

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 1

BY SENATORS CHAPMAN AND RUCKER

[Passed April 11, 2025; in effect 90 days from
passage (July 10, 2025)]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §17-4-8a, relating to road paving and utility work coordination; defining terms;
3 requiring reports by utilities; requiring report review by the Division of Highways and
4 posting of information on its website; and requiring restoration work by utilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-8a. Road paving and utility work coordination.

1 (a) In order to avoid the destruction of newly paved roads, each utility and the Division of
2 Highways shall coordinate with each other concerning the timing of paving activity and utility work
3 that disturbs any paved road.

4 (b) For purposes of this section:

5 (1) "Paved road" means any paved road in the state road system.

6 (2) "Paving activity" means any paving or resurfacing of at least 300 linear feet of a state
7 right-of-way but excludes patching.

8 (3) "Utility" means any utility as defined in §17-2A-17a of this code.

9 (c) (1) Beginning on December 31, 2025, and due annually on or before that date
10 thereafter, each utility shall provide a report that lists all projects planned by the utility, during the
11 next two years including anticipated construction start and stop dates, that require digging or
12 cutting into any paved road to the district office of the Division of Highways in which the paved
13 road is located. The report shall also include identification of any grants that have either been
14 received or applied for that may result in work that affects a paved road. The Division of Highways
15 shall review and consider such reports in conjunction with the division's planning of projects and
16 paving activity.

17 (2) If the utility does not have plans to improve or replace any road asset under
18 consideration in the next two calendar years, the said utility may submit a "no plans report" and
19 opt out of the yearly report. Failure to comply with these reporting requirements may result in the

20 Division of Highways to withhold issuing a “Right of Way Entry Permit” until the required report is
21 submitted.

22 (d) Beginning September 1, 2025, the Division of Highways shall make available on the
23 division’s website the following:

24 (1) A map of its districts;

25 (2) A list of all planned paving activities with approximate paving activity dates and with
26 reasonable paving activity location information; and

27 (3) A copy of all reports provided by a utility by district pursuant to this section for the most
28 current year.

29 (e) Nothing in this section prohibits the Division of Highways from filling potholes or
30 performing other necessary maintenance work for the safety of vehicular or foot traffic upon roads
31 that are scheduled for utility projects.

32 (f) Nothing in this section prohibits a utility from digging or cutting and subsequently
33 patching paved roads in accordance with §17-16-6 of this code in order to perform necessary
34 utility repairs or projects. After performing any work that damages a paved road or other public
35 right-of-way, the utility shall repair the road or right-of-way in accordance with the West Virginia
36 Division of Highways Accommodation of Utilities on Highway Right-of-Way and Adjustment and
37 Relocation of Utility Facilities on Highway Projects latest manual.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor