

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1960

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JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

*Senate Committee Substitute for
House*
SENATE BILL NO. 60

(By Mr. *Reindexter* & Mr. *Sibert*)

PASSED *February 11,* 1960

In Effect *January* Passage



ENROLLED

SENATE COMMITTEE SUBSTITUTE

FOR

Engrossed House Bill No. 60

(Originating in the Committee on the Judiciary)

[Passed February 11, 1960; 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, twenty-three, and twenty-nine of said article, and by adding thereto a new section designated section twenty-three-b, all relating to toll bridges and the powers and duties of the state road commissioner of West Virginia.

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, twenty-three, and twenty-nine of said article, and by adding thereto a new section designated section twenty-three-b, all 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

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 be
23 issued to pay the purchase price thereof. The tolls from
24 the bridge or bridges for which a single issue of bonds is
25 issued, except such part thereof as may be necessary to
26 pay such cost of maintaining, repairing and operating
27 during any period in which such cost is not otherwise
28 provided for (during which period the tolls may be re-
29 duced accordingly), shall be transmitted each month to
30 the state sinking fund commission and by it placed in a
31 special fund which is hereby pledged to and charged with
32 the payment of the principal of such bonds and the inter-
33 est thereon, and to the redemption or repurchase of such
34 bonds, such special fund to be a fund for all such bonds
35 without distinction or priority of one over another. The
36 moneys in such special fund, less a reserve for payment
37 of interest, if not used by the sinking fund commission
38 within a reasonable time for the purchase of bonds for

39 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 the United States route fifty may
46 be charged upon the construction and opening to traffic
47 of the new bridge also crossing the Ohio river from Par-
48 kersburg, West Virginia, to Belpre, Ohio, near the site
49 of said existing bridge, said new bridge also to be a part
50 of 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 maintaining, repairing and operating said existing
59 bridge. The tolls from both said bridges, except such part

60 thereof as may be necessary to pay such cost of main-
61 taining, repairing and operating said bridges, shall be
62 transmitted each month to the state sinking fund com-
63 mission and by it placed in a special fund which is hereby
64 pledged to and charged with the payment of the principal
65 of the bonds to be issued for said new bridge and the
66 interest thereon, and to the redemption or repurchase of
67 such bonds, in the same manner as hereinbefore in this
68 section provided for the redemption of bonds for other
69 toll bridges: *Provided further*, That tolls for the use of the
70 old Parkersburg-Belpre bridge crossing the Ohio river
71 from Parkersburg, West Virginia, to Belpre, Ohio, as a
72 part of United States route fifty, may, in the discretion
73 of the state road commissioner, be charged for the main-
74 tenance, repair, reconstruction and modernization of said
75 bridge and its approaches and for the construction, main-
76 tenance, repair and modernization of any new bridge and
77 the approaches thereto to be hereafter constructed by
78 the state road commissioner in the immediate traffic area,
79 said tolls to be so fixed and adjusted as to provide a fund
80 sufficient to pay the cost of maintaining, repairing, re-

81 constructing and modernizing said old bridge and its ap-
82 proaches, and for the financing of said work: And *pro-*
83 *vided further*, That for the foregoing purposes the state
84 road commissioner is hereby authorized to issue bridge
85 revenue bonds pursuant to the provisions of section nine-
86 teen of this article, which bonds and the interest thereon
87 shall be satisfied and paid from the proceeds of the tolls
88 herein authorized: *And provided further*, That tolls for the
89 use of the existing Huntington-Chesapeake bridge cross-
90 ing the Ohio river from Huntington, West Virginia, to
91 Chesapeake, Ohio, as a part of United States route fifty-
92 two, may be charged on the construction and opening
93 to traffic of a new bridge or bridges also crossing the Ohio
94 river from or near Huntington, West Virginia, in Cabell
95 county and/or Wayne county, West Virginia, the tolls
96 on both or all of said bridges to commence on the day
97 said new bridge or bridges are opened to traffic, said tolls
98 on both or all of said bridges to be so fixed and adjusted
99 in respect to the aggregate of tolls from said bridges as
100 to provide a fund sufficient to pay the principal and inter-
101 est of the issue of bonds for said new bridge or bridges

102 and to provide an additional fund to pay the cost of main-
103 taining, repairing and operating said new bridge or
104 bridges, and of maintaining, repairing and operating said
105 existing bridge. The tolls from both or all of said bridges
106 except such part thereof as may be necessary to pay such
107 cost of maintaining, repairing and operating said bridges,
108 shall be transmitted each month to the state sinking fund
109 commission and by it placed in a special fund which is
110 hereby pledged to and charged with the payment of the
111 principal of the bonds to be issued for said new bridge
112 or bridges and the interest thereon, and to the redemp-
113 tion or repurchase of such bonds in the same manner
114 hereinbefore in this section provided for the redemption
115 of bonds or other toll bridges.

116 Any bridge or bridges constructed under the provisions
117 hereof and forming a connecting link between two or
118 more state highways, or providing a river crossing for a
119 state highway, are hereby adopted as a part of the state
120 road system, but no such bridge or bridges shall be con-
121 structed without the approval in writing of the state road
122 commissioner and the governor. If there be in the funds

123 of the state sinking fund commission an amount insuffi-
124 cient to pay the interest and sinking fund on any bonds
125 issued for the purpose of constructing such bridge or
126 bridges, the state road commissioner is authorized and
127 directed to allocate to said commission, from the state
128 road fund, an amount sufficient to pay the interest on said
129 bonds and/or the principal thereof, as either may become
130 due and payable: *Provided*, That this section as well as
131 the provisions in section twenty-three following, in refer-
132 ence thereto, is expressly limited to the Parkersburg-
133 Belpre bridges and any bridge or bridges crossing the
134 Ohio river from or near Huntington, in Cabell county,
135 and/or Wayne county, West Virginia, and shall have no
136 application to any other bridge or bridges.

