

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 417**

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 23, 2017; Referred  
to the Committee on Transportation and  
Infrastructure; and then to the Committee on Finance]



1 A BILL to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating  
2 to eliminating the financial limitations on utilizing the Highway Design-Build Program for  
3 highway construction.

*Be it enacted by the Legislature of West Virginia:*

1 That §17-2D-2 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

**§17-2D-2. Highway Design-Build Program.**

1 (a) Notwithstanding any provision of this code to the contrary, the Commissioner of the  
2 West Virginia Division of Highways may expedite the construction of projects by combining the  
3 design and construction elements of a highway or bridge project into a single contract as provided  
4 in this article.

5 ~~(b) The Division of Highways may expend no more than \$50 million in each year in the~~  
6 ~~program: *Provided*, That if any of the \$50 million is unused in one year, the remaining amount~~  
7 ~~may be applied to the following year's amount: *Provided, however*, That the total aggregate~~  
8 ~~amount to be expended may not exceed \$150 million in any one year~~

9 ~~(e)~~ (b) A design-build project may be let to contract only in accordance with the  
10 commissioner's established policies and procedures concerning design-build projects.

11 ~~(d)~~ (c) Projects receiving funding above the amount of federal core funding as appropriated  
12 to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the  
13 program, but shall not be included in expenditure limits provided by subsection (b) of this section.

NOTE: The purpose of this bill is to remove the financial limitations on how many design build projects may be undertaken by the Division of Highways. Currently, no more than \$50 million a year up to an aggregate of \$150 million may be expended for design build projects.

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