

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3121

By Delegates Jefferies and Kump

[Introduced March 04, 2025; referred to the
Committee on Energy and Public Works]

1 A BILL to amend and reenact §17-2C-2 of the Code of West Virginia, 1931, as amended, relating
2 to orphan roads and bridges; providing clarification on the procedure of request forms for
3 the public; clarifying requirements for reports; establishing how road and bridges qualify for
4 inclusion into the state system; providing legislative findings; establishing a baseline for
5 requests; and providing a sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2C. ORPHAN ROAD AND BRIDGE ACQUISITION PROGRAM.

§17-2C-2. Development of program; acquisition of rights-of-way.

1 The West Virginia Division of Highways shall develop an orphan roads and bridges
2 identification, acquisition and maintenance program which shall include all counties. ~~At the~~
3 ~~discretion of the~~ The commissioner of the Division of Highways, existing and temporary
4 ~~employees of the division shall be assigned to locate and designate each orphan road and bridge~~
5 ~~in each county. These employees shall give to the commissioner of highways, in a form proscribed~~
6 ~~by him or her, a detailed report on acquisition, status of rights-of-way, and needed maintenance for~~
7 ~~orphan roads and bridges in each county or highway district shall have set up a simple and~~
8 ~~straightforward electronic request form to be used by the public. Existing and temporary~~
9 ~~employees of the division shall research and investigate submissions in the order they were~~
10 ~~received and shall then give to the commissioner of highways, in a form proscribed by him or her, a~~
11 ~~detailed report on acquisition, status of ownership of rights-of-way, and needed maintenance for~~
12 ~~qualifying orphan roads and bridges submitted by the public.~~ Specific contents of each report shall
13 be designated by the commissioner .

14 In order for a road or bridge to qualify for inclusion into the state system, ~~all necessary~~
15 ~~rights-of-way shall be either dedicated or donated to the Division of Highways~~

16 (1) The road or bridge must have been in existence as of January 1, 2025;

17 (2) The roads or bridges are not maintained by any governmental agency;

18 (3) All necessary ownership or rights-of-way shall be donated to the Division of Highways;

19 and

20 (4) The road may not be longer than one tenth of a mile, and a bridge may not be longer
21 than two tenths of a mile and must provide access to both residential housing and a West Virginia
22 owned and operated business.

23 ~~In the event that all property owners do not agree to dedicate or donate the necessary~~
24 ~~rights-of-way, then any individual, group, business or governmental entity can donate to the state~~
25 ~~road fund a sum sufficient to cover the expense of acquiring the right-of-way that has not been~~
26 ~~dedicated or donated. The commissioner may also use any moneys donated to the state road fund~~
27 ~~specifically for the purposes of acquiring a right-of-way which has not been dedicated or donated.~~

28 At least 20 requests a year shall be approved by the commissioner, with this provision of
29 code sunseting 10 years from the date it takes effect.

30 The Legislature hereby finds and declares it to be important for the economic and social
31 development of the state that a program for the identification, acquisition and maintenance of
32 orphan roads and bridges be undertaken by the state. In particular, the Legislature finds and
33 declares that basic maintenance should be performed on orphan roads and bridges to promote the
34 well-being of the public and the promotion of West Virginia owned and operated businesses.

NOTE: The purpose of this bill is to clarify how orphan roads and bridges qualify for inclusion into the state system.

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