

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 1

By Senator Chapman

[Introduced February 12, 2025; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding two new sections,
2 designated §17-31-1 and §24-9-1, relating to clearing all state road paving projects
3 through the Public Service Commission in order to prevent the digging up of newly paved
4 roads for planned utility projects.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 31. PAVING AND NOTICE TO PUBLIC SERVICE COMMISSION.

§17-31-1. Road maintenance and utility work conflict avoidance.

1 (a) In order to avoid the expense and destruction of newly paved roads, the State Road
2 Commission shall provide to the Public Service Commission notice of planned utility maintenance,
3 construction, and repairs at least 30 calendar days prior to the planned start date of the paving or
4 construction project on state roads.

5 (b) In the event that a utility project is scheduled that will require digging or cutting of the
6 roads that the State Road Commission has planned to pave or perform extensive construction, the
7 State Road shall reschedule to paving or construction project for after the completion of the utility
8 project's completion.

9 (c) Nothing in this section or §24-9-1 shall be construed to prohibit the State Road
10 Commission from filling potholes or performing other necessary maintenance for the safety of
11 automotive and foot traffic upon these roads that are scheduled for utility projects under the Public
12 Service Commission.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 9. PAVING AND SCHEDULED MAINTENANCE OF UTILITIES.

§24-9-1. Utility maintenance and paving conflicts.

1 (a) In order to avoid the expense and destruction of newly paved roads, the State Road
2 Commission shall provide to the Public Service Commission notice of planned utility maintenance,

3 construction, and repairs at least 30 calendar days prior to the planned start date of the paving or
4 construction project on state roads.

5 (b) The Public Service Commission shall notify the State Road Commission at least 15
6 calendar days prior to the start date of the scheduled paving or other maintenance project if there
7 is a scheduled utility project that will dig up, cut through, or otherwise damage the roads planned to
8 be paved or otherwise constructed upon.

9 (c) In the event that a utility project is scheduled that will require digging or cutting of the
10 roads that the State Road Commission has planned to pave or perform extensive construction, the
11 State Road shall reschedule to paving or construction project for after the completion of the utility
12 project's completion.

13 (d) Nothing in this section or §17-31-1 shall be construed to prohibit the State Road
14 Commission from filling potholes or performing other necessary maintenance for the safety of
15 automotive and foot traffic upon these roads that are scheduled for utility projects under the Public
16 Service Commission.

NOTE: The purpose of this bill is to require all paving projects to be approved by the Public Service Commission in order to prevent the digging up of newly paved roads for planned utility projects.

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