WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1960

ENROLLED
Senate Committee Substitute for
House
SENATE BILL NO. 60

(By Mr. Sandifer and Mr. Sickenberg)

PASSED February 14, 1960
In Effect

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
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 necessary to
pay such cost of maintaining, repairing and operating
during any period in which such cost is not otherwise
provided for (during which period the tolls may be re-
duced 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 inter-
est 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 payment
of interest, if not used by the sinking fund commission
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 Belpre, Ohio, as a part of the 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 maintaining, repairing and operating said existing bridge. The tolls from both said bridges, except such part
thereof as may be necessary to pay such cost of main-
taining, repairing and operating said bridges, shall be
transmitted each month to the state sinking fund com-
mission 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 hereinbefore in this
section provided for the redemption of bonds for other
toll bridges: Provided further, That tolls for the use of the
old Parkersburg-Belpre bridge crossing the Ohio river
from Parkersburg, West Virginia, to Belpre, Ohio, as a
part of United States route fifty, may, in the discretion
of the state road commissioner, be charged for the main-
tenance, repair, reconstruction and modernization of said
bridge and its approaches and for the construction, main-
tenance, repair and modernization of any new bridge and
the approaches thereto to be hereafter constructed by
the state road commissioner in the immediate traffic area,
said tolls to be so fixed and adjusted as to provide a fund
sufficient to pay the cost of maintaining, repairing, re-
constructing and modernizing said old bridge and its approaches, and for the financing of said work: And provided further, That for the foregoing purposes the state road commissioner is hereby authorized to issue bridge revenue bonds pursuant to the provisions of section nineteen of this article, which bonds and the interest thereon shall be satisfied and paid from the proceeds of the tolls herein authorized: And provided further, That tolls for the use of the existing Huntington-Chesapeake bridge crossing the Ohio river from Huntington, West Virginia, to Chesapeake, Ohio, as a part of United States route fifty-two, may be charged on the construction and opening to traffic of a new bridge or bridges also crossing the Ohio river from or near Huntington, West Virginia, in Cabell county and/or Wayne county, West Virginia, the tolls on both or all of said bridges to commence on the day said new bridge or bridges are opened to traffic, said tolls on both or all of said bridges to be so fixed and adjusted in respect to the aggregate of tolls from said bridges as to provide a fund sufficient to pay the principal and interest of the issue of bonds for said new bridge or bridges
and to provide an additional fund to pay the cost of maintaining, repairing and operating said new bridge or bridges, and of maintaining, repairing and operating said existing bridge. The tolls from both or all of said bridges except such part thereof as may be necessary to pay such cost of maintaining, repairing and operating said bridges, 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 or bridges and the interest thereon, and to the redemption or repurchase of such bonds in the same manner hereinbefore in this section provided for the redemption of bonds or other toll 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 constructed 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 insufficient to pay the interest and sinking fund on any bonds issued for the purpose of constructing such bridge or bridges, the state road commissioner is authorized and directed 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: Provided, That this section as well as the provisions in section twenty-three following, in reference thereto, is expressly limited to the Parkersburg-Belpre bridges and any bridge or bridges crossing the Ohio river from or near Huntington, in Cabell county, and/or Wayne county, West Virginia, and shall have no application to any other bridge or bridges.

