WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

HOUSE BILL No. 488

(By Mr. Early)

PASSED March 7, 1951

In Effect from Passage
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House Bill No. 488
(By MR. PARKER and MR. EARLEY)

[Passed March 7, 1951; in effect from passage.]

AN ACT to amend article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections twenty-two and twenty-three thereof, relating to toll bridges so as to provide for the collection and disposition of tolls for the use of the existing Parkersburg-Belpre bridge and the new Parkersburg-Belpre bridge to be constructed near the existing bridge.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections twenty-two and twenty-three thereof, to read as follows:

Section 22. Tolls to Be Charged; Intrastate and Interstate Bridges; Purchase of Existing Bridges; Disposition of Tolls.—Tolls shall be fixed, charged and collected for
transit over such bridges and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. Two or more bridges may be included in one issue of bonds, and intrastate and interstate bridges may be grouped in the same issue: Provided, That no existing bridge or bridges shall be acquired by purchase, eminent domain, or otherwise, unless the state road commissioner shall have determined that the income therefrom, based upon the toll receipts for the next preceding fiscal or calendar year, will be sufficient to pay all expenses of operating and maintaining such bridge, in addition to the interest and sinking fund requirements of the bonds to be issued to pay the purchase price thereof. The tolls from the bridge or bridges for which a single issue of
bonds is issued, except such part thereof as may be neces-
sary to pay such cost of maintaining, repairing and oper-
ating during any period in which such cost is not other-
wise provided for (during which period the tolls may be
reduced accordingly), shall be transmitted each month
to the state sinking fund commission and by it placed in
a special fund which is hereby pledged to and charged
with the payment of the principal of such bonds and the
interest thereon, and to the redemption or repurchase
of such bonds, such special fund to be a fund for all such
bonds without distinction or priority of one over another.
The moneys in such special fund, less a reserve for pay-
ment of interest, if not used by the sinking fund commis-
sion within a reasonable time for the purchase of bonds
for cancellation at a price not exceeding the market price
and not exceeding the redemption price, shall be applied
to the redemption of bonds by lot at the redemption price
then applicable: Provided, however, That tolls for the
use of the existing Parkersburg-Belpre bridge crossing
the Ohio river from Parkersburg, West Virginia, to Bel-
pre, Ohio, as a part of United States route fifty may be
charged upon the construction and opening to traffic of the new bridge also crossing the Ohio river from Parkersburg, West Virginia, to Belpre, Ohio, near the site of said existing bridge, said new bridge also to be a part of United States route fifty, the tolls on both said bridges to commence on the day said new bridge is opened to traffic, said tolls on both said bridges to be so fixed and adjusted, in respect to the aggregate of tolls from both said bridges, as to provide a fund sufficient to pay the principal and interest of the issue of bonds for said new bridge and to provide an additional fund to pay the cost of maintaining, repairing and operating said new bridge and of operating said existing bridge. The tolls from both said bridges, except such part thereof as may be necessary to pay such cost of maintaining, repairing and operating said new bridge and of operating said existing bridge, shall be transmitted each month to the state sinking fund commission and by it placed in a special fund which is hereby pledged to and charged with the payment of the principal of the bonds to be issued for said new bridge and the interest thereon, and to the redemption
or repurchase of such bonds, in the same manner as here-
inbefore in this section provided for the redemption of
bonds for other toll bridges: *Provided,* That this para-
graph as well as the provision in section twenty-three fol-
lowing, in reference thereto, is expressly limited to the
Parkersburg-Belpre bridges and shall have no application
to any other bridge or bridges.

Any bridge or bridges constructed under the provisions
hereof and forming a connecting link between two or
more state highways, or providing a river crossing for a
state highway, are hereby adopted as a part of the state
road system, but no such bridge or bridges shall be con-
structed without the approval in writing of the state road
commissioner and the governor. If there be in the funds
of the state sinking fund commission an amount insuffi-
cient to pay the interest and sinking fund on any bonds
issued for the purpose of constructing such bridge or
bridges, the state road commission is authorized and di-
rected to allocate to said commission, from the state road
fund, an amount sufficient to pay the interest on said bonds
and/or the principal thereof, as either may become due
and payable.

Sec. 23. When Tolls to Cease.—When the particular
bonds issued for any bridge or bridges and the interest
thereon shall have been paid, or a sufficient amount shall
have been provided for their payment and shall continue
to be held for that purpose, tolls for the use of such bridge
or bridges shall cease except for the cost of maintaining,
repairing and operating such bridge or bridges: Provided,
however, That tolls may be charged for the use of the
existing Parkersburg-Belpre bridge in the manner pro-
vided in section twenty-two of this article, said tolls
to commence on the day the new Parkersburg-Belpre
bridge is opened to traffic and said tolls to cease upon
the payment of the bonds issued for said new Parkersburg-
Belpre bridge and the interest thereon or upon the pro-
viding of a sufficient amount for the payment of said
bonds and interest. Thereafter and as long as the cost of
maintaining, repairing and operating said bridge or
bridges shall be provided for through means other than
tolls, no tolls shall be charged for transit thereover and
such bridge or bridges shall be free.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect upon passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 15th

day of March, 1951.

[Signature]
Governor

[Stamp] of West Virginia

MAR 15 1951

D. PITI O'BRIEN,
SECRETARY OF STATE