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, and there are no operating
6 or maintenance expenses outstanding, and any advances
7 made from the state road fund toward the construction,

8 operation and maintenance of such bridge or bridges shall
9 have been repaid, the authority operating such bridge or
10 bridges shall cease the collection of tolls for the use there-
11 of: *Provided, however,* That the commissioner may, in his
12 discretion, continue thereafter tolls for a period sufficient
13 to accumulate sufficient funds to pay for major mainten-
14 ance and repairs foreseeable as being needed on such
15 bridge or bridges in the immediate future: *And provided*
16 *further,* That should the state of West Virginia hereafter
17 construct a new toll bridge across the Ohio River between
18 Parkersburg, West Virginia, and Belpre, Ohio, then tolls
19 may be charged for the use of the existing Parkersburg-
20 Belpre bridge in the manner provided in section twenty-
21 two of this article, said tolls to commence on the day a
22 new Parkersburg-Belpre bridge, constructed by the state
23 of West Virginia, is opened to traffic; and should the state
24 of West Virginia hereafter construct a new toll bridge or
25 bridges across the Ohio river from or near Huntington,
26 West Virginia, in Cabell county and/or Wayne county,
27 West Virginia, then tolls may be charged for the use of
28 the existing Huntington-Chesapeake bridge in the manner

29 provided in section twenty-two of this article, said tolls
30 to commence on the day a new Huntington area bridge,
31 constructed by the state of West Virginia, is opened to
32 traffic. Thereafter, and as long as the cost of maintaining,
33 repairing and operating such bridge or bridges is being
34 provided for through means other than tolls, no tolls shall
35 be charged for transit thereover and such bridge or
36 bridges shall be free: *Provided, however,* That notwith-
37 standing any other provision of law, if any portion of the
38 cost of construction of a toll bridge is financed, with the
39 aid of federal funds under federal-aid road legislation
40 and the share of the cost of such bridge borne by the
41 state or its sub-divisions shall have been repaid from tolls,
42 or a fund sufficient for such repayment shall have been
43 provided or set aside for that purpose, tolls for the use
44 of such bridge shall cease and such bridge shall thereafter
45 be maintained and operated as a free bridge.

Sec. 23-b. *Imposition or Reimposition of Tolls upon*
2 *Existing Bridges; Use of Proceeds.*—The commissioner is
3 hereby authorized and empowered to combine any two
4 or more bridges within the same traffic area for financing

5 purposes, including both existing bridges and bridges to
6 be constructed, and to pledge the revenues provided for
7 herein from any or all of said bridges, including existing
8 bridges, for bonds issued under authority of this article
9 to finance the cost of any bridge or bridges to be con-
10 structed in such traffic area. He is further authorized and
11 empowered to impose or reimpose tolls or other charges
12 upon any such existing bridge or bridges, and to pledge
13 such tolls or other charges so imposed or reimposed to
14 the payment of the principal of and interest on any bonds
15 issued under this article for the construction of any other
16 bridge or bridges with which such existing bridge or
17 bridges are combined for the purpose of financing the
18 construction of such other bridge or bridges to be con-
19 structed, as fully and to the same extent as on such other
20 bridge or bridges to be constructed under this article:
21 *Provided, however,* That the foregoing provisions of this
22 section, as well as the provisions in section twenty-two
23 above, in reference thereto, are expressly limited to the
24 Parkersburg-Belpre bridges and any bridge or bridges
25 crossing the Ohio river from or near Huntington, in Cabell

26 county and/or Wayne county, West Virginia, and shall
27 have no application to any other bridge or bridges: *Pro-*
28 *vided further*, That nothing in this article shall be con-
29 strued to permit any combination of an existing toll
30 bridge with any other bridge at any time when any such
31 toll bridge bonds, either the principal or interest thereon,
32 are in default: *Provided further*, That nothing herein shall
33 be construed to permit the commissioner to purchase or
34 acquire any bridge over the Ohio river and/or the Ka-
35 nawha river until all bonds issued in connection there-
36 with, and all interest and charges thereon, have been paid,
37 discharged and satisfied: *And provided further*, That no
38 state funds shall be used or expended for payment, dis-
39 charge or satisfaction of any such bonds, or interest there-
40 on, issued in connection with any toll bridge now existing
41 or hereafter constructed.

Sec. 29. *Certain Powers, Duties, etc., of the Bridge Com-*
2 *mission Transferred to the State Road Commission.*—All
3 rights, powers, privileges and functions which are con-
4 ferred upon or vested in said West Virginia bridge com-
5 mission by sections fifteen to twenty-eight, inclusive, of

6 the official code of West Virginia, are hereby transferred
7 to, conferred upon, and vested in the state road commis-
8 sioner of West Virginia; and the state road commissioner
9 of West Virginia is hereby charged with the performance
10 of all duties, contracts and other obligations imposed upon
11 the said West Virginia bridge commission by said sec-
12 tions fifteen to twenty-eight, inclusive, of said official code
13 of West Virginia. Wherever the word "commission" is
14 used in sections fifteen to twenty-eight, inclusive, of ar-
15 ticle seventeen of chapter seventeen of the official code
16 of West Virginia, or either thereof, or in any amendment
17 thereto, it shall from and after the time this section be-
18 comes effective mean and refer to the said state road
19 commissioner of West Virginia.

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

Thomas Davis, Jr.
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Howard Myers
Clerk of the Senate

Ch Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

J. P. Cannon
Speaker House of Delegates

The within approved this the 17th
day of February, 1960.

Earl K. Anderson
Governor



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of West Virginia **FEB 17 1960**
JOE F. BURDETT
SECRETARY OF STATE