

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4007

BY DELEGATES MCCORMICK, ROOP, SHEEDY, PHILLIPS,
RILEY, WATT, FERRELL, KYLE, ANDERSON, ELDRIDGE,
AND JEFFRIES

[Passed March 14, 2026; in effect July 1, 2026]

1 AN ACT to amend and reenact §17-3A-1, §17-3A-2, and §17-3A-4 of the Code of West Virginia,
2 1931, as amended, relating to the industrial access road fund; clarifying how the money
3 shall be used; providing for an exemption from surety requirement; providing a response
4 deadline when a formal use request is submitted; clarifying restrictions on use of the fund;
5 and raising the allocated funding per fiscal year.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 3A. INDUSTRIAL ACCESS ROAD FUND.

§17-3A-1. Industrial Access Road Fund created; construction guarantees by municipalities and counties.

1 (a) Any other provision of this code notwithstanding, there is hereby continued in the State
2 Treasury the Industrial Access Road Fund, referred to in this article as "the fund". There shall be
3 deposited into the fund three fourths of one percent of all state tax collections which are otherwise
4 specifically dedicated by the provisions of this code to the State Road Fund or the percentage of
5 those tax collections that will produce \$3 million for each fiscal year: *Provided*, That the
6 Commissioner of Highways may transfer an additional amount up to \$3 million from the State
7 Road Fund in any fiscal year when he or she determines this additional amount would be a
8 prudent investment in additional industrial access roads that could not be funded out of the fund
9 without additional moneys being available. At the end of each fiscal year, all unobligated moneys
10 in the fund revert to the State Road Fund.

11 (b) The moneys in the fund shall be expended by the Division of Highways for constructing
12 and maintaining industrial access roads within counties and municipalities to industrial sites on
13 which manufacturing, distribution, processing, or other economic development activities, including
14 publicly owned airports, are already constructed, are under firm contract to be constructed, or an
15 approved industrial development site as part of the West Virginia Business Ready Sites Program,

16 as defined in §24-2-1n of this code. The moneys in the fund shall also be used for signage,
17 signalization, safety-related upgrades, and other improvements directly tied to an approved
18 industrial access road fund project. In the event there is no industrial site already constructed, or
19 for which the construction is under firm contract, or an approved industrial development site as
20 part of the West Virginia Business Ready Sites Program, as defined in §24-2-1n of this code, a
21 county or municipality may guarantee to the Division of Highways an acceptable surety or a device
22 in an amount equal to the estimated cost of the access road or that portion provided by the
23 Division of Highways, that an industrial site will be constructed and if no industrial site acceptable
24 to the Division of Highways is constructed within the time limits of the surety or device, the surety
25 or device shall be forfeited: *Provided*, That any grant previously awarded prior to being approved
26 as a part of the West Virginia Business Ready Sites Program, as defined in §24-2-1n of this code,
27 and has not yet expended all of the grant award shall not have surety to the Division of Highways.

§17-3A-2. Division of highways to determine construction of industrial access roads.

1 In determining whether or not to construct or improve any industrial access road and in
2 determining the nature of the road to be constructed, the Division of Highways shall base its
3 decision on the costs of the industrial access road in relation to the volume and nature of the
4 traffic to be generated as a result of developing the industrial site within the total industrial area.
5 In making a decision on any industrial site, the total volume of traffic to be generated shall be
6 considered in regard to the overall cost of the project. The Division of Highways shall consult and
7 work in cooperation with the West Virginia Division of Economic Development in determining the
8 use of industrial access road funds.

9 Prior to a formal request for the use of moneys from the fund to provide access to new or
10 expanding industrial sites, the location of the industrial access road shall be submitted for
11 approval of the Division of Highways. The Division of Highways shall consider the cost of the
12 industrial access road as it relates to the project's location and as it relates to the possibility of
13 future extensions of the road to serve other possible industrial sites as well as the future

14 development of the surrounding area. The Division of Highways shall approve, reject, or provide
15 comments relating to the location of the Industrial Access Road within 90 days of the date of
16 submission of the request.

17 Prior to the allocation of moneys from the fund for the construction or maintenance of an
18 industrial access road to an industry proposing to locate or expand in a county or municipality,
19 the governing body of the county or municipality shall, by resolution, request moneys from the
20 fund and shall be responsible for the preliminary negotiations with the industries and other
21 interested parties. The Division of Highways shall be available for consultation with the governing
22 bodies of the counties or municipalities and other interested parties and may prepare surveys,
23 plans, engineering studies, and cost estimates for the proposed industrial access road.

§17-3A-4. Restrictions on use of fund.

1 (a) The fund may not be used for the adjustment of utilities or for the construction of
2 industrial access roads to schools, hospitals, libraries, armories, shopping centers, apartment
3 buildings, government installations, or similar facilities, whether public or private. The fund may
4 not be used to construct industrial access roads on private property.

5 (b) Moneys from the fund may not be expended until the governing body of the county or
6 municipality certifies to the Division of Highways that the industrial site is constructed and
7 operating, or is under firm contract to be constructed or operated, or is an approved industrial
8 development site as part of the West Virginia Business Ready Sites Program, as defined in §24-
9 2-1n of this code, or upon the presentation of an acceptable surety or device in an amount equal
10 to the estimated cost of the access road or that portion provided by the Division of Highways in
11 accordance with §17-3A-1.

12 (c) Not more than \$800,000 of unmatched moneys from the fund may be allocated for use
13 in any one county or municipality in any fiscal year. The amount of unmatched funds allocated
14 may be supplemented with additional matched moneys from the fund, in which case the matched

15 moneys allocated from the fund may not exceed \$300,000, to be matched equally from sources
16 other than the fund.

17 (d) Funds may only be allocated to those items of construction and engineering which are
18 essential to providing an adequate facility to serve the anticipated traffic. Funds may not be
19 allocated for items such as storm sewers, curbs, gutters, and extra pavement width unless
20 necessary to extend or connect an existing access road

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

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect July 1, 2026.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor