

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 754

By Senator Maynard

[Introduced March 13, 2025; referred
to the Committee on Natural Resources; and then to
the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, and §20-20-5, relating to the creation
 3 of the Outdoor West Virginians With Disabilities Act; providing for a short title; establishing
 4 definitions; providing updates to travel management plans and motor vehicle use plans;
 5 clarifying motor vehicle use maps and designation of certain public land as open, limited, or
 6 closed to off-road vehicles; and clarifying the effect of the article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. OUTDOOR WEST VIRGINIANS WITH DISABILITIES ACT.

§20-20-1. Short title.

1 This article may be cited as the "Outdoor West Virginians with Disabilities Act".

§20-20-2. Definitions.

1 In this article:

2 (1) "Disability-accessible land" means each square mile of state public land assessed, as
 3 of the date of enactment of this article, to have not less than 2.5 miles of authorized road
 4 accessible to motorized vehicles or off-road vehicles.

5 (2) "Off-road vehicle" means any motorized vehicle capable of, or designed for, travel on or
 6 immediately over land, water, or other natural terrain.

7 (3) "State public land" means —

8 (A) State Forest System land; and

9 (B) Land under the jurisdiction of the West Virginia Division of Natural Resources.

10 (4) "Director concerned" means —

11 (A) The Secretary of the West Virginia Department of Commerce;

12 (B) The Director of the West Virginia Division of Natural Resources; and

13 (C) The Director of the West Virginia Division of Forestry.

§20-20-3. Updates to travel management plans and motor vehicle use plans.

1 Notwithstanding any other provision of law (including regulations), the directors concerned

2 shall prioritize updating travel management plans and motor vehicle use plans of the West Virginia
3 Division of Natural Resources and the West Virginia Division of Forestry.

§20-20-4. Motor vehicle use maps and designation of certain state public land as open,
limited, or closed to off-road vehicles.

1 (a) In general. – Notwithstanding any other provision of law (including regulations), the
2 West Virginia Division of Forestry, for purposes of developing motor vehicle use maps otherwise
3 provided for in this state, for purposes of designating public land under the jurisdiction of the West
4 Virginia Division of Forestry and the West Virginia Division of Natural Resources as open, limited,
5 or closed to off-road vehicles in this code shall:

6 (1) Account for the total length of traversable, approved roads in each square mile of public
7 land managed by the applicable director concerned;

8 (2) For purposes of closing roads under the jurisdiction of the director concerned, comply
9 with the requirements established under subsection (b);

10 (3) Prioritize the inclusion and approval of roads on public land that provide access to
11 diverse opportunities for recreation, including hunting, fishing, visiting cultural and natural sites,
12 birdwatching, hiking, picnicking, camping, boating, mountain biking, and the use of motorized
13 vehicles or off-road vehicles (including electric bicycles and over-snow vehicles);

14 (4) Coordinate with appropriate federal agencies, state, county, and other local
15 governmental entities for purposes of identifying routes on public land that are considered to be
16 desirable for recreation to ensure the public land is disability-accessible land;

17 (5) Have the authority to revise a route on public land as the director concerned determines
18 to be necessary to address changes to conditions occurring after the date of the designation of the
19 route; and

20 (6) Ensure that any road that is subject to a claim that has not been adjudicated or litigated
21 shall remain open until the adjudication or litigation has been completed.

22 (b) Road closures.

23 (1) IN GENERAL. – For purposes of subsection (a)(2)—

24 (A) In the case of disability-accessible land, the director concerned shall not close roads
25 that would result in a net decrease of authorized road accessible to motorized vehicles or off-road
26 vehicles to the extent that the public land would no longer be designated as disability-accessible
27 land, unless—

28 (i) The road on public land being closed was established during the one-year period ending
29 on the date of the closure to address a temporary need or emergency; or

30 (ii) The director concerned:

31 (I) Determines that the road on public land being closed poses a direct threat to the health
32 or safety of personnel or visitors to the public land; and

33 (II) Complies with the requirements of paragraphs (3) and (4) with respect to the closure;
34 and

35 (B) In the case of public land that is not considered to be disability-accessible land—

36 (i) The director concerned shall consider opening any road on public land that was closed
37 during the 10-year period ending on the date of enactment of this article;

38 (ii) The director concerned shall not close any additional roads on public land, unless the
39 director concerned:

40 (I) Determines that the road poses a direct threat to the health or safety of personnel or
41 visitors to the public land; and

42 (II) Complies with the requirements of paragraphs (3) and (4) with respect to the closure;
43 and

44 (iii) The director concerned shall not close any roads on public land that the director
45 concerned determines are beneficial for fuels reduction treatments, wildfire response, or search
46 and rescue activities.

47 (2) NOTICE AND HEARING. – For purposes of a road closure under (b)(1)(A) or (b)(1)(B)
48 of this section, the director concerned shall—

49 (A) Provide notice of the proposed closure to allow for public comment, which may be
50 provided after the closure if the director concerned determines that there is an immediate threat to
51 the health or safety of personnel or visitors to the public land; and

52 (B) Conduct a public hearing with respect to the closure, which may be held after the
53 closure if the director concerned makes a determination in the affirmative under subparagraph (A).

54 (3) NEW ROADS. – For purposes of a road closure under (b)(1)(A) or (b)(1)(B) of this
55 section, the director concerned shall—

56 (A) Provide for the nomination of new roads on public land to be added to a motor vehicle
57 use plan or travel management plan of the director concerned; and

58 (B) Establish an appropriate new road on public land not later than one year after the date
59 on which the road is closed under that paragraph.

60 (4) REBUTTABLE PRESUMPTION. – For purposes of the review of a road closure under
61 (b)(1)(A) or (b)(1)(B) of this section, there shall be a rebuttable presumption that roads shall
62 remain open for public use, which may only be rebutted by clear and compelling evidence
63 demonstrating that the closure of the road is necessary in accordance with this article.

64 (c) Regulations. – The directors concerned may issue or revise regulations to carry out this
65 section.

§20-20-5. Effect of article.

1 Nothing in this article:

2 (1) Prohibits the director concerned from developing new roads or trails on public land for
3 the use of motorized vehicles or off-road vehicles; or

4 (2) Establishes new roads or trails in a component of the state forest and/or DNR managed
5 or owned, inventoried roadless area, congressionally designated primitive area, or unit of the state
6 forest land.

NOTE: The purpose of this bill is to create the Outdoor West Virginians with Disabilities Act.

The bill provides for a short title. The bill establishes definitions. The bill provides updates to travel management plans and motor vehicle use plans. The bill clarifies motor vehicle use maps and designation of certain public land as open, limited, or closed to off-road vehicles. Finally, the bill clarifies the effect of the article.

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