

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 133

(By Mr. Benske)

PASSED February 4 1955

In Effect four Passage

Filed in the Office of the Secretary of State
of West Virginia. FEB 9 1955
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 133

(By MR. ADAMS and MR. BENEKE)

[Passed February 4, 1955; in effect from passage.]

AN ACT to amend and reenact section thirty, article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the construction, reconstruction, maintenance and operation of toll bridges and tunnels by cities and counties.

Be it enacted by the Legislature of West Virginia:

That section thirty, article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 30. *Construction, Reconstruction and Operation*
2 *of Toll Bridges or Tunnels by Counties and Cities; Borrow-*
3 *ing Money for This Purpose; Consent of Federal Govern-*
4 *ment and State Road Commission.*—Any incorporated
5 city, in which or adjoining which there is a portion of a
6 navigable or non-navigable river or stream, either wholly

7 within the state of West Virginia, or partly within the
8 said state, and another state or states, or between the state
9 of West Virginia and any other state, including the Ohio
10 river in this state, from its intersection with the Penn-
11 sylvania state line, to the mouth of the Big Sandy river,
12 is hereby authorized and empowered, in its corporate ca-
13 pacity, or through and by means of a bridge commission
14 or other agency to be created or appointed by it, to con-
15 struct, reconstruct, maintain and operate a highway toll
16 bridge or tunnel, or combination thereof, over or under
17 and across, such river or stream, from such a point within
18 the corporate limits of such city, to such point on the
19 opposite side of such river or stream, either within or
20 without said city, as the said city, through its proper au-
21 thorities, shall designate and select, for public use in
22 travel, passage and transportation, over or under and
23 across such river or stream, and any such city may also
24 construct, reconstruct, maintain and operate a highway
25 toll tunnel under or through any mountain, hill or em-
26 bankment, together with any bridges, causeways, fills or

27 other approaches thereto, from a point within the corpor-
28 ate limits of such city to any other point either within or
29 without the corporate limits of such city: *Provided, how-*
30 *ever,* That no bridge or tunnel shall be constructed, recon-
31 structed, established or operated, over or under and across
32 any navigable river, or under any mountain, hill or other
33 embankment, without compliance with the requirements,
34 conditions and provisions provided by the Congress of
35 the United States and the laws of the United States, nor
36 without approval of the state road commission of this
37 state; and such city is authorized and empowered to bor-
38 row money by means of bonds payable from revenues, or
39 otherwise, and/or to accept grants in part payment there-
40 for from any state or federal governmental agency au-
41 thorized to make loans, a sum of money sufficient and nec-
42 essary to pay all costs of construction or reconstruction of
43 such bridge or tunnel, or combination thereof, including
44 approaches thereto, the acquisition of all necessary rights-
45 of-way and all engineering, legal and other expenses
46 necessary thereto or connected therewith, including in-

47 terest during construction, or reconstruction, as a self-
48 liquidating enterprise or project, within the meaning of
49 the state or federal laws authorizing loans by any such
50 governmental agency. And the county court of any county,
51 in which there is a portion of such river or stream, or on
52 which its county abuts or borders, is likewise authorized
53 and empowered to construct, reconstruct, maintain and
54 operate a highway toll bridge or bridges, or tunnel or tun-
55 nels, over or under and across such river or stream, and to
56 construct, reconstruct, maintain and operate a highway
57 toll tunnel under any mountain, hill or other embankment,
58 and to borrow money, as aforesaid, for the construction or
59 reconstruction thereof, in like manner and to the same
60 extent, as such city, and to construct, reconstruct, main-
61 tain and operate such bridge or tunnel subject to the same
62 limitations as are hereby imposed in the case of such
63 cities.

64 Wherever the words "bridge", "toll bridge" or "highway
65 toll bridge" are used in sections thirty-one, thirty-two,
66 thirty-three or thirty-four of this article, or any of the

67 other provisions of this article, the same shall be deemed
68 to include bridges or tunnels, or any combinations thereof,
69 together with any causeways, fills, or approaches neces-
70 sary therefor.

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 *four* _____ 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 *7* _____ day of *February*, 1955.

[Signature]
Governor



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of West Virginia **FEB 9 1955**
D. PITT O'BRIEN
SECRETARY OF STATE