

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



# ENROLLED

HOUSE BILL No. 428

(By Mr. Knight)



PASSED March 8, 1947

In Effect ninety days from Passage



428

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**House Bill No. 428**  
**(By MR. KNIGHT)**

[Passed March 8, 1947; in effect ninety days from passage.]

AN ACT to facilitate vehicular traffic in the state of West Virginia by providing for the construction, maintenance, repair and operation of turnpike projects; creating the West Virginia turnpike commission and defining its powers and duties; providing for financing the construction of such projects by the issuance of turnpike revenue bonds of the state, payable solely from tolls and other revenues; and providing for the collection of tolls and other revenues to pay the cost of maintenance, repair and operation of such projects and to pay such bonds and the interest thereon.

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

Section 1. *Constructing and Financing Turnpike*  
2 *Projects.*—In order to remove the present handicaps and  
3 hazards on the congested highways in the State of West

4 Virginia, to facilitate vehicular traffic throughout the  
5 State, to promote the agricultural and industrial develop-  
6 ment of the State, and to provide for the construction of  
7 modern express highways embodying every known safety  
8 device including center division, ample shoulder widths,  
9 long sight distances, the by-passing of cities, multiple  
10 lanes in each direction and grade separations at all inter-  
11 sections with other highways and railroads, the West  
12 Virginia turnpike commission (hereinafter created) is  
13 hereby authorized and empowered to construct, main-  
14 tain, repair and operate turnpike projects (as herein-  
15 after defined) at such locations as shall be approved by  
16 the State Road Commission, and to issue turnpike reve-  
17 nue bonds of the State of West Virginia, payable solely  
18 from revenues, to pay the cost of such projects.

Sec. 2. *Credit of State Not Pledged.*—Turnpike reve-  
2 nue bonds issued under the provisions of this Act shall  
3 not be deemed to constitute a debt of the State or of any  
4 political subdivision thereof or a pledge of the faith and  
5 credit of the State or of any such political subdivision,  
6 but such bonds shall be payable solely from the funds

7 herein provided therefor from revenues. All such turn-  
8 pike revenue bonds shall contain on the face thereof a  
9 statement to the effect that neither the State nor any  
10 political subdivision thereof shall be obligated to pay  
11 the same or the interest thereon except from revenues of  
12 the project or projects for which they are issued and that  
13 neither the faith and credit nor the taxing power of the  
14 State or any political subdivision thereof is pledged to  
15 the payment of the principal of or the interest on such  
16 bonds.

Sec. 3. *West Virginia Turnpike Commission.*—There  
2 is hereby created a commission to be known as the “West  
3 Virginia Turnpike Commission”, and by that name the  
4 commission may sue and be sued, and plead and be  
5 impleaded. The commission is hereby constituted an  
6 agency of the State, and the exercise by the commission  
7 of the powers conferred by this act in the construction,  
8 operation and maintenance of turnpike projects shall  
9 be deemed and held to be an essential governmental func-  
10 tion of the state.  
11 The West Virginia turnpike commission shall consist

12 of five members, including the state road commissioner,  
13 who shall be a member ex-officio, and four members  
14 appointed by the governor, by and with the advice and  
15 consent of the senate. The appointive members shall be  
16 residents of the state, and shall have been qualified  
17 electors therein for a period of at least one year next  
18 preceding their appointment. The members of the com-  
19 mission first appointed shall continue in office for terms  
20 expiring on July first, one thousand nine hundred fifty-  
21 one, July first, one thousand nine hundred fifty-three,  
22 July first, one thousand nine hundred fifty-five, and July  
23 first, one thousand nine hundred fifty-seven, respectively,  
24 the term of each such member to be designated by the  
25 governor, and until their respective successors shall be  
26 duly appointed and qualified. The successor of each such  
27 member shall be appointed for a term of eight years,  
28 except that any person appointed to fill a vacancy shall  
29 be appointed to serve only for the unexpired term, and a  
30 member of the commission shall be eligible for reappoint-  
31 ment. Each appointed member of the commission before  
32 entering upon his duties shall take an oath as provided

33 by section five of article four of the constitution of the  
34 state of West Virginia.

