

## DOT secretary questioned about late contractor payments, laments Corridor H delays before WV Senate panel

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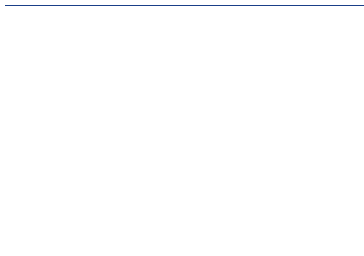
West Virginia Department of Transportation Secretary Jimmy Wriston defended his agency's contractor payment oversight and bemoaned delays in progress toward completion of Corridor H during a Senate Finance Committee meeting Thursday.

PERRY BENNETT | WV Legislative Photography

The head of the West Virginia Department of Transportation defiantly defended his agency against complaints about delays in payments to contractors and resistance to the incomplete Corridor H project after a brief budget presentation Wednesday.

Speaking before the Senate Finance Committee, Department of Transportation Secretary Jimmy Wriston downplayed complaints from contractors reported by committee Chairman Eric Tarr, R-Putnam.

Tarr said smaller contractors had complained about a "time lag" in payments from the agency threatening their ability to pay subcontractors working for them.



"That can put some West Virginia small businesses out of business if we're not paying in a timely manner, so that threat, even if it's a little bit, it's a little bit too much," Tarr said.

Tarr suggested that stakeholders "sit down at the table."

"[I]t's not just coming from one or two," Tarr said. "It's coming from the industry."

"They're coordinated by an association," Wriston said. "To air that problem in the media or even bring it to you — my door's open.

"We can fix this if there's a problem."

Wriston cited what he called "errors in invoices" when asked earlier in the meeting about paying contractors by Sen. Rupie Phillips, R-Logan.

"We try to review these things, we catch a lot of these things, but then we move them on," Wriston said. "Then they get up the line and somebody else catches something, but when they catch it at different levels, it has to come back. Well, when it comes back, perhaps that's taken 30 days. In the meantime, maybe that contractor submitted two more invoices at the same time. Well, if the first invoice isn't paid, the second one can't be paid."

Wriston said problems could be semantic, giving an example of leaving the dot off 'Inc.' in 'ABC Construction Inc.'"

An October 2022 audit of the Department of Transportation's Division of Highways by certified public accounting firm Suttle & Stalnaker found the division didn't appear to be in compliance with state code regarding post-design services contracts and couldn't provide documentation supporting unbilled receivable balance due.

Wriston assured a receptive committee that the long-delayed Corridor H project would be finished and dismissed opposition to his agency's preferred route for the link of the Appalachian Development Highway System.

Wriston indicated that the U.S. Fish and Wildlife Service was holding up the project.

Fish and Wildlife Service spokesman Keith Shannon said there are rusty-patched bumble bees in the vicinity of the project. The rusty-patched bumble bee was listed as federally endangered in 2017.

Under the Endangered Species Act, the Federal Highway Administration and the Department of Transportation will consult with Fish and Wildlife because of potential effects the project could have on the species, according to Shannon.

The timeline for consultation would be 135 days from when Fish and Wildlife receives a completed biological assessment, Shannon said.

Shannon said Thursday that Fish and Wildlife's state field office is still waiting to receive the biological assessment from the Division of Highways.

"We're right, they're wrong. We're going to build that road," Wriston said.

Wriston said the state is being held back from advancing a design he said would enable a proper biological assessment and mitigate environmental harm for endangered species.

"Sometimes I think we're more the environmentalists than they are," Wriston said.

The state's planned segment of Corridor H from east of Parsons to north of Davis in Tucker County has drawn opposition from environmental groups.

Friends of Blackwater, the West Virginia Rivers Coalition and the West Virginia Highlands Conservancy have filed comments objecting to the Department of Transportation's proposed route.

Friends of Blackwater, a Thomas, Tucker County-based Blackwater Canyon conservation nonprofit, contended that major construction could increase acid mine drainage from old Thomas area mines, risking Blackwater River pollution. The group fears lights, noise and air pollution would degrade the Blackwater Falls State Park experience, according to the comment submitted by group executive director Judith Rodd.

West Virginia Rivers Coalition executive director Angie Rosser signed comment predicting adverse water quality impacts as well as drastically reduced use and enjoyment of the Allegheny Trail and historical coke ovens in the area.

In 2018, the Department of Environmental Protection ordered Kokosing Construction Co. to stop work on the project after finding violations in Randolph and Tucker counties. The DEP found that Kokosing violated a water quality permit by not maintaining erosion control devices and allowing sediment-laden water to leave the construction site.

The Division of Highways says its preferred route offers the shortest emergency-response times and less gradient than the northern alignment, making it the greenest option.

Wriston dismissed opponents of his agency's preferred route during a state legislative committee meeting in September, accusing them of circulating "disinformation" about the project.

Most of Corridor H is open to traffic, with a 6.8-mile section from Wardensville, in Hardy County, to the Virginia state line also still in the planning stage and a section from Kerens, in Randolph County, to Parsons under construction.

Approved in 1965, the Appalachian Development Highway System is an approximately 3,000-mile network of highways linking the region to national interstates.

Many of the most vocal opponents to the current path to Corridor H completion are lobbying state officials to route the corridor north of Parsons. They fear the Division of Highways' preferred route would compromise the Blackwater River Valley landscape and plague the Tucker County city of Thomas and other communities with truck traffic.

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