

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 684

FISCAL
NOTE

BY SENATORS MAYNARD, BOLEY, CARMICHAEL, KARNES,

LEONHARDT, MILLER, ROMANO, TAKUBO, WOELFEL,

STOLLINGS, CLINE AND LAIRD

[Introduced February 22, 2016;

Referred to the Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §20-5-5a, relating to authorizing the Director of the Division of Natural
 3 Resources to lease unused or abandoned coal railway routes where intact railroad track
 4 exists to qualified persons or individuals to operate tourist excursions; providing for
 5 legislative findings and declarations; and requiring the director to propose legislative rules
 6 in order to implement the purpose of allowing train excursions on unused or abandoned
 7 coal railway routes.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §20-5-5a, to read as follows:

ARTICLE 5. PARKS AND RECREATION.

**§20-5-5a. Findings and declarations; authority to lease or operate abandoned or unused
 coal railroads; director to propose legislative rules.**

1 (a) The Legislature finds and declares, in view of the shifting economic climate in this state
 2 in relation to coal production, which once was the most thriving staple of economic activity and
 3 development in this state, that creative and novel approaches to reenergizing economic growth
 4 must be employed. The Legislature further finds and declares that existing infrastructure that
 5 stands unused or abandoned, such as unused or abandoned coal railway routes in which railroad
 6 track remains intact for use, could be utilized for tourism by allowing passenger excursions
 7 through the unused or abandoned coal railway routes that exist in scenic areas of this state.

8 (b) The director is hereby empowered, with the approval of the Governor, to lease unused
 9 or abandoned coal railway routes that follow along uniquely or exceptionally scenic, scientific,
 10 cultural, archaeological or historically significant areas of this state, wherein railroad track remains
 11 intact. Any lease made under this section shall be made to qualified persons or corporations for
 12 the primary purpose of operating train excursions for purposes of tourism and sightseeing.

13 (c) The director shall propose rules for legislative approval in accordance with the

14 provisions of article three, chapter twenty-nine-a of this code, designed to implement the
15 provisions of this section. The rules shall include, but not be limited to, safety and technical
16 considerations related to existing track condition, required criteria to qualify to lease railway
17 routes, minimum standards for railway passenger cars and train locomotives used pursuant to
18 lease agreements authorized by this section, the designation of existing routes that best suit the
19 purposes of this section and other appropriate lease restrictions or requirements, including the
20 appropriate monetary cost of the lease.

NOTE: The purpose of this bill is to authorize the Director of the Division of Natural Resources to lease unused or abandoned coal railway routes where intact railroad track exists to qualified persons or individuals to operate tourist excursions. The bill includes legislative findings and declarations and requires the director to propose legislative rules in order to implement the purpose of allowing train excursions on unused or abandoned coal railway routes that exist within the state.

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