

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2288

By Delegate Walker

[Introduced January 11, 2023; Referred to the
Committee on Agriculture and Natural Resources
then Government Organization]

1 A BILL to amend and reenact §20-5-3 of the Code of West Virginia, 1931 as amended, relating to
2 allowing disabled persons to operate small electric vehicles on the Greenbrier Trail.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PARKS AND RECREATION.

§20-5-3. Section of Parks and Recreation; purpose; powers and duties generally.

1 The purposes of the Section of Parks and Recreation shall be to promote conservation by
2 preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural,
3 archaeological, or historic significance, and to provide outdoor recreational opportunities for the
4 citizens of this state and its visitors. The Section of Parks and Recreation has within its jurisdiction
5 and supervision:

6 (a) All state parks and recreation areas, including all lodges, cabins, swimming pools,
7 motorboating, and all other recreational facilities therein, except the roads heretofore transferred
8 pursuant to §17-4-1 *et seq.* of this code to the state road system and to the responsibility of the
9 Commissioner of Highways with respect to the construction, reconstruction, and maintenance of
10 the roads or any future roads for public usage on publicly owned lands for future state parks, state
11 forests, and public hunting and fishing areas;

12 (b) The authority and responsibility to do the necessary cutting and planting of vegetation
13 along road rights-of-way in state parks and recreational areas;

14 (c) The administration of all laws and regulations relating to the establishment,
15 development, protection, and use and enjoyment of all state parks and state recreational facilities
16 consistent with the provisions of this article;

17 (d) The continued operation and maintenance of the Berkeley Springs Historical State
18 Park in Morgan County, as a state recreational facility, designated the Berkeley Springs
19 Sanitarium under prior enactment of this code;

20 (e) The continued operation and maintenance of that portion of Washington Carver Camp
21 in Fayette County, formerly incorporated within the boundaries of Babcock State Park;

22 (f) The continued operation and maintenance of Camp Creek State Park as a state
23 recreational facility, formerly delineated according to §19-1A-3 of this code;

24 (g) The continued operation and maintenance of Moncove Lake State Park as a state
25 recreational facility, formerly delineated pursuant to enactment of §5B-1-13 of this code in 1990;

26 (h) The continued protection, operation, and maintenance of the right-of-way along the
27 former Greenbrier subdivision of the CSX railway system, collectively designated as the
28 Greenbrier River Trail, including the protection of the trail from motorized vehicular traffic and
29 operation for the protection of adjacent public and private property: Provided, That the section of
30 parks and recreation shall allow electric vehicles on the Greenbrier River Trail in locations that
31 sufficient space allows their operation solely for use by disabled persons who could not otherwise
32 utilize the trail. For the purposes of this subsection, "electric vehicle" means wheelchairs, golf carts
33 and other small electric vehicles of an appropriate size not designed or licensed to be operated on
34 a road or highway;

35 (i) The continued protection, operation, and maintenance of the right-of-way of the CSX
36 railway system designated as the North Bend Rail Trail, including the protection of the trail from
37 motorized vehicular traffic and operation for the protection of adjacent public and private property;

38 (j) The continued development, operation, and maintenance of Blennerhassett Island
39 Historical State Park, including all the property, powers, and authority previously held by the
40 Blennerhassett Island Historical State Park Commission, formerly delineated pursuant to §29-8-1
41 *et seq.* of this code; and

42 (k) The continued protection, operation, and maintenance of the rights-of-way of the Elk
43 River Coal & Lumber Railroad, the Buffalo Creek & Gauley Railroad, and the Middle Creek Spur,
44 collectively designated as the Elk River Trail, including the protection of the trail from motorized
45 vehicular traffic and operation for the protection of adjacent public and private property.

NOTE: The purpose of this bill is to allow disabled persons to operate small electric vehicles to utilize the Greenbrier River Trail.

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