35 The commission shall elect one of the appointed mem-  
36 bers as chairman and another as vice chairman, and shall  
37 also elect a secretary and treasurer who need not be a  
38 member of the commission. Three members of the  
39 commission shall constitute a quorum and the vote of  
40 three members shall be necessary for any action taken  
41 by the commission. No vacancy in the membership of  
42 the commission shall impair the right of a quorum to  
43 exercise all the rights and perform all the duties of the  
44 commission.

45 Before the issuance of any turnpike revenue bonds  
46 under the provisions of this Act, each appointed member  
47 of the commission shall execute a surety bond in the penal  
48 sum of twenty-five thousand dollars and the secretary  
49 and treasurer shall execute a surety bond in the penal  
50 sum of fifty thousand dollars, each such surety bond to  
51 be conditioned upon the faithful performance of the  
52 duties of his office, to be executed by a surety company  
53 authorized to transact business in the state of West

54 Virginia as surety and to be approved by the governor  
55 and filed in the office of the secretary of state.

56 The members of the commission shall not be entitled  
57 to compensation for their services but each member shall  
58 be reimbursed for his actual expenses necessarily in-  
59 curred in the performance of his duties. All expenses  
60 incurred in carrying out the provisions of this act shall  
61 be payable solely from funds provided under the autho-  
62 rity of this act and no liability or obligation shall be  
63 incurred by the commission hereunder beyond the extent  
64 to which moneys shall have been provided under the  
65 authority of this act.

Sec. 4. *Definitions.*—As used in this act, the following  
2 words and terms shall have the following meanings,  
3 unless the context shall indicate another or different  
4 meaning or intent:—

5 (a) The word “commission” shall mean the West  
6 Virginia Turnpike Commission, created by section three  
7 of this act, or, if said commission shall be abolished, the  
8 board, body or commission succeeding to the principal  
9 functions thereof or to whom the powers given by this  
10 act to the commission shall be given by law.

11       (b) The word "project" or the words "turnpike pro-  
12 ject" shall mean any express highway or turnpike which  
13 the commission may at any time determine to construct  
14 under the provisions of this act, and shall embrace all  
15 bridges, tunnels, overpasses, underpasses, interchanges,  
16 entrance plazas, approaches, toll houses, service stations,  
17 and administration, storage and other buildings which  
18 the commission may deem necessary for the operation of  
19 the project, together with all property, rights, easements  
20 and interests which may be acquired by the commission  
21 for the construction or the operation of the project.

22       (c) The word "cost" as applied to a turnpike project  
23 shall embrace the cost of construction, the cost of the  
24 acquisition of all land, rights-of-way, property, rights,  
25 easements and interests acquired by the commission for  
26 such construction, the cost of all machinery and equip-  
27 ment, financing charges, interest prior to and during con-  
28 struction and for one year after completion of construc-  
29 tion, cost of traffic estimates and of engineering and  
30 legal expenses, plans, specifications, surveys, estimates  
31 of cost and of revenues, other expenses necessary or inci-



32 dent to determining the feasibility or practicability of  
33 constructing any such project, administrative expense,  
34 and such other expense as may be necessary or incident  
35 to the construction of the project, the financing of such  
36 construction and the placing of the project in operation.  
37 Any obligation or expense hereafter incurred by the state  
38 road commission with the approval of the commission  
39 for traffic surveys, borings, preparation of plans and  
40 specifications, and other engineering services in connec-  
41 tion with the construction of a project shall be regarded  
42 as a part of the cost of such project and shall be reim-  
43 bursed to the state out of the proceeds of turnpike reve-  
44 nue bonds hereinafter authorized.

45 (d) The word "owner" shall include all individuals,  
46 copartnerships, associations or corporations having any  
47 title or interest in any property, rights, easements and  
48 interests authorized to be acquired by this act.

