

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **Senate Bill 508**

BY SENATORS MAYNARD AND CLINE

[Introduced February 8, 2018; Referred  
to the Committee on Natural Resources; and then to the  
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to  
 3 establishing a State Trail Authority within the Development Office; authorizing the authority  
 4 to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the  
 5 powers of the State Trail Authority; specifying powers and duties of statewide trail  
 6 coordinator and district trail coordinators; and providing a sunset provision.

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

**ARTICLE 2J. WEST VIRGINIA STATE TRAIL AUTHORITY.**

**§5B-2J-1. State trail authority.**

1 (a) There is hereby created within the West Virginia Development Office an independent  
 2 state trail authority, which is a body corporate and politic, constituting a public corporation and  
 3 government instrumentality.

4 (b) (1) Membership on the authority shall consist of 15 voting members:

5 (A) The chief executive officer of the West Virginia Division of Highways, or his or her  
 6 designee;

7 (B) The chief executive officer of the West Virginia Division of Natural Resources, or his  
 8 or her designee;

9 (C) The Director of the West Virginia Division of Rehabilitative Services, or his or her  
 10 designee;

11 (D) The Director of the West Virginia Development Office, or his or her designee;

12 (E) The Commissioner of the West Virginia Division of Tourism or his or her designee;

13 (G) The Secretary of the Department of Environmental Protection or his or her designee;

14 (2) Before July 1, 2019, The Governor, by and with the consent of the Senate, shall  
 15 appoint:

16 (A) One member who represents the public, one member who represents the interests of  
 17 nonmotorized trail users and one member who represents the interests of motorized trail users

18 for a term of four years;

19 (B) One member who represents the interests of nonmotorized trail users and one  
20 member who represents the interest of motorized trail users for a term of three years;

21 (C) One member who represents the interests of nonmotorized trail users and one  
22 member who represents the interests of motorized trail users for a term of two years; and

23 (D) One member who represents the interests of nonmotorized trail users and one  
24 member who represents the interest of motorized trail users for a term of one year. All  
25 appointments made thereafter shall be for a term of four years.

26 (E) All members who serve on the authority shall be citizens and actual residents of the  
27 State of West Virginia.

28 (F) Members of the authority may receive compensation for services performed as  
29 members. Members not employed by the state may be reimbursed for actual and necessary  
30 expenses incurred in the discharge of their official duties in a manner consistent with guidelines  
31 of the travel management office of the department of administration. A majority of these members  
32 constitute a quorum for the purpose of conducting business. Members may participate in meetings  
33 via teleconference.

34 (G) Any member may be eligible for reappointment. A member shall continue to serve until  
35 his or her successor has been appointed and qualified.

36 (H) The Governor may remove any member from the authority for neglect of duty,  
37 incompetency or official misconduct.

38 (I) The authority shall meet at least once each year and shall annually elect one of its  
39 members as president and one of its members as secretary.

40 (J) The statewide trail coordinator and the Chairman of the Recreational Trails Advisory  
41 Board shall be ex-officio nonvoting members.

**§5B-2J-2. Powers of state trail authority.**

1 The authority may:

2 (1) Appoint a statewide trail coordinator and set the salary, term of office, powers and  
3 duties of the statewide trail coordinator;

4 (2) Pursuant to the recommendation of the statewide trail coordinator, hire, fix the  
5 compensation of and discharge, district trail coordinators to represent each congressional district,  
6 and set the powers and duties of district trail coordinators. There shall be at least one district trail  
7 coordinator in each of the state’s coal producing counties;

8 (3) Hire, fix the compensation of and discharge any other employees necessary to carry  
9 out the duties of the state trail authority.

10 (4) Acquire and receive federal money and grants, gifts, donations, contributions,  
11 bequests or devises of money, security or property, and any other funding for the development,  
12 operation, maintenance and preservation of trails in West Virginia;

13 (5) Prioritize development and maintenance of trails;

14 (6) Coordinate funding for trails;

15 (7) Cooperate, and enter into cooperative agreements with other entities to further the  
16 development and maintenance of trails in West Virginia;

17 (8) Update and revise a statewide trail plan every five years and develop implementation  
18 strategies for the statewide trail plan; and

19 (9) Perform such other duties as to further development and maintenance of trails in West  
20 Virginia.

**§5B-2J-3. Statewide trail coordinator.**

1 (a) On or before January 1, 2019, the State Trail Advisory Board shall appoint a statewide  
2 trail coordinator to serve at the will and pleasure of the authority.

3 (b) As used in this article, “trails” includes, but is not limited to, trails used for hiking,  
4 walking, recreation, cross-country skiing, biking, mountain biking, equestrian activities, trails used  
5 by all-terrain vehicles or motorized and nonmotorized water vessels, trails intended to improve  
6 fitness, wellness and quality of life, and trails used as alternate transportation corridors.

7 (c) The statewide trail coordinator has those powers and duties determined by the state  
8 trail authority and may:

9 (1) Make recommendations to the state trail authority concerning development and  
10 maintenance of trails;

11 (2) Develop and maintain a state trails program;

12 (3) Coordinate all trails in West Virginia, including connecting existing trails and providing  
13 for connection of future trails;

14 (4) Promote trails, including incorporating alternate transportation paths into road  
15 planning;

16 (5) Coordinate maintenance of trails, including promoting cooperative maintenance with  
17 local entities;

18 (6) Develop and maintain a standardized information accessibility and signage system for  
19 all trails;

20 (7) Develop and maintain a trail user policy to minimize trail use conflicts;

21 (8) Collaborate with private landowners to encourage landowner support of trails;

22 (9) Develop and maintain a funding program for trails; and

23 (10) Perform such other duties as to further develop and maintain trails in West Virginia.

**§5B-2J-4. District trail coordinators.**

1 (a) The district trail coordinators have those powers and duties determined by the state  
2 trail authority, and may:

3 (1) Coordinate trail development and maintenance on a regional basis;

4 (2) Address funding needs on a regional basis;

5 (3) Advise the statewide trail coordinator on the regional trail needs;

6 (4) Make recommendations to the statewide trail coordinator concerning development and  
7 maintenance of trails; and

8 (5) Perform such other duties as to further develop and maintain trails in West Virginia.

9            (b) District trail coordinators must reside in the congressional district which they were  
10 appointed to represent.

**§5B-2J-5. Continuation.**

1            The state trail authority shall continue to exist pursuant to the provisions of §4-10-1 *et seq.*  
2 of this code, until July 1, 2022, unless sooner terminated, continued or reestablished pursuant to  
3 the provisions of that article.

NOTE: The purpose of this bill is to establish a state trail authority. It creates a state trail authority within the West Virginia Development Office and authorizes the authority to appoint a statewide trail coordinator and to hire district trail coordinators. The bill specifies the powers of the state trail authority; the powers and duties of statewide trail coordinator and district trail coordinators; and provides for a sunset provision.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.