

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

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ENROLLED

SENATE BILL NO. 82

(By Mr. Carrigan & Mr. Martin)

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PASSED March 7 ..... 1963

In Effect From ..... Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 82

**ENROLLED**

**Senate Bill No. 82**

(By MR. CARRIGAN and MR. MARTIN)

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[Passed March 7, 1963; in effect from passage.]

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AN ACT to amend article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen-b, relating to the relocation of public utility lines and facilities to accommodate federal-aid highway projects.

*Be it enacted by the Legislature of West Virginia:*

That article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen-b, to read as follows:

**Section 17-b. Relocation of Public Utility Lines to  
2 Accommodate Federal-Aid Highway Projects.—When-**

3 ever the state road commission shall determine that  
4 any public utility line or facility located upon, across  
5 or under any portion of a state highway shall be relocated  
6 in order to accommodate a federal-aid interstate highway  
7 project, and upon such determination and due notice  
8 thereof, the public utility owning or operating such fa-  
9 cility shall relocate the same in accordance with the order  
10 of the commissioner: *Provided, however,* That the cost  
11 of such relocation shall be paid out of the state road fund  
12 in all cases involving the interstate system where pro-  
13 portionate reimbursement of such cost shall be obtained  
14 by the state road commission from the United States pur-  
15 suant to the "Federal-Aid Highway Act of 1956" and all  
16 acts amendatory or supplementary thereto: *And, provided*  
17 *further, however,* That the cost of any relocation of mu-  
18 nicipally owned utility facilities and water or sanitary  
19 districts or authorities shall be paid out of state road funds  
20 in any case involving any federal-aid system where pro-  
21 portionate reimbursement of such cost shall be obtained  
22 by the state road commission from the United States.

23 For the purposes of this section, the terms, "cost of re-

24 location," shall include the entire amount paid by such  
25 utility, exclusive of any right of way costs incurred by  
26 such utility, properly attributable to such relocation after  
27 deducting therefrom any increase in the value of the new  
28 facility and salvage value derived from the old facility.

29 The cost of relocating utility facilities, as defined herein,  
30 in connection with any federal-aid interstate highway  
31 project is hereby declared to be a cost of highway con-  
32 struction.

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

O. Roy Parker  
Chairman Senate Committee

Edw. L. Brandegee  
Chairman House Committee

Originated in the Senate.

Takes effect From passage.

Howard Keyser  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard Carson  
President of the Senate

John W. Singleton Jr.  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

W. W. Baum  
Governor