Sec. 5. *General Grant of Powers.*—The commission  
2 is hereby authorized and empowered:

3 (a) To adopt by-laws for the regulation of its affairs  
4 and the conduct of its business;

5 (b) To adopt an official seal and alter the same at  
6 pleasure;

7 (c) To maintain an office at such place or places  
8 within the state as it may designate;

9 (d) To sue and be sued in its own name, plead and  
10 be impleaded: *Provided, however,* That any and all  
11 actions at law or in equity against the commission shall  
12 be brought only in the county in which the principal  
13 office of the commission shall be located;

14 (e) To construct, maintain, repair and operate turn-  
15 pike projects as hereinabove defined at such locations  
16 within the state as may be determined by the commis-  
17 sion;

18 (f) To issue turnpike revenue bonds of the state of  
19 West Virginia, payable solely from revenues, for the  
20 purpose of paying all or any part of the cost of any one  
21 or more turnpike projects;

22 (g) To fix and revise from time to time tolls for  
23 transit over each turnpike project constructed by it;

24 (h) To acquire, hold and dispose of real and personal

25 property in the exercise of its powers and the perform-  
26 ance of its duties under this act;

27 (i) To acquire in the name of the state by purchase or  
28 otherwise, on such terms and conditions and in such man-  
29 ner as it may deem proper, or by the exercise of the right  
30 of condemnation in the manner hereinafter provided, such  
31 public or private lands, including public parks, play-  
32 grounds or reservations, or parts thereof or rights there-  
33 in, rights-of-way, property, rights, easements and inter-  
34 ests, as it may deem necessary for carrying out the pro-  
35 visions of this act: *Provided, however,* That no compen-  
36 sation shall be paid for public lands, playgrounds, parks,  
37 parkways or reservations so taken, and that all public  
38 property damaged in carrying out the powers granted  
39 by this Act, shall be restored or repaired and placed in  
40 its original condition as nearly as practicable;

41 (j) To designate the locations, and establish, limit  
42 and control such points of ingress to and egress from  
43 each turnpike project as may be necessary or desirable  
44 in the judgment of the commission to insure the proper  
45 operation and maintenance of such project, and to pro-

46 hibit entrance to such project from any point or points  
47 not so designated;

48 (k) To make and enter into all contracts and agree-  
49 ments necessary or incidental to the performance of its  
50 duties and the execution of its powers under this act, and  
51 to employ consulting engineers, attorneys, accountants,  
52 construction and financial experts, superintendents,  
53 managers, and such other employees and agents as may  
54 be necessary in its judgment, and to fix their compensa-  
55 tion; provided, that all such expenses shall be payable  
56 solely from the proceeds of turnpike revenue bonds  
57 issued under the provisions of this act or from revenues;

58 (l) To receive and accept from any federal agency  
59 grants for or in aid of the construction of any turnpike  
60 project, and to receive and accept aid or contributions  
61 from any source of either money, property, labor or  
62 other things of value, to be held, used and applied only  
63 for the purposes for which such grants and contributions  
64 may be made; and

65 (m) To do all acts and things necessary or conve-

66 nient to carry out the powers expressly granted in this  
67 act.

Sec. 6. *Incidental Powers.*—The commission shall  
2 have authority to construct grade separations at inter-  
3 sections of any turnpike project with public roads and  
4 state highways and to change and adjust the lines and  
5 grades of such roads and highways so as to accommodate  
6 the same to the design of such grade separation. The  
7 cost of such grade separations and any damage incurred  
8 in changing and adjusting the lines and grades of such  
9 roads and highways shall be ascertained and paid by the  
10 commission as a part of the cost of such turnpike project.

11 If the commission shall find it necessary to change  
12 the location of any portion of any public road or state  
13 highway, it shall cause the same to be reconstructed at  
14 such location as the commission shall deem most favor-  
15 able and of substantially the same type and in as good  
16 condition as the original road or highway. The cost of  
17 such reconstruction and any damage incurred in chang-  
18 ing the location of any such road or highway shall be

19 ascertained and paid by the commission as a part of the  
20 cost of such turnpike project.

