principal and interest, are not debts of the state or any county,
13 municipality, or political subdivision, but are payable solely from revenues and funds pledged for
14 their payment.

15 (b) All expenses incurred in carrying out the provisions of this article are payable solely
16 from funds provided under authority of this article. The division is not authorized to incur
17 indebtedness or liability on behalf of or payable by the state or any county, municipality, or political
18 subdivision.

§17-16F-21. Use of funds by division; restrictions.

1 All moneys, properties and assets acquired by the division, whether as proceeds from the
2 sale of railroad maintenance revenue bonds or as revenues or other source which are attributable
3 to a railroad project or purpose, shall be held by it in trust for the purposes of carrying out his or
4 her powers and duties, and shall be used and reused in accordance with the purposes and
5 provisions of this article. Such moneys may at no time be commingled with other public funds.
6 Such moneys, except as otherwise provided in any authorization of the issuance of railroad
7 maintenance revenue bonds or in any trust agreement securing the same, or except when
8 invested pursuant to section twenty-three of this article, shall be kept in appropriate depositories
9 and secured as provided and required by law. The authorization of the issuance of bonds of any
10 issue or the trust agreement securing bonds shall provide that any person to whom, or any
11 banking institution or trust company to which, moneys are paid shall act as trustee of such moneys
12 and hold and apply them for the purposes hereof, subject to the conditions this article and the
13 authorization or trust agreement provide.

§17-16F-22. Investment of funds by division.

1 Funds of the State Rail Section in excess of current needs, except as otherwise provided
2 in any authorization for the issuance of railroad maintenance revenue bonds or in any trust
3 agreement securing the same, may be invested by the West Virginia Investment Management
4 Board as authorized to invest under §12-6-1 et seq. of this code. Income from all such investments
5 of moneys in any fund shall be credited to such funds as the commissioner determines, subject
6 to the provisions of any authorization or trust agreement and such investments may be sold at
7 such times as the commissioner, determines.

**§17-16F-23. Rentals and other revenues from railroad projects; contracts and leases of
division; cooperation of other governmental agencies; bonds of such agencies.**

1 (a) The division shall charge, alter, and collect rates, rentals or other charges for the use
2 or services of any project, and contract in the manner provided by this section with one or more

3 persons, one or more governmental agencies, or a combination, desiring the use or services, and
4 fix the terms, conditions, rates, rentals or other charges for use or services. The rentals or other
5 charges are not be subject to supervision, or regulation by any other division, authority,
6 department, commission, board, bureau or agency of the state, and the contract may provide for
7 acquisition by a person or governmental agency of all or any part of a railroad project for
8 consideration payable over the period of the contract or otherwise as the division in its sole
9 discretion determines to be appropriate, but subject to the provisions of any authorized issue of
10 railroad maintenance revenue bonds or notes or railroad maintenance revenue refunding bonds
11 of the division or any trust agreement securing the same. Any governmental agency which has
12 power to construct, operate and maintain railroad projects may enter into a contract or lease with
13 the division whereby the use or services of any railroad project of the division will be made
14 available to such governmental agency and pay for such use or services such rentals or other
15 charges as may be agreed to by such governmental agency and the division.

16 (b) Any governmental agency or agencies shall cooperate with the division in the
17 acquisition or construction of a railroad project and shall enter into such agreements with the
18 division when necessary, facilitating cooperation and safeguarding the respective interests of the
19 parties, which agreements shall provide for such contributions by the parties in such proportion
20 as may be agreed upon and such other terms as may be mutually satisfactory to the parties,
21 including without limitation the authorization of the construction of the project by one of the parties
22 acting as agent for all of the parties and the ownership and control of the project by the division
23 to the extent necessary or appropriate for purposes of the issuance of railroad maintenance
24 revenue bonds by the commissioner. Any governmental agency may provide contributions as is
25 required under the agreements by the appropriation of money or, if authorized by a favorable vote
26 of the electors to issue bonds or notes or levy taxes or assessments and issue notes or bonds in
27 anticipation of the collection, by the issuance of bonds or notes or by the levying of taxes or
28 assessments and the issuance of bonds or notes in anticipation of the collection, and by the

29 payment of such appropriated money or the proceeds of such bonds or notes to the division
30 pursuant to such agreements.

