

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §17-4-56, relating to establishing the Adopt-A-Road program; specifying
3 authority and duties of Division of Highways as to Adopt-A-Road program; defining terms;
4 specifying program requirements and potential benefits and funding; providing indemnify
5 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.

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

5 (b) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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