21 Upon the request of the commission the state road  
22 commissioner shall relocate or discontinue any road or  
23 highway over which he has authority and control which  
24 is affected by the construction of any turnpike project.

25 In addition to the foregoing powers the commission  
26 and its authorized agents and employees may enter upon  
27 any lands, waters and premises in the state for the pur-  
28 pose of making surveys, soundings, drillings and exami-  
29 nations as it may deem necessary or convenient for the  
30 purposes of this act, and such entry shall not be deemed  
31 a trespass, nor shall an entry for such purposes be  
32 deemed an entry under any condemnation proceedings  
33 which may be then pending. The commission shall make  
34 reimbursement for any actual damages resulting to such  
35 lands, waters and premises as a result of such activities.

36 The state of West Virginia hereby consents to the use  
37 of all lands owned by it, including lands lying under  
38 water, which are deemed by the commission to be neces-

39 sary for the construction or operation of any turnpike  
40 project.

Sec. 7. *Acquisition of Property.*—The commission is  
2 hereby authorized and empowered to acquire by pur-  
3 chase, whenever it shall deem such purchase expedient,  
4 any land, property, rights, rights-of-way, franchises,  
5 easements and other interests in lands as it may deem  
6 necessary or convenient for the construction or opera-  
7 tion of any turnpike project upon such terms and at such  
8 price as may be considered by it to be reasonable and  
9 can be agreed upon between the commission and the  
10 owner thereof, and to take title thereto in the name of  
11 the state.

Sec. 8. *Condemnation of Property.*—Whenever a  
2 reasonable price cannot be agreed upon, or whenever the  
3 owner is legally incapacitated, or is absent, unknown or  
4 unable to convey valid title, the commission is hereby  
5 authorized and empowered to acquire, by the exercise of  
6 the power of condemnation in accordance with and sub-  
7 ject to the provisions of any and all existing laws and  
8 statutes applicable to the exercise of the power of con-

9 demnation of property for public use, any land, property,  
10 rights, rights-of-way, franchises, easements or other  
11 property deemed necessary or convenient for the con-  
12 struction or the efficient operation of any turnpike pro-  
13 ject or necessary in the restoration of, public or private  
14 property damaged or destroyed. In any condemnation  
15 proceedings the court having jurisdiction of the suit,  
16 action or proceeding may make such orders as may be  
17 just to the commission and to the owners of the property  
18 to be condemned and may require an undertaking or  
19 other security to secure such owners against any loss or  
20 damage by reason of the failure of the commission to  
21 accept and pay for the property, but neither such under-  
22 taking or security nor any act or obligation of the com-  
23 mission shall impose any liability upon the state or the  
24 commission except such as may be paid from the funds  
25 provided under the authority of this act.

Sec. 9. *Turnpike Revenue Bonds*.—The commission  
2 is hereby authorized to provide by resolution, at one time  
3 or from time to time, for the issuance of turnpike reve-  
4 nue bonds of the state for the purpose of paying all or



5 any part of the cost of any one or more turnpike projects.  
6 The principal of and the interest on such bonds shall be  
7 payable solely from the funds herein provided for such  
8 payment. The bonds of each issue shall be dated, shall  
9 bear interest at such rate or rates not exceeding five per  
10 centum per annum, shall mature at such time or times  
11 not exceeding forty years from their date or dates, as  
12 may be determined by the commission, and may be made  
13 redeemable before maturity, at the option of the commis-  
14 sion, at such price or prices and under such terms and  
15 conditions as may be fixed by the commission prior to  
16 the issuance of the bonds. The commission shall deter-  
17 mine the form of the bonds, including any interest cou-  
18 pons to be attached thereto, and shall fix the denomina-  
19 tion or denominations of the bonds and the place or  
20 places of payment of principal and interest, which may  
21 be at any bank or trust company within or without the  
22 state. The bonds shall be signed by the governor or with  
23 a facsimile signature of the governor and by the chair-  
24 man of the commission, and the official seal of the com-  
25 mission shall be affixed thereto and attested by the secre-

