

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 240

(By Mr. Taylor)



PASSED March 4, 1939

In Effect from Passage

270

**ENROLLED**  
**House Bill No. 240**

(BY MR. TAYLOR)

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[Passed March 4, 1939; in effect from passage.]

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AN ACT to amend article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, and chapter seventy-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, by adding four new sections to be numbered twenty-one, twenty-two, twenty-three and twenty-four, relating to the designation, construction, maintenance and improvement of freeways.

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

That article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature of West Virginia, first extraordinary session,

one thousand nine hundred thirty-three, and chapter seventy-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, be amended by adding sections twenty-one, twenty-two, twenty-three and twenty-four, to read as follows :

Section 21. *Freeways.* A freeway is a highway especially  
2 designed for through traffic, over which abutters have no  
3 easement or right of light, air or access to by reason of the  
4 fact that their property abuts upon such way.

Sec. 22. *Powers of State Road Commissioner Over Free-*  
2 *ways.* The state road commissioner shall have full power and  
3 authority to plan, designate, establish, acquire, open, con-  
4 struct, reconstruct, improve, maintain, discontinue and regu-  
5 late the use of freeways within this state in the same manner  
6 in which the state road commissioner is now or may be  
7 authorized to plan, designate, establish, acquire, open, con-  
8 struct, reconstruct, improve, maintain, discontinue, and  
9 regulate the use of highways within this state. The state road  
10 commissioner shall also have any and all other additional  
11 authority and power relative to such freeways as is vested  
12 in him relative to highways, which shall include the authority

13 and power to acquire by purchase, eminent domain, grant or  
14 dedication, title to such lands or rights-of-way necessary for  
15 said freeways.

Sec. 23. *Designation of Existing Highway as a Freeway.*

2 The state road commissioner may designate an existing high-  
3 way as or included within a freeway, and existing easements  
4 of access, light or air may be extinguished by purchase,  
5 eminent domain or grant, in accordance with the methods of  
6 obtaining rights-of-way for highway purposes.

Sec. 24. *Regulation of Traffic on Freeways.* The state road  
2 commissioner is authorized and empowered to regulate and  
3 restrict access to any freeway established under the pro-  
4 visions of the preceding sections, from any existing highway,  
5 road, street or abutting property owner in such manner as he  
6 is authorized to regulate and restrict traffic upon highways,  
7 and access to any such freeway from any new highway, road  
8 or street shall be established by and with the consent of the  
9 state road commissioner.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*E. D. Wiseman*  
.....  
Chairman Senate Committee

*Wesley G. Bolter*  
.....  
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* ..... passage.

*Shaylin*  
.....  
Clerk of the Senate

*Wm. S. Hall*  
.....  
Clerk of the House of Delegates

*Wm. S. Hall*  
.....  
President of the Senate

*James Kay Thomas*  
.....  
Speaker House of Delegates

The within *approved* ..... this the *13<sup>th</sup>*

day of *March* ....., 1939.

*James S. Sh.*  
.....  
Governor.



Filed in the office of the Secretary of State  
of West Virginia **MAR 14 1939**  
Wm. S. O'BRIEN,  
Secretary of State