31 (c) Any governmental agency, pursuant to a favorable vote of the electors in an election
32 held for the purpose of issuing bonds to provide funds to acquire, construct or equip, or provide
33 real estate and interests in real estate for a railroad project, whether or not the governmental
34 agency at the time of such election had the authority to pay the proceeds from such bonds or
35 notes issued in anticipation to the division as provided in this section, may issue such bonds or
36 notes in anticipation of the issuance and pay the proceeds to the division in accordance with an
37 agreement between such governmental agency and the division: *Provided*, That the legislative
38 authority of the governmental agency finds and determines that the railroad project to be acquired
39 or constructed by the division in cooperation with such governmental agency will serve the same
40 public purpose and meet substantially the same public need as the facility otherwise proposed to
41 be acquired or constructed by the governmental agency with the proceeds of such bonds or notes.

§17-16F-24. Maintenance, operation, and repair of projects; reports to Governor and Legislature.

1 (a) Each railroad project, when constructed and placed in operation, shall be maintained
2 and kept in good condition by the division. Each project shall be operated by the division's
3 employees pursuant to a contract or lease with a governmental agency or person. All public or
4 private property damaged or destroyed while carrying out the provisions of this article shall be
5 restored or repaired to its original condition, or as nearly as practicable or adequate compensation
6 made out of funds provided in accordance with the provisions of this article.

7 (b) As soon as possible after the close of each fiscal year, the authority shall make an
8 annual report of its activities for the preceding fiscal year to the Governor and the Legislature.
9 Each such report shall set forth a complete operating and financial statement covering the
10 authority's operations during the preceding fiscal year. The authority shall cause an audit of its
11 books and accounts to be made at least once each fiscal year by certified public accountants and

12 the cost thereof may be treated as a part of the cost of construction or of operations of its projects.

§17-16F-25. Railroad maintenance bonds lawful investments.

1 By the provisions of §12-6-1 et seq. of this code, notwithstanding any code section to the
2 contrary, all railroad maintenance revenue bonds issued pursuant to this article are lawful
3 investments for the West Virginia Investment Management Board and are also lawful investments
4 for banking institutions, societies for savings, building and loan associations, savings and loan
5 associations, deposit guarantee associations, trust companies, insurance companies, including
6 domestic for life and domestic not for life insurance companies.

§17-16F-26. West Virginia Commuter Rail Access Fund.

1 There is continued a special fund in the State Treasury known as the West Virginia
2 Commuter Rail Access Fund. The fund shall be administered by the division and shall consist of
3 appropriations by the Legislature. Subject to legislative appropriation, the division shall administer
4 the fund to pay track access fees pursuant to agreement as required by this article. Balances in
5 the fund at the end of any fiscal year shall not expire but shall be expended for those purposes in
6 ensuing fiscal years.

§17-16F-27. State rail plan required.

1 (a) The division shall establish, administer, and coordinate a state plan for rail
2 transportation and local rail services. In establishing and updating the plan, the division may
3 request input from freight and rail passenger associations.

4 (b) The plan shall, at a minimum, comply with the provisions of the laws and regulations
5 of the United States relating to capturing and administering federal moneys for rail transportation,
6 local rail services, and intermodal facilities as deemed necessary by the division.

§17-16F-28. Additional powers and duties of division related to aeronautics, airports, and
air navigation projects.

1 (a) The secretary shall appoint necessary staff to oversee and manage the facilities and
2 operations of the aeronautics section. Staff are covered by the Department of Transportation merit

3 based system and the Career, Classification, and Compensation Plan. The division shall
4 encourage, foster, and assist in the development of aeronautics in this state and encourage the
5 establishment of airports and air navigation facilities. The division shall cooperate with and assist
6 the federal government, the municipalities of this state and other persons in the development of
7 aeronautics and shall act to coordinate the aeronautical activities of these bodies and persons.
8 Municipalities are authorized to cooperate with the division in developing aeronautics and
9 aeronautics facilities in this state. The division is given the power and authority to make such
10 policies as it may consider necessary and advisable for the public safety, governing the designing,
11 laying out, locating, building, equipping, and operating of all airports and the conduct of all other
12 phases of aeronautics.