26 tary and treasurer of the commission, and any coupons  
27 attached thereto shall bear the facsimile signature of the  
28 chairman of the commission. In case any officer whose  
29 signature or a facsimile of whose signature shall appear  
30 on any bonds or coupons shall cease to be such officer  
31 before the delivery of such bonds, such signature or such  
32 facsimile shall nevertheless be valid and sufficient for all  
33 purposes the same as if he had remained in office until  
34 such delivery. All bonds issued under the provisions of  
35 this act shall have and are hereby declared to have all the  
36 qualities and incidents of negotiable instruments under  
37 the negotiable instruments law of the state. The bonds  
38 may be issued in coupon or in registered form, or both,  
39 as the commission may determine, and provision may be  
40 made for the registration of any coupon bonds as to  
41 principal alone and also as to both principal and interest,  
42 and for the reconversion into coupon bonds of any bonds  
43 registered as to both principal and interest. The com-  
44 mission may sell such bonds in such manner, either at  
45 public or at private sale, and for such price, as it may  
46 determine to be for the best interests of the state, but no

47 such sale shall be made at a price so low as to require the  
48 payment of interest on the money received therefor at  
49 more than five per centum per annum, computed with  
50 relation to the absolute maturity of the bonds in accord-  
51 ance with standard tables of bond values, excluding,  
52 however, from such computation the amount of any  
53 premium to be paid on redemption of any bonds prior to  
54 maturity.

55 The proceeds of the bonds of each issue shall be used  
56 solely for the payment of the cost of the turnpike project  
57 or projects for which such bonds shall have been issued,  
58 and shall be disbursed in such manner and under such  
59 restrictions, if any, as the commission may provide in the  
60 resolution authorizing the issuance of such bonds or in  
61 the trust agreement hereinafter mentioned securing the  
62 same. If the proceeds of the bonds of any issue, by  
63 error of estimates or otherwise, shall be less than such  
64 cost, additional bonds may in like manner be issued to  
65 provide the amount of such deficit, and, unless otherwise  
66 provided in the resolution authorizing the issuance of  
67 such bonds or in the trust agreement securing the same,

68 shall be deemed to be of the same issue and shall be  
69 entitled to payment from the same fund without prefer-  
70 ence or priority of the bonds first issued. If the proceeds  
71 of the bonds of any issue shall exceed the cost of the  
72 turnpike project or projects for which the same shall  
73 have been issued, the surplus shall be deposited to the  
74 credit of the sinking fund for such bonds.

75 Prior to the preparation of definitive bonds, the com-  
76 mission may, under like restrictions, issue interim  
77 receipts or temporary bonds, with or without coupons,  
78 exchangeable for definitive bonds when such bonds shall  
79 have been executed and are available for delivery. The  
80 commission may also provide for the replacement of any  
81 bonds which shall become mutilated or shall be destroyed  
82 or lost. Bonds may be issued under the provisions of  
83 this act without obtaining the consent of any department,  
84 division, commission, board, bureau or agency of the  
85 state, and without any other proceedings or the happen-  
86 ing of any other conditions or things than those proceed-  
87 ings, conditions or things which are specifically required  
88 by this act.

Sec. 10. *Trust Agreement.*—In the discretion of the  
2 commission any bonds issued under the provisions of  
3 this act may be secured by a trust agreement by and  
4 between the commission and a corporate trustee, which  
5 may be any trust company or bank having the powers of  
6 a trust company within or without the state. Any such  
7 trust agreement may pledge or assign the tolls and other  
8 revenues to be received, but shall not convey or mortgage  
9 any turnpike project or any part thereof. Any such  
10 trust agreement or any resolution providing for the issu-  
11 ance of such bonds may contain such provisions for pro-  
12 tecting and enforcing the rights and remedies of the  
13 bondholders as may be reasonable and proper and not in  
14 violation of law, including covenants setting forth the  
15 duties of the commission in relation to the acquisition of  
16 property and the construction, improvement, mainte-  
17 nance, repair, operation and insurance of the turnpike  
18 project or projects in connection with which such bonds  
19 shall have been authorized, and the custody, safeguard-  
20 ing and application of all moneys, and provisions for the  
21 employment of consulting engineers in connection with

