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Senate Bill No. 414

(By Senators Plymale, Cole (Mr. President), Stollings and Woelfel)

[Introduced February 4, 2015; referred to the Committee on Transportation and Infrastructure;
and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-29-1, §17-29-2, §17-29-3 and §17-29-4, all relating to transportation and economic development projects in West Virginia; declaring legislative findings; promoting public-private partnerships; declaring that West Virginia law is supreme to federal law and regulations in the area of creating public-private partnerships for transportation and economic development projects on reclaimed mining sites; declaring a legislative priority to complete the I-73/74 NHS Corridor Project; requiring the departments of Environmental Protection and Transportation to create a plan for completion of the I-73/74 NHS Corridor Project utilizing public-private partnerships; and requiring a report to the Legislature on the progress of public-private partnerships in transportation and economic development projects on reclaimed mining sites.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new

1 article, designated §17-29-1, §17-29-2, §17-29-3 and §17-29-4, all to read as follows:

2 **ARTICLE 29. LOCAL DEVELOPMENT SUPERIORITY ACT.**

3 **§17-29-1. Legislative Findings.**

4 In enacting this article, the Legislature hereby finds as follows:

5 (1) The West Virginia Legislature has the strongest interest in the citizens of West Virginia
6 and their well-being;

7 (2) West Virginia's infrastructure is deteriorating and maintenance funds are losing
8 purchasing power, while major capital projects remain underfunded or unfunded;

9 (3) Public-Private Partnerships provide an opportunity to transfer risk from the public to
10 private sector related to some financing, design, construction, operation and maintenance of
11 infrastructure projects such as building new roads;

12 (4) Utilizing private funds in funding transportation and economic development funds will
13 free up public funding for other purposes and help keep project debt off the public ledger;

14 (5) The area of transportation and economic development on reclaimed mining sites is unique
15 to West Virginia and is an area of high priority for the state;

16 (6) The environmental impact of the construction of new roads and other economic
17 development on reclaimed mining sites is best determined by the West Virginia Department of
18 Environmental Protection working in partnership with the United States Environmental Protection
19 Agency;

20 (7) As an example, the need for the construction of the I-73/74 NHS Corridor was identified
21 by Congress in 1991, named a high priority in 1995 and remains incomplete and underfunded;

1 (8) Public-Private Partnerships to complete the I-73/74 NHS Corridor are estimated to
2 provide approximately \$700 million in construction cost savings and significant time savings of
3 approximately 59%;

4 (9) West Virginia residents and businesses, as well as residents and businesses of other states,
5 will recognize improved travel efficiency if the I-73/74 NHS Corridor is completed;

6 (10) Completion of the I-73/74 NHS Corridor will have a positive impact on total
7 employment, gross regional product, personal income, industry output and statewide tax revenue;
8 and

9 (11) Other projects in the state could have similarly significant results with the use of Public-
10 Private Partnerships and the ability of West Virginia to set policy and create partnerships for the
11 completion of projects.

12 **§17-29-2. West Virginia supremacy in transportation, economic development and reclaimed**
13 **mine sites.**

14 The Legislature of West Virginia hereby declares that West Virginia has a high priority to
15 act in the best interest of our state in the area of creating Public-Private Partnerships for the
16 completion of projects related to transportation and economic development on reclaimed mine sites.
17 In doing so, the West Virginia Department of Environmental Protection shall conduct all
18 environmental analyses of projects using Public-Private Partnerships, in consultation with the West
19 Virginia Department of Transportation, and in partnership with the United States Environmental
20 Protection Agency.

21 **§17-29-3. Priority of I-73/74 NHS Corridor Project.**

1 (a) The Legislature of West Virginia hereby declares a priority for the completion of the I-
2 73/74 NHS Corridor Project through Public-Private Partnerships and hereby directs the Department
3 of Transportation, the Department of Environmental Protection and other interested agencies to
4 develop a plan and seek Public-Private Partnerships as allowed under this code to complete the I-
5 73/74 NHS Corridor Project, in partnership with the United States Environmental Protection
6 Agency.

7 (b) The plan created pursuant to subsection (a) of this section shall seek to use reclaimed
8 mining sites as much as possible.

9 **§17-29-4. Report of progress.**

10 The Legislature of West Virginia hereby directs the Department of Transportation and the
11 Department of Environmental Protection to present a joint report to the Legislature regarding the
12 progress of use of Public-Private Partnerships to complete the I-73/74 NHS Corridor Project and the
13 use of other Public-Private Partnerships for other projects before July 1, 2016.

NOTE: The purpose of this bill is to promote Public-Private Partnerships to complete transportation and economic development projects utilizing reclaimed mining sites and to do so through West Virginia Agencies working in partnership with the United States Environmental Protection Agency.

§17-29-1, §17-29-2, §17-29-3 and §17-29-4 are new; therefore, strike-throughs and underscoring have been omitted.