§17-16F-29. State financial assistance for county, municipal and regional airports.

1 The division, out of any appropriation funds made by the Legislature or any funds at its
2 disposal, may make funds available by grant or otherwise to counties, municipalities, and regional
3 airport authorities, created under the provisions of chapter eight of this code, for the planning,
4 acquisition, construction, improvement, maintenance, or operation of airports owned or operated
5 or to be owned or operated by such counties, municipalities or regional airport authorities.
6 Acceptance of any moneys by any such county, municipality, or regional airport authority, shall
7 constitute consent by the recipient that a reasonable use of such airport may be made, upon
8 request of the division, by the United States, the state, or any of their respective agencies,
9 including the National Guard of West Virginia for State purposes related or incidental to
10 aeronautics. Such financial assistance may be furnished in connection with federal or other
11 financial aid for the same purpose.

§17-16F-30. Financial aid.

1 (a) The division shall cooperate with the United States, and any agency or department, in
2 the planning, acquisition, construction, improvement, maintenance and operation of airports and
3 other air navigation facilities in this state and may accept federal aid either outright or by way of

4 matching, in whole or in part, as required, and when funds for matching are available to the
5 division, comply with the provisions of the laws and regulations of the United States for the
6 expenditure of federal moneys upon such airports and other air navigation facilities.

7 (b) The division may accept, receive and receipt for federal moneys and other moneys,
8 either public or private, for and on behalf of this state, or any municipality, for the planning,
9 acquisition, construction, improvement, maintenance and operation of airports and other air
10 navigation facilities, whether such work is to be done by the state or by such municipality, or
11 jointly, aided by grants of aid from the United States, upon such terms and conditions as are or
12 may be prescribed by the laws, rules or regulations of the United States. The division shall be
13 designated as the agency of the state and shall act as agent of any municipality upon the request
14 of such municipality, in accepting, receiving and receipting for such moneys on its behalf for
15 airports or other air navigation facility purposes, and in contracting for the planning, acquisition,
16 construction, improvement, maintenance or operation of airports or other air navigation facilities,
17 financed, either in whole or in part, by federal moneys. Any such municipality shall enter an
18 agreement with the division prescribing the terms and conditions of such agency in accordance
19 with federal laws and regulations and with this article. Such moneys paid by the United States
20 shall be retained by the state or said municipalities under such terms and conditions as may be
21 imposed by the United States in making such grants.

22 (c) All contracts for the planning, acquisition, construction, improvement, maintenance and
23 operation of airports, or other air navigation facilities made by the division, either as the agent of
24 the State or as the agent of any municipality, shall be made pursuant to the laws of this state:
25 Provided, That where the planning, acquisition, construction, improvement, maintenance and
26 operation of any airport or other air navigation facility is financed wholly or partially with federal
27 moneys, the division, as agent of the State or of any municipality, shall execute contracts in the
28 manner prescribed by the federal laws, rule, or regulations, notwithstanding State law to the
29 contrary.

30 (d) All moneys accepted for disbursement by the division pursuant to this section shall be
31 deposited in the State Treasury, and, unless otherwise prescribed by the authority from which the
32 money is received, kept in separate funds, designated according to the purposes for which the
33 moneys were made available, and held by the State in trust. All such moneys are appropriated
34 for the purposes for which the same were made available and shall be expended in accordance
35 with federal laws and regulations and with the provisions of this article. The division shall, whether
36 acting for this state or the agent of any municipality, when requested by the United States or any
37 agency or department or by the state or municipality for which the money has been made
38 available, disburse such moneys for the designated purposes, but this shall not preclude any
39 other authorized method of disbursement.

40 (e) The state or municipality shall cooperate with the United States, and any agency or
41 department, in the acquisition, construction, improvement, maintenance and operation of airports
42 and other air navigation facilities in this state and shall accept federal aid, either by way of outright
43 grant or by matching the same, in whole or in part, as required to comply with the provisions of
44 the laws and regulations of the United States for the expenditure of federal moneys upon such
45 airports and other air navigation facilities.

