WEST virginia legislature

2025 regular session

Committee Substitute

for

Senate Bill 5

By Senators Maynard, Clements, and Oliverio

[Reported February 25, 2025, from the Committee on Transportation and Infrastructure]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §17-4-56, relating to establishing the Adopt-A-Road program; specifying authority and duties of Division of Highways as to Adopt-A-Road program; defining terms; specifying program requirements and potential benefits and funding; providing indemnify and hold harmless provision; and allowing participation by counties and municipalities.

Be it enacted by the Legislature of West Virginia:

Article 4. State Road System.

§17-4-56. Adopt-A-Road program.

(a) The Division of Highways shall create an Adopt-A-Road program, comparable to the Adopt-A-Highway and Adopt-A-Spot litter control programs authorized pursuant to §17-2A-21 of this code, that enables any person to volunteer time, equipment, and materials for road maintenance efforts.

(b) For purposes of this section:

“Applicant” means any person who completed and submitted an application for participation in the Adopt-A-Road program to the Division of Highways;

“Maintenance” means any maintenance, restoration, or improvement, including, but not limited to, any type of pothole amelioration, improvement of road or road infrastructure, trail or road restoration or realignment, removal of trees or vegetation, cleanup or litter control, snow and ice removal, accessibility project, or other project for the benefit of the public;

“Participant” includes any person who signs an Adopt-A-Road program agreement or otherwise participates in maintenance work authorized pursuant to this section;

“Person” means any individual, group, legal entity, county, or municipality;

“Road” means any right-of-way, whether improved or unimproved, including, but not limited to, roadbeds, shoulders, culverts, sluices, drains, ditches, embankments, slopes, retaining walls, bridges, tunnels, viaducts, greenspace, trails, and paths under the control of the Division of Highways.

(c) The division is authorized to establish rules to implement the Adopt-A-Road program, including, but not limited to, program participation, requirements for maintenance projects, and installation and removal of signs. Any such rules shall be designed to allow for broad participation in the program. The division shall make an application for participation in the Adopt-A-Road program available on the division’s website. Such application shall, at a minimum, require the applicant to specify the name and contact information for the applicant, location or locations for the project, type of maintenance project, and proposed time frame for the project. The division shall inform the applicant how to submit the completed application. The division may reject any application that would jeopardize any funding, potentially damage infrastructure, conflict with any law or rule, duplicate or interfere with any division or utility project, or unreasonably risk the health or safety of any program participant, employee, contractor, or the public.

(d) Prior to authorizing work, the division shall require the applicant to enter into an agreement with the division. Any such agreement shall include terms requiring program participants to adhere to Adopt-A-Road program participation rules and set forth any maintenance project-specific requirements. The agreement may set forth any materials and equipment the division may provide for the maintenance project, including, but not limited to, safety vests, temporary signage, soil, and gravel. No person may begin a maintenance project pursuant to this section until an agreement with terms approved by the division has been executed as to such project.

(e) The cost of all materials and equipment provided by the division for any Adopt-A-Road maintenance project that is expended for the project may not exceed 30 percent of the maintenance project cost as estimated by the division: *Provided*, That the division may use the Highway Litter Control Fund created in §17A-10-15 of this code to purchase and provide to a participant up to 100 percent of any materials or equipment needed for any litter control or abatement.

(f) The division may terminate any Adopt-A-Road program agreement upon 30 days’ notice. The division may terminate any Adopt-A-Road program agreement without advance notice if the division determines that a participant violated the terms of the Adopt-A-Road program participation rules or agreement.

(g) The division may install signage, at the participant’s expense that may not exceed the actual cost to the division, at or near the participant’s Adopt-A-Road project that recognizes the contributions of the participant.

(h) All participants shall indemnify and hold harmless the state and the Division of Highways, including any of its appointees, employees, and contractors, from all suits, actions, or claims of any character due to any injuries or damage received or sustained by any person or property related to any participation in an Adopt-A-Road project.