22 the construction or operation of such turnpike project or  
23 projects. It shall be lawful for any bank or trust com-  
24 pany incorporated under the laws of the state which may  
25 act as depositary of the proceeds of bonds or of revenues  
26 to furnish such indemnifying bonds or to pledge such  
27 securities as may be required by the commission. Any  
28 such trust agreement may set forth the rights and reme-  
29 dies of the bondholders and of the trustee, and may  
30 restrict the individual right of action by bondholders as  
31 is customary in trust agreements or trust indentures  
32 securing bonds and debentures of corporations. In addi-  
33 tion to the foregoing, any such trust agreement may con-  
34 tain such other provisions as the commission may deem  
35 reasonable and proper for the security of the bond-  
36 holders. All expenses incurred in carrying out the pro-  
37 visions of any such trust agreement may be treated as a  
38 part of the cost of the operation of the turnpike project  
39 or projects.

Sec. 11. *Revenues.*—The commission is hereby autho-  
2 rized to fix, revise, charge and collect tolls for the use of  
3 each turnpike project and the different parts or sections

4 thereof, and to contract with any person, partnership, asso-  
5 ciation or corporation desiring the use of any part thereof,  
6 including the right-of-way adjoining the paved portion,  
7 for placing thereon telephone, telegraph, electric light or  
8 power lines, gas stations, garages, stores, hotels, restau-  
9 rants and advertising signs, or for any other purpose  
10 except for tracks for railroad or railway use, and to fix  
11 the terms, conditions, rents and rates of charges for  
12 such use. Such tolls shall be so fixed and adjusted in  
13 respect of the aggregate of tolls from the turnpike pro-  
14 ject or projects in connection with which the bonds of  
15 any issue shall have been issued as to provide a fund  
16 sufficient with other revenues, if any, to pay (a) the cost  
17 of maintaining, repairing and operating such turnpike  
18 project or projects and (b) the principal of and the  
19 interest on such bonds as the same shall become due and  
20 payable, and to create reserves for such purposes. Such  
21 tolls shall not be subject to supervision or regulation by  
22 any other commission, board, bureau or agency of the  
23 state. The tolls and all other revenues derived from the  
24 turnpike project or projects in connection with which

25 the bonds of any issue shall have been issued, except such  
26 part thereof as may be necessary to pay such cost of  
27 maintenance, repair and operation and to provide such  
28 reserves therefor as may be provided for in the resolu-  
29 tion authorizing the issuance of such bonds or in the  
30 trust agreement securing the same, shall be set aside at  
31 such regular intervals as may be provided in such resolu-  
32 tion or such trust agreement in a sinking fund which is  
33 hereby pledged to, and charged with, the payment of  
34 (1) the interest upon such bonds as such interest shall  
35 fall due, (2) the principal of such bonds as the same shall  
36 fall due, (3) the necessary charges of paying agents for  
37 paying principal and interest, and (4) the redemption  
38 price or the purchase price of bonds retired by call or  
39 purchase as therein provided. The use and disposition  
40 of moneys to the credit of such sinking fund shall be  
41 subject to the provisions of the resolution authorizing  
42 the issuance of such bonds or of such trust agreement.  
43 Except as may otherwise be provided in such resolution  
44 or such trust agreement, such sinking fund shall be a  
45 fund for all such bonds without distinction or priority of



46 one over another. The moneys in the sinking fund, less  
47 such reserve as may be provided in such resolution or  
48 trust agreement, if not used within a reasonable time for  
49 the purchase of bonds for cancellation as above provided,  
50 shall be applied to the redemption of bonds at the redemp-  
51 tion price then applicable.