§17-16F-31. Establishment and operation of state airports.

1 (a) The commissioner is authorized on behalf of and in the name of the State, out of
2 appropriations and other moneys made available for such purposes, to plan, establish, construct,
3 maintain, and operate airports and air navigation facilities within the state. For these purposes the
4 director may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire such property,
5 real or personal, as is necessary to permit safe and efficient operation of the airports and air
6 navigation facilities. In like manner, the director may acquire existing airports and air navigation
7 facilities: *Provided*, That he or she may not acquire or take over any airport or air navigation facility
8 owned or controlled by a municipality of this or any other state without the consent of the
9 municipality.

10 (b) The commissioner may by sale, lease, or otherwise, dispose of property, airport, air
11 navigation facility, or portion thereof or interest therein. Any disposal by lease shall be made
12 pursuant to the terms of §8-28-7 of this code. Any disposal by sale or otherwise shall be in
13 accordance with the laws of this state governing the disposition of other property of the state,
14 except that in the case of disposal to any municipality or state government or the United States
15 for aeronautical purposes incident thereto the sale or other disposal may be effected in such
16 manner and upon such terms as the director determines are in the best interest of the state.

17 (c) Nothing contained in this article shall be construed to limit any right, power, or authority
18 of the State or a municipality to regulate airport hazards by zoning.

19 (d) The commissioner may exercise any powers granted by this section jointly with any
20 municipalities or agencies of the state government, with other states or their municipalities, or with
21 the United States.

22 (e) In the condemnation of property authorized by this section, the director shall proceed
23 in the name of the State in the manner provided by §54-1-1, et seq. of this code.

24 (f) The acquisition of any lands or interests therein pursuant to this article, the planning,
25 acquisition, establishment, construction, improvement, maintenance and operation of airports and
26 air navigation facilities, whether by the state separately or jointly with any municipalities, and the
27 exercise of any other powers herein granted to the director are hereby declared to be public and
28 governmental functions, exercised for a public purpose, and matters of public necessity. All lands
29 and other property and privileges acquired and used by or on behalf of the State in the manner
30 and for the purposes enumerated in this article shall and are hereby declared to be acquired and
31 used for public and governmental purposes and as a matter of public necessity.

§17-16F-32. Use of state and municipal facilities and services.

1 The division shall use the facilities and services of other agencies of the state and of the
2 municipalities to the utmost extent possible, and such agencies and municipalities shall make
3 available their facilities and services in furtherance of aeronautics in this state.

§17-16F-33. Disposition of fees.

1 All fees or other moneys collected by the division under the provisions of this article shall
2 be paid into the State Treasury in the manner provided in article two, chapter twelve of this code,
3 and shall be deposited in a separate account and be used and expended only to carry out the
4 provisions of this article. The fees or other moneys so paid into the State Treasury shall constitute
5 and be treated as an excepted fund, and all of the provisions of section two, article two, chapter
6 twelve of this code, applicable to the funds excepted from the general provisions for the deposit
7 and payment of state funds, shall be applicable to the fund derived from collections made pursuant
8 to the provisions of this article.

§17-16F-34. Severability.

1 If any provision of this article or the application to any person or circumstance shall be
2 held invalid, such invalidity shall not affect the provisions or applications of this article which can
3 be given effect without the invalid provisions or application, and to this end the provisions of this
4 article are declared to be severable.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 2A. STATE AERONAUTICS COMMISSION.

§29-2A-1. Definitions.

1 [Repealed].

§29-2A-2. Short title; continuation of commission; membership and compensation; quorum.

1 [Repealed].

§29-2A-3. Powers and duties of commission.

1 [Repealed].

§29-2A-4. Organization of commission; meetings; reports; offices.

1 [Repealed].

§29-2A-5. Director of aeronautics; appointment, qualifications, compensation, powers and duties; staff.

1 [Repealed].

§29-2A-6. State financial assistance for county, municipal, and regional airports.

1 [Repealed].

§29-2A-7. Federal aid.

1 [Repealed].

§29-2A-8. Establishment and operation of state airports.

1 [Repealed].

§29-2A-10. Public purpose of activities.

1 [Repealed].