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, and there are no operating or maintenance expenses outstanding, and any advances made from the state road fund toward the construction,
operation and maintenance of such bridge or bridges shall
have been repaid, the authority operating such bridge or
bridges shall cease the collection of tolls for the use there-
of: *Provided, however,* That the commissioner may, in his
discretion, continue thereafter tolls for a period sufficient
to accumulate sufficient funds to pay for major mainten-
ance and repairs foreseeable as being needed on such
bridge or bridges in the immediate future: *And provided
further,* That should the state of West Virginia hereafter
construct a new toll bridge across the Ohio River between
Parkersburg, West Virginia, and Belpre, Ohio, then tolls
may be charged for the use of the existing Parkersburg-
Belpre bridge in the manner provided in section twenty-
two of this article, said tolls to commence on the day a
new Parkersburg-Belpre bridge, constructed by the state
of West Virginia, is opened to traffic; and should the state
of West Virginia hereafter construct a new toll bridge or
bridges across the Ohio river from or near Huntington,
West Virginia, in Cabell county and/or Wayne county,
West Virginia, then tolls may be charged for the use of
the existing Huntington-Chesapeake bridge in the manner
provided in section twenty-two of this article, said tolls
to commence on the day a new Huntington area bridge,
constructed by the state of West Virginia, is opened to
traffic. Thereafter, and as long as the cost of maintaining,
repairing and operating such bridge or bridges is being
provided for through means other than tolls, no tolls shall
be charged for transit thereover and such bridge or
bridges shall be free: Provided, however, That notwith-
standing any other provision of law, if any portion of the
cost of construction of a toll bridge is financed, with the
aid of federal funds under federal-aid road legislation
and the share of the cost of such bridge borne by the
state or its sub-divisions shall have been repaid from tolls,
or a fund sufficient for such repayment shall have been
provided or set aside for that purpose, tolls for the use
of such bridge shall cease and such bridge shall thereafter
be maintained and operated as a free bridge.

Sec. 23-b. Imposition or Reimposition of Tolls upon
Existing Bridges; Use of Proceeds.—The commissioner is
hereby authorized and empowered to combine any two
or more bridges within the same traffic area for financing
purposes, including both existing bridges and bridges to be constructed, and to pledge the revenues provided for herein from any or all of said bridges, including existing bridges, for bonds issued under authority of this article to finance the cost of any bridge or bridges to be constructed in such traffic area. He is further authorized and empowered to impose or reimpose tolls or other charges upon any such existing bridge or bridges, and to pledge such tolls or other charges so imposed or reimposed to the payment of the principal of and interest on any bonds issued under this article for the construction of any other bridge or bridges with which such existing bridge or bridges are combined for the purpose of financing the construction of such other bridge or bridges to be constructed, as fully and to the same extent as on such other bridge or bridges to be constructed under this article:

Provided, however, That the foregoing provisions of this section, as well as the provisions in section twenty-two above, in reference thereto, are expressly limited to the Parkersburg-Belpre bridges and any bridge or bridges crossing the Ohio river from or near Huntington, in Cabell
county and/or Wayne county, West Virginia, and shall have no application to any other bridge or bridges: Provided further, That nothing in this article shall be construed to permit any combination of an existing toll bridge with any other bridge at any time when any such toll bridge bonds, either the principal or interest thereon, are in default: Provided further, That nothing herein shall be construed to permit the commissioner to purchase or acquire any bridge over the Ohio river and/or the Kanawha river until all bonds issued in connection therewith, and all interest and charges thereon, have been paid, discharged and satisfied: And provided further, That no state funds shall be used or expended for payment, discharge or satisfaction of any such bonds, or interest thereon, issued in connection with any toll bridge now existing or hereafter constructed.

Sec. 29. Certain Powers, Duties, etc., of the Bridge Commission Transferred to the State Road Commission.—All rights, powers, privileges and functions which are conferred upon or vested in said West Virginia bridge commission by sections fifteen to twenty-eight, inclusive, of
the official code of West Virginia, are hereby transferred
to, conferred upon, and vested in the state road commis-
sioner of West Virginia; and the state road commissioner
of West Virginia is hereby charged with the performance
of all duties, contracts and other obligations imposed upon
the said West Virginia bridge commission by said sec-
tions fifteen to twenty-eight, inclusive, of said official code
of West Virginia. Wherever the word "commission" is
used in sections fifteen to twenty-eight, inclusive, of ar-
ticle seventeen of chapter seventeen of the official code
of West Virginia, or either thereof, or in any amendment
thereto, it shall from and after the time this section be-
comes effective mean and refer to the said state road
commissioner of West Virginia.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

Filed in Office of the Secretary of State of West Virginia FEB 17 1960

JOE F. BURDETT
SECRETARY OF STATE