Sec. 12. *Trust Funds.*—All moneys received pursuant  
2 to the authority of this act, whether as proceeds from the  
3 sale of bonds or as revenues, shall be deemed to be trust  
4 funds, to be held and applied solely as provided in this  
5 act. The resolution authorizing the issuance of bonds  
6 of any issue or the trust agreement securing such bonds  
7 shall provide that any officer to whom, or any bank or  
8 trust company to which, such moneys shall be paid shall  
9 act as trustee of such moneys and shall hold and apply  
10 the same for the purposes hereof, subject to such regula-  
11 tions as this act and such resolution or trust agreement  
12 may provide.

Sec. 13. *Remedies.*—Any holder of bonds issued  
2 under the provisions of this act or any of the coupons  
3 appertaining thereto, and the trustee under any trust

4 agreement, except to the extent the rights herein given  
5 may be restricted by such trust agreement, may, either at  
6 law or in equity, by suit, action, mandamus or other pro-  
7 ceeding, protect and enforce any and all rights under the  
8 laws of the state or granted hereunder or under such  
9 trust agreement or the resolution authorizing the issu-  
10 ance of such bonds, and may enforce and compel the  
11 performance of all duties required by this act or by such  
12 trust agreement or resolution to be performed by the  
13 commission or by any officer thereof, including the fix-  
14 ing, charging and collecting of tolls.

Sec. 14. *Exemption from Taxation.*—The exercise of  
2 the powers granted by this act will be in all respects for  
3 the benefit of the people of the state, for the increase of  
4 their commerce and prosperity, and for the improvement  
5 of their health and living conditions, and as the operation  
6 and maintenance of turnpike projects by the commission  
7 will constitute the performance of essential governmental  
8 functions, the commission shall not be required to pay  
9 any taxes or assessments upon any turnpike project or  
10 any property acquired or used by the commission under

11 the provisions of this act or upon the income therefrom,  
12 and the bonds issued under the provisions of this act,  
13 their transfer and the income therefrom (including any  
14 profit made on the sale thereof) shall at all times be free  
15 from taxation within the state.

Sec. 15. *Miscellaneous.*—Each turnpike project when  
2 constructed and opened to traffic shall be maintained and  
3 kept in good condition and repair by the commission.  
4 Each such project shall also be policed and operated by  
5 such force of police, toll-takers and other operating  
6 employees as the commission may in its discretion  
7 employ.

8 All private property damaged or destroyed in carrying  
9 out the powers granted by this act shall be restored or  
10 repaired and placed in its original condition as nearly as  
11 practicable or adequate compensation made therefor out  
12 of funds provided under the authority of this act.

13 All counties, cities, villages, townships and other  
14 political subdivisions and all public agencies and com-  
15 missions of the state of West Virginia, notwithstanding  
16 any contrary provision of law, are hereby authorized

17 and empowered to lease, lend, grant or convey to the  
18 commission at its request upon such terms and condi-  
19 tions as the proper authorities of such counties, cities,  
20 villages, townships, other political subdivisions or public  
21 agencies and commissions of the state may deem reason-  
22 able and fair and without the necessity for any advertise-  
23 ment, order of court or other action or formality, other  
24 than the regular and formal action of the authorities  
25 concerned, any real property which may be necessary or  
26 convenient to the effectuation of the authorized purposes  
27 of the commission, including public roads and other real  
28 property already devoted to public use.

Sec. 16. *Cessation of Tolls.*—When all bonds issued  
2 under the provisions of this act in connection with any  
3 turnpike project or projects and the interest thereon  
4 shall have been paid or a sufficient amount for the pay-  
5 ment of all such bonds and the interest thereon to the  
6 maturity thereof shall have been set aside in trust for  
7 the benefit of the bondholders, such project or projects,  
8 if then in good condition and repair to the satisfaction  
9 of the state road commission, shall become part of the

10 state road system and shall thereafter be maintained by  
11 the state road commission free of tolls: *Provided, how-*  
12 *ever,* That the commission may thereafter charge tolls  
13 for the use of any such project and pledge such tolls to  
14 the payment of bonds issued under the provisions of this  
15 act in connection with another turnpike project or pro-  
16 jects, but any such pledge of tolls of a turnpike project  
17 to the payment of bonds issued in connection with  
18 another project or projects shall not be effectual until  
19 the principal of and the interest on the bonds issued in  
20 connection with the first mentioned project shall have  
21 been paid or provision made for their payment.

