

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box

FILED

Nov 2 10 54 AM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

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

CITE AUTHORITY W. Va. Code. §17-2A-5, 8, 17, 19, 19A, and 20

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: II

TITLE OF RULE BEING AMENDED: Acquisition, Disposal, Lease and Management of
Real Property and Appurtenant Structures and Relocation Assistance

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The WV Legislature's passage of H.R. #4339 mandated revisions to the WV Division of Highways' procedures for disposal of excess right-of-way. The revisions prescribed in the referenced bill became effective July 1, 1994. Therefore, the purpose of this filing is to change the subject rules to comply with the time limitations imposed by H.R. #4339.

The required rule changes relate to the disposition of excess highway right-of-way. Prior to these changes, sale of the excess right-of-way to the principal abutting landowners was only permitted with respect to former railroad and former turnpike rights-of-way owned by the West Virginia Division of Highways. However, after July 1, 1994, the Division of Highways, must first offer any excess right-of-way for sale to principal abutting landowners.



Fred VanKirk

Deputy Secretary & State Highway Engineer/Commissioner