

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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2008 JUL 11 PM 2:59

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Transportation - Division of Highways TITLE NUMBER: 157

RULE TYPE: Procedural CITE AUTHORITY: W.Va. Code 17-2A-4b

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Regulations Pertaining to Particular Functions of the Commissioner of Highways

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 15, 2008 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Gary Lanham

W.Va. Division of Highways

1900 Kanawha Blvd., E.
Building 5, Room A-949

Charleston, WV 25305-0430

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 1, Regulations Pertaining to Particular Functions of the Commissioner of H

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Highways

Address: 1900 Kanawha Blvd. East, Building 5, Room A-949
Charleston, West Virginia 25305

Phone Number: 304-558-3111 Email: Gary.D.Lanham@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

These rule changes do not impact costs and revenue of the state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Series 1, Regulations Pertaining to Particular Functions of the Commissioner of Hi

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 7-11-08

Signature of Agency Head or Authorized Representative

Paul A. Mattox, Jr.

DIVISION OF HIGHWAYS, SERIES 1
REGULATIONS PERTAINING TO PARTICULAR
FUNCTIONS OF THE COMMISSIONER OF HIGHWAYS
JULY 2, 2008

SUMMARY OF PROPOSED RULE:

Series 1 addresses the particular functions of the office of the Commissioner of Highways. This rule includes: Commissioner's orders; hearing procedures; scholarships for prospective Division of Highways personnel; location, relocation, classification or reclassification of state roads; abandonment and discontinuance of state roads; and procurement procedures for negotiated contracts.

STATEMENT OF CIRCUMSTANCES:

This amendment of an existing procedural rule is being filed to correspond with current DOH recruitment practices.

PROCEDURAL RULES
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

2000 JUL 11 PM 2:59

SERIES 1
REGULATIONS PERTAINING TO PARTICULAR
FUNCTIONS OF THE COMMISSIONER OF HIGHWAYS

WEST VIRGINIA STATE

SECTION 4

§157-1-4. Scholarships for Prospective Division of Highways Personnel.

4.1. General. Pursuant to the provisions of W. Va. Code §17-2A-4b, the Commissioner of Highways is authorized to award scholarships to competent persons, whether employed by the Division of Highways or not, for the purpose of enabling and encouraging them to attend a college or university to pursue such course of study as may be approved by the Commissioner of Highways, to aid in attracting and holding competent personnel for the Division of Highways. Scholarships awarded pursuant to the Commissioner's authority will be forgiven if a recipient is employed by the Division of Highways, after graduation, in a position consistent with the approved course of study, for a specified period of time. Scholarships must be repaid by any recipient who is not subsequently employed by the agency or who fails to obtain the appropriate college degree as specified herein. No more than fifteen persons may hold such scholarships at any one time.

4.2. Eligibility. To be eligible for a scholarship, an applicant must:

4.2.a. be a West Virginia resident;

4.2.b. have a minimum overall (cumulative) ~~high school grade point average (GPA) of 2.50 on a four point scale or a minimum score of 850 on the Stanford Achievement Test (SAT) or a minimum score of 21 on the ACT test or a minimum overall college grade point average of 2.00 on a 4.0 scale;~~

4.2.c. ~~declare an intent to seek a baccalaureate degree~~ be enrolled in a Civil Engineering, General Engineering or Computer Sciences baccalaureate degree at an accredited State college or university;

4.2.d. ~~demonstrate the need for financial assistance to attend the selected college or university; be working or have worked as a Co-op for the Division of Highways and declare an intent to work for the Division immediately following the date of the receipt of an eligible degree; and~~

4.2.e. ~~declare an intent to work for the Division of Highways immediately following the date of the receipt of an eligible degree; and~~

4.2.f. e. complete and file, as referenced in this rule, an application as well as comply with all other requirements adopted by the Commissioner of Highways.

4.3. Application. Applicants may request an application packet by visiting or contacting the Division of Highways, Human Resources Division, 1900 Kanawha Boulevard, East, Building Five, Room 949, Charleston, West Virginia 25305-0430, telephone (304) 558-3111.

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The following must be delivered or mailed to the Division of Highways at the address specified in the application packet by the date prescribed by the Commissioner of Highways:

4.3.a. a completed application packet with all specified forms with information printed or typed legibly and with original signatures;

4.3.b. a written essay of not less than 300 or more than 500 words explaining why the applicant is interested in the Division's scholarship program; and

4.3.c. an official ~~high school or~~ college transcript.

