

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 488

(By Mr. Parke and Mr. Early)



PASSED March 7 1951

In Effect from Passage



488

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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 Inter-*  
2 *state Bridges; Purchase of Existing Bridges; Disposition*  
3 *of Tolls.*—Tolls shall be fixed, charged and collected for

4 transit over such bridges and shall be so fixed and ad-  
5 justed, in respect of the aggregate of tolls from the bridge  
6 or bridges for which a single issue of bonds is issued, as  
7 to provide a fund sufficient to pay the principal and inter-  
8 est of such issue of bonds and to provide an additional  
9 fund to pay the cost of maintaining, repairing and oper-  
10 ating such bridge or bridges, subject, however, to any  
11 applicable law or regulation of the United States of  
12 America now in force or hereafter to be enacted or made.  
13 Two or more bridges may be included in one issue of  
14 bonds, and intrastate and interstate bridges may be group-  
15 ed in the same issue: *Provided*, That no existing bridge  
16 or bridges shall be acquired by purchase, eminent do-  
17 main, or otherwise, unless the state road commissioner  
18 shall have determined that the income therefrom, based  
19 upon the toll receipts for the next preceding fiscal or  
20 calendar year, will be sufficient to pay all expenses of  
21 operating and maintaining such bridge, in addition to the  
22 interest and sinking fund requirements of the bonds to  
23 be issued to pay the purchase price thereof. The tolls  
24 from the bridge or bridges for which a single issue of

25 bonds is issued, except such part thereof as may be neces-  
26 sary to pay such cost of maintaining, repairing and oper-  
27 ating during any period in which such cost is not other-  
28 wise provided for (during which period the tolls may be  
29 reduced accordingly), shall be transmitted each month  
30 to the state sinking fund commission and by it placed in  
31 a special fund which is hereby pledged to and charged  
32 with the payment of the principal of such bonds and the  
33 interest thereon, and to the redemption or repurchase  
34 of such bonds, such special fund to be a fund for all such  
35 bonds without distinction or priority of one over another.  
36 The moneys in such special fund, less a reserve for pay-  
37 ment of interest, if not used by the sinking fund commis-  
38 sion within a reasonable time for the purchase of bonds  
39 for cancellation at a price not exceeding the market price  
40 and not exceeding the redemption price, shall be applied  
41 to the redemption of bonds by lot at the redemption price  
42 then applicable: *Provided, however,* That tolls for the  
43 use of the existing Parkersburg-Belpre bridge crossing  
44 the Ohio river from Parkersburg, West Virginia, to Bel-  
45 pre, Ohio, as a part of United States route fifty may be

46 charged upon the construction and opening to traffic of  
47 the new bridge also crossing the Ohio river from Park-  
48 ersburg, West Virginia, to Belpre, Ohio, near the site of  
49 said existing bridge, said new bridge also to be a part of  
50 United States route fifty, the tolls on both said bridges  
51 to commence on the day said new bridge is opened to  
52 traffic, said tolls on both said bridges to be so fixed and  
53 adjusted, in respect to the aggregate of tolls from both  
54 said bridges, as to provide a fund sufficient to pay the  
55 principal and interest of the issue of bonds for said new  
56 bridge and to provide an additional fund to pay the cost  
57 of maintaining, repairing and operating said new bridge  
58 and of operating said existing bridge. The tolls from both  
59 said bridges, except such part thereof as may be neces-  
60 sary to pay such cost of maintaining, repairing and oper-  
61 ating said new bridge and of operating said existing  
62 bridge, shall be transmitted each month to the state sink-  
63 ing fund commission and by it placed in a special fund  
64 which is hereby pledged to and charged with the payment  
65 of the principal of the bonds to be issued for said new  
66 bridge and the interest thereon, and to the redemption

67 or repurchase of such bonds, in the same manner as here-  
68 inbefore in this section provided for the redemption of  
69 bonds for other toll bridges: *Provided*, That this para-  
70 graph as well as the provision in section twenty-three fol-  
71 lowing, in reference thereto, is expressly limited to the  
72 Parkersburg-Belpre bridges and shall have no application  
73 to any other bridge or bridges.

74 Any bridge or bridges constructed under the provisions  
75 hereof and forming a connecting link between two or  
76 more state highways, or providing a river crossing for a  
77 state highway, are hereby adopted as a part of the state  
78 road system, but no such bridge or bridges shall be con-  
79 structed without the approval in writing of the state road  
80 commissioner and the governor. If there be in the funds  
81 of the state sinking fund commission an amount insuffi-  
82 cient to pay the interest and sinking fund on any bonds  
83 issued for the purpose of constructing such bridge or  
84 bridges, the state road commission is authorized and di-  
85 rected to allocate to said commission, from the state road  
86 fund, an amount sufficient to pay the interest on said bonds

87 and/or the principal thereof, as either may become due  
88 and payable.

Sec. 23. *When Tolls to Cease.*—When the particular  
2 bonds issued for any bridge or bridges and the interest  
3 thereon shall have been paid, or a sufficient amount shall  
4 have been provided for their payment and shall continue  
5 to be held for that purpose, tolls for the use of such bridge  
6 or bridges shall cease except for the cost of maintaining,  
7 repairing and operating such bridge or bridges: *Provided,*  
8 *however,* That tolls may be charged for the use of the  
9 existing Parkersburg-Belpre bridge in the manner pro-  
10 vided in section twenty-two of this article, said tolls  
11 to commence on the day the new Parkersburg-Belpre  
12 bridge is opened to traffic and said tolls to cease upon  
13 the payment of the bonds issued for said new Parkersburg-  
14 Belpre bridge and the interest thereon or upon the pro-  
15 viding of a sufficient amount for the payment of said  
16 bonds and interest. Thereafter and as long as the cost of  
17 maintaining, repairing and operating said bridge or  
18 bridges shall be provided for through means other than  
19 tolls, no tolls shall be charged for transit thereover and  
20 such bridge or bridges shall be free.

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

*Robert C. Byrd*  
Chairman Senate Committee

*James M. Loop*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* \_\_\_\_\_ passage.

*Thomas Harper*  
Clerk of the Senate

*J.R. Whiff*  
Clerk of the House of Delegates

*W. Raleigh Hester*  
President of the Senate

*W.E. Harner*  
Speaker House of Delegates

The within *approved* this the *15<sup>th</sup>*  
day of *March*, 1951.

*Chas. L. Patton*  
Governor



of West Virginia **MAR 15 1951**  
D. PITT O'BRIEN,  
SECRETARY OF STATE