§29-2A-11. Operation of aircraft while under influence of alcohol, controlled substances or drugs; criminal penalties.

1 [Repealed].

§29-2A-11a. Implied consent to test; administration at direction of law-enforcement officer; designation of type of test; definition of law-enforcement officer.

1 [Repealed].

§29-2A-11b. Preliminary analysis of breath to determine alcoholic content of blood.

1 [Repealed].

§29-2A-11c. How blood test administered; additional test at option of person tested; use of test results; certain immunity from liability incident to administering test.

1 [Repealed].

§29-2A-11d. Interpretation and use of chemical test.

1 [Repealed].

§29-2A-11e. Right to demand test.

1 [Repealed].

§29-2A-11f. Fee for withdrawing blood sample and making urine test; payment of fees.

1 [Repealed].

§29-2A-12. Operation of aircraft at low altitude or in careless and reckless manner; penalty.

1 [Repealed].

§29-2A-13. Unauthorized taking or operation of aircraft; penalty.

1 [Repealed].

§29-2A-14. Federal license required for operation of aircraft.

1 [Repealed].

§29-2A-20. Enforcement of aeronautics laws.

1 [Repealed].

ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.

§29-18-1. Short title.

1 [Repealed].

§29-18-2. Declaration of policy and responsibility; purpose and intent of article; findings.

1 [Repealed].

§29-18-3. Definitions.

1 [Repealed].

§29-18-4. West Virginia state rail authority continued; organization of authority; appointment of members; term of office, compensation and expenses; director of authority; termination date.

1 [Repealed].

§29-18-4a. Supervision of West Virginia State Rail Authority; executive director's compensation.

1 [Repealed].

§29-18-5. Authority may construct, maintain, etc., railroad maintenance projects.

1 [Repealed].

§29-18-6. Powers, duties and responsibilities of authority generally.

1 [Repealed].

§29-18-7. Operations; purchases.

1 [Repealed].

§29-18-8. Creation of railroad maintenance authority fund.

1 [Repealed].

§29-18-9. Expenditure of funds for study and engineering of proposed projects.

1 [Repealed].

§29-18-10. Authority empowered to issue bonds, renewal notes and refunding bonds; requirements and manner of such issuance.

1 [Repealed].

§29-18-11. Trustee for bondholders; contents of trust agreement.

1 [Repealed].

§29-18-12. Legal remedies of bondholders and trustees.

1 [Repealed].

§29-18-13. Bonds and notes not debt of state, county, municipality or of any political subdivision; expenses incurred pursuant to article.

1 [Repealed].

§29-18-14. Use of funds by authority; restrictions thereon.

1 [Repealed].

§29-18-15. Investment of funds by authority.

1 [Repealed].

§29-18-16. Rentals and other revenues from railroad projects; contracts and leases of authority; cooperation of other governmental agencies; bonds of such agencies.

1 [Repealed].

§29-18-17. Maintenance, operation and repair of projects; reports by authority to Governor

and Legislature.

1 [Repealed].

§29-18-18. Railroad maintenance bonds lawful investments.

1 [Repealed].

§29-18-19. Exemption from taxation.

1 [Repealed].

§29-18-20. Acquisition of property by authority; governmental agencies authorized to convey, etc., property.

1 [Repealed].

§29-18-21. Property of public utilities and common carriers.

1 [Repealed].

§29-18-22. Financial interest in contracts prohibited; penalty.

1 [Repealed].

§29-18-23. Meetings and records of authority to be kept public.

1 [Repealed].

§29-18-24. Creation of the West Virginia Commuter Rail Access Fund.

1 [Repealed].

§29-18-25. State rail plan required.

1 [Repealed].

NOTE: There are no new funds, powers or duties created by this bill. The current powers, duties and funding streams were reorganized. The purpose of this bill is to achieve a streamlined and more efficient operation of the multimodal agencies by combining the current Aeronautics Commission, State Rail Authority, Port Authority, and the Public Transit agency into one agency under the Department of Transportation. The multimodal agency will be part of the Department of Transportation, and the commissioner of the Division of Multimodal Transportation Facilities will coordinate with the Department of Economic Development to facilitate economic development activities utilizing transportation facilities.

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