4.4. Applicant Review and Ranking. Applications will be reviewed and those applicants meeting the eligibility requirements will be ranked according to the following criteria:

4.4.a. ~~financial need;~~ written essay;

4.4.b. ~~secondary school or college grade point average;~~ recommendation from Co-op supervisor;

4.4.c. ~~SAT or ACT score;~~ number and level of Co-op experience; and

4.4.d. ~~written essay;~~ college grade point average.

4.4.e. ~~honors and awards from, and participation in, technical or academic organizations;~~

4.4.f. ~~vocational education; and~~

4.4.g. ~~work experience.~~

~~4.5. Personal Interview. If after receiving the application and other papers required by the preceding sections, the Commissioner feels that the applicant is entitled to further consideration, a personal interview will be arranged and the applicant will be notified of the time and place at least ten days in advance.~~

4.6. 5. Award of Scholarship. Upon the basis of the documented information, ~~and personal interview,~~ the Commissioner may award a scholarship to such person or persons as he considers competent and entitled thereto. The Division will send a written notice to applicants selected to receive a scholarship informing them of the amount to be awarded for the scholarship.

4.6. 5.a. Any such scholarship shall carry a stipend in an amount fixed by the Commissioner.

4.6. 5.b. The sum so awarded will be paid to the recipient of the scholarship in equal installments at the beginning of each ~~quarter or~~ semester for which the recipient is enrolled.

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4.7.6. Execution of Notes. Each recipient of a scholarship will be required to execute a negotiable promissory note prior to receiving each ~~quarter or~~ semester stipend. The note will be in a form prescribed by the Commissioner and will set forth the terms and conditions of the scholarship including, but not limited to, the amount of the stipend and the requirements of continued eligibility pursuant to section 4.8 7 of this rule.

4.8.7. Maintaining Scholarship Eligibility After Award. In order to maintain eligibility, the scholarship recipient must: a) be enrolled as a full-time college student pursuing the eligible curriculum with a minimum of 12 credit hours of course study each semester; and b) maintain an overall institutional grade point average of at least 2.00 on a four-point scale.

4.8. 7.a. If the scholarship recipient fails to meet the minimum grade point average or fails to meet the minimum credit hours for a single ~~quarter or~~ semester, eligibility will be maintained if: a) the recipient receives credit for no fewer than 12 credit hours in each successive ~~quarter or~~ semester; and b) attains a grade point average of at least 2.00 for all ~~quarters or~~ semesters thereafter until graduation.

4.9. 8. Employment Credited Against Notes. If, upon graduation, or completion of the approved course of study, the person awarded the scholarship herein described enters the employ of the Division of Highways and remains so employed, the Commissioner of Highways will credit the oldest outstanding note of such person in the amount of \$1,500.00 for every six months period that such person is employed by the Division of Highways.

4.8.a. Nothing in these rules shall be construed to guarantee a scholarship recipient employment with the Division of Highways after graduation from the approved curriculum.

4.10. 9. Default. ~~The Commissioner of Highways will declare a student~~ A recipient will be considered in default of the scholarship agreement and will be required ~~the student~~ to repay all scholarship funds received from the Division of Highways if the ~~student~~ recipient: 1) withdraws from the educational institution or the approved curriculum; 2) fails to comply with any portion of these rules or the promissory note; 3) is not subsequently employed by the Division of Highways; or 4) leaves the employ of the Division prior to earning full credit for all notes.

4.11. 10. Repayment. If a scholarship recipient is ~~required to repay funds as a result to being declared in default or as a result of leaving the employ of the Division of Highways prior to earning full credit for all notes~~, declared in default, a repayment schedule will be established. The repayment schedule will be 120 equal monthly installments providing that the minimum installment shall be \$20. However, the scholarship recipient may elect a shorter term for repayment.

4.11. 10.a. The scholarship recipient will make the first installment payment six months after being declared in default or after leaving the employ of the Division of Highways.

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~~4.11.~~ 10.b. Installment payments may be temporarily reduced or deferred and the prescribed repayment schedule extended if the scholarship recipient demonstrates an inability to pay due to catastrophic illness or family emergency. The recipient must submit a written request and justification for the temporary payment reduction or suspension to the Commissioner of Highways for approval. Any reduction, deferral or extension will not relieve the scholarship recipient's responsibility to repay all funds.

~~4.12.~~ 11. Deviation. Any deviation in the process or policies dictated by Section 4 of this rule must have the written approval of the Commissioner of Highways.