

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 408

(By Mr. Johnston)



PASSED Mar 10 1955

In Effect 90 Days from Passage



MAR 17 1955

LEGISLATIVE DEPARTMENT
STATE OF WEST VIRGINIA
CHARLES TOWN, W. VA.

ENROLLED

House Bill No. 408

(By MR. SPEAKER, MR. FLANNERY)

[Passed March 10, 1955; in effect ninety days from passage.]

AN ACT to repeal chapter one hundred ten, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to freeways, which said act purported to amend article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding four new sections to said article four, to be designated sections twenty-one, twenty-two, twenty-three and twenty-four, and which said designation was erroneous, since in fact there already existed in said article four other sections twenty-one, twenty-two, twenty-three and twenty-four, and which said erroneously designated sections have for many years been listed in Michie's code of West Virginia as sections thirty-nine, forty, forty-one and forty-two of said article; and to amend said article four, chapter seventeen of the code of West Virginia, one thou-

sand nine hundred thirty-one, as amended, by adding thereto seven new sections, to be designated sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four and forty-five, relating to the planning, construction, designation, establishment, use, regulation, alteration, improvement, maintenance and vacation of controlled-access highway facilities as part of the state road system, the acquisition of lands and property rights required therefor, the restriction of intersections and control of approaches and the establishment of local service roads in connection therewith.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred ten, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be repealed; and that article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto seven new sections, to be designated sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four and forty-five, to read as follows:

Section 39. *Definition of a Controlled-Access Facility.*—

2 For the purpose of this chapter, a controlled-access facility

3 is defined as a highway or portion of a highway especially
4 designed for through traffic, and over, from, or to which
5 owners or occupants of abutting land or other persons
6 have no right or only a controlled right or easement of
7 access, light, air, or view by reason of the fact that their
8 property abuts upon such controlled-access facility or for
9 any other reason. Such highways may be freeways open
10 to use by all customary forms of highway traffic; or they
11 may be parkways from which trucks, buses, and other
12 commercial vehicles shall be excluded.

Sec. 40. *Authority to Establish Controlled-Access Fa-*
2 *cilities.*—The state road commissioner is hereby authorized
3 to plan, construct, designate, establish, regulate, vacate,
4 alter, improve, maintain, and provide controlled-access
5 facilities for public use as a part of the state road system
6 wherever present or reasonably anticipated future traffic
7 conditions render such special facilities necessary. The
8 commissioner, in addition to specific powers granted in
9 connection with controlled-access facilities, shall also
10 have and may exercise, relative to such controlled-access
11 facilities, any and all additional authority now or here-

12 after vested in him relative to highways or the state road
13 system. He may also regulate, restrict, or prohibit the
14 use of such controlled-access facilities by the various
15 classes of vehicles or traffic in a manner consistent with
16 section thirty-nine of this article.

Sec. 41. *Design of Controlled-Access Facilities.*—The
2 state road commissioner is authorized to so design any
3 controlled-access facility and to so regulate, restrict or
4 prohibit access as to best serve the traffic for which such
5 facility is intended. In this connection the commissioner
6 is authorized to divide and separate any controlled-access
7 facility into separate roadways by the construction of
8 raised curbings, central dividing sections, or other physi-
9 cal separations, or by designating such separate roadways
10 by signs, markers, or stripes, and the proper lane for such
11 traffic by appropriate curbs, barriers, signs, markers,
12 stripes or other devices. No person shall have any right
13 of ingress or egress to, from, or across controlled-access
14 facilities to or from abutting lands, except at such desig-
15 nated points at which access may be permitted, upon such

16 terms and conditions as may be specified by the commis-
17 sioner.

Sec. 42. Acquisition of Property and Property Rights.—

2 The state road commissioner may acquire private or
3 public property rights or any interests in lands for con-
4 trolled-access facilities and service roads, including exist-
5 ing and vested rights of access, air, view and light, by
6 grant, gift, devise, purchase or condemnation in the same
7 manner as the commissioner is now or may hereafter be
8 authorized by law to acquire such property or property
9 rights in connection with the highways of the state road
10 system. In connection with the acquisition of such proper-
11 ty or property rights for any controlled-access facility or
12 portion thereof, or service road in connection therewith,
13 the commissioner may, in his discretion, acquire an entire
14 lot, block, or tract of land, if by so doing, the interests of
15 the public will best be served even though said entire
16 lot, block, or tract is not immediately needed for the
17 right of way proper.

Sec. 43. New and Existing Facilities; Grade Crossing

2 *Eliminations.*—The state road commissioner may desig-

3 nate and establish controlled-access highways as new and
4 additional facilities, or he may designate and establish
5 an existing street or highway as a controlled-access facility
6 or as a part of a controlled-access facility, and in the
7 event such existing street or highway be so designated,
8 the commissioner may acquire, by grant, gift, purchase or
9 if the exercise of the right of eminent domain be neces-
10 sary for acquisition purposes, shall condemn existing
11 and vested access rights of abutting landowners to such
12 existing street or highway if such access rights are taken
13 or destroyed. The commissioner is authorized to pro-
14 vide for the elimination of intersections at grade of
15 controlled-access facilities with existing state roads, city
16 streets or other public or private roads or ways by grade
17 separation or service road, or by closing off such roads
18 and streets at the right of way boundary line of such
19 controlled-access facility. No city street, state road or
20 other public or private road or way shall be opened into
21 or connected with any such controlled-access facility with-
22 out the written consent and previous approval of the
23 state road commissioner, which consent and approval

24 shall be given only if the public interest shall be served
25 thereby.

Sec. 44. *Authority to Contract with other Governmental
2 Agencies.*—The state road commissioner is authorized to
3 enter into agreements with municipalities, counties or
4 other political subdivisions of the state, or with the
5 federal government or any agency thereof, respecting the
6 financing, planning, establishment, improvement, main-
7 tenance, use, regulation or vacation of controlled-access
8 facilities or other public ways to facilitate the establish-
9 ment of such controlled-access facilities.

Sec. 45. *Local Service Roads.*—In connection with the
2 development of any controlled-access facility the state
3 road commissioner is authorized to plan, designate, estab-
4 lish, use, regulate, alter, improve, maintain and vacate
5 local service roads and streets or to designate as local
6 service roads and streets any existing road or street, and
7 to exercise jurisdiction over said local service roads as a
8 part of the state road system, in the same manner as is
9 authorized over controlled-access facilities under the
10 terms of this article, if, in his opinion, such local service

11 roads and streets are necessary or desirable. Such local
12 service roads or streets shall be of appropriate design,
13 and shall be separated from the controlled-access facility
14 proper by all devices designated as necessary or desirable
15 by the commissioner.

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

Alvin C. ...
Chairman Senate Committee

W. T. Brotherton, Jr.
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 Days from passage.

Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. J. ...
Speaker House of Delegates

The within approved this the 16
day of March 1953.

William C. Macland
Governor



FILED BY THE CLERK OF THE SENATE OF GEORGIA
MAR 17 1953