Sec. 17. *Preliminary Expenses.*—The state road com-  
2 mission is hereby authorized in its discretion to expend  
3 out of any funds available for the purpose such moneys  
4 as may be necessary for the study of any turnpike pro-  
5 ject or projects and to use its engineering and other  
6 forces, including consulting engineers and traffic engi-  
7 neers, for the purpose of effecting such study and to pay  
8 for such additional engineering and traffic and other  
9 expert studies as it may deem expedient and all such

10 expenses incurred by the state road commission prior to  
11 the issuance of turnpike revenue bonds under the provi-  
12 sions of this act, shall be paid by the state road commis-  
13 sion and charged to the appropriate turnpike project or  
14 projects, and the state road commission shall keep proper  
15 records and accounts showing each amount so charged.  
16 Upon the sale of turnpike revenue bonds for any turnpike  
17 project or projects, the funds so expended by the state  
18 road commission in connection with such project or pro-  
19 jects shall be reimbursed to the state road commission  
20 from the proceeds of such bonds.

Sec. 18. *Turnpike Revenue Refunding Bonds.*---The  
2 commission is hereby authorized to provide by resolution  
3 for the issuance of turnpike revenue refunding bonds of  
4 the state for the purpose of refunding any bonds then  
5 outstanding which shall have been issued under the pro-  
6 visions of this act, including the payment of any redemp-  
7 tion premium thereon and any interest accrued or to  
8 accrue to the date of redemption of such bonds, and, if  
9 deemed advisable by the commission, for the additional  
10 purpose of constructing improvements, extensions or

11 enlargements of the turnpike project or projects in con-  
12 nection with which the bonds to be refunded shall have  
13 been issued. The commission is further authorized to  
14 provide by resolution for the issuance of turnpike reve-  
15 nue bonds of the state for the combined purpose of (a)  
16 refunding any bonds then outstanding which shall have  
17 been issued under the provisions of this act, including  
18 the payment of any redemption premium thereon and  
19 any interest accrued or to accrue to the date of redemp-  
20 tion of such bonds, and (b) paying all or any part of the  
21 cost of any additional turnpike project or projects. The  
22 issuance of such bonds, the maturities and other details  
23 thereof, the rights of the holders thereof, and the rights,  
24 duties and obligations of the commission in respect of  
25 the same, shall be governed by the provisions of this act  
26 in so far as the same may be applicable.

Sec. 19. *Additional Method.*—The foregoing sections  
2 of this act shall be deemed to provide an additional and  
3 alternative method for the doing of the things authorized  
4 thereby, and shall be regarded as supplemental and addi-  
5 tional to powers conferred by other laws, and shall not be

6 regarded as in derogation of any powers now existing;  
7 *Provided, however,* That the issuance of turnpike revenue  
8 bonds or turnpike revenue refunding bonds under the  
9 provisions of this act need not comply with the require-  
10 ments of any other law applicable to the issuance of  
11 bonds.

Sec. 20. *Act Liberally Construed.*—This act, being  
2 necessary for the welfare of the state and its inhabitants,  
3 shall be liberally construed to effect the purposes thereof.

Sec. 21. *Constitutional Construction.*—The provi-  
2 sions of this act are severable, and if any of its provisions  
3 shall be held unconstitutional by any court of competent  
4 jurisdiction, the decision of such court shall not affect or  
5 impair any of the remaining provisions.

Sec. 22. *Repeal.*—All acts and parts of acts incon-  
2 sistent with this act are hereby repealed.



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

Forest L. McNeer  
Chairman Senate Committee

B. L. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Howard Meyer  
Clerk of the Senate

Salup  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 14th  
day of March, 1947.

Blair Medsker  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia

**MAR 14 1947**  
WM. S. CUBICH,  
SECRETARY OF STATE