

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 447**

**FISCAL  
NOTE**

By Senators Morris, Helton, and Jeffries

[Introduced January 16, 2026; referred  
to the Committee on Transportation and  
Infrastructure; and then to the Committee on Finance]

1 A BILL 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; raising monetary limits;  
3 clarifying how the fund money shall be expended; and providing a time frame relating to  
4 comments.

*Be it enacted by the Legislature of West Virginia:*

**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 6 million for each fiscal year. At the end of each fiscal  
6 year, all unobligated moneys in the fund revert to the State Road Fund.

7 (b) The moneys in the fund shall be expended by the Division of Highways for constructing  
8 and maintaining industrial access roads within counties and municipalities to industrial sites on  
9 which manufacturing, distribution, processing or other economic development activities, including  
10 publicly owned airports, are already constructed, ~~or~~ are under firm contract to be constructed, or  
11 an approved industrial development site as part of the West Virginia Business Ready Sites  
12 Program, as defined in §24-2-1n of this code. In the event there is no industrial site already  
13 constructed, ~~or for which the construction is under firm contract,~~ or an approved industrial  
14 development site as part of the West Virginia Business Ready Sites Program, as defined in §24-2-  
15 1n of this code, a county or municipality may guarantee to the Division of Highways an acceptable  
16 surety or a device in an amount equal to the estimated cost of the access road or that portion  
17 provided by the Division of Highways, that an industrial site will be constructed and if no industrial  
18 site acceptable to the Division of Highways is constructed within the time limits of the surety or

19 device, the surety or device shall be forfeited.

**§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 traffic  
4 to be generated as a result of developing the industrial site within the total industrial area. In  
5 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 Department of Economic Development Office in  
8 determining the 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 approval  
11 of the Division of Highways. The Division of Highways shall consider the cost of the industrial  
12 access road as it relates to the project's location and as it relates to the possibility of future  
13 extensions of the road to serve other possible industrial sites as well as the future development of  
14 the surrounding area. The Division of Highways shall approve, reject, or provide comments  
15 relating to the location of the Industrial Access Road within 90 days of the date of submission of  
16 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, the  
19 governing body of the county or municipality shall, by resolution, request moneys from the fund  
20 and shall be responsible for the preliminary negotiations with the industries and other interested  
21 parties. The Division of Highways shall be available for consultation with the governing bodies of  
22 the counties or municipalities and other interested parties and may prepare surveys, plans,  
23 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 not  
4 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 §24-2-  
9 1n of this code, or upon the presentation of an acceptable surety or device in an amount equal to  
10 the estimated cost of the access road or that portion provided by the Division of Highways in  
11 accordance with section one of this article.

12 (c) Not more than ~~\$400,000~~ \$800,000 of unmatched moneys from the fund may be  
13 allocated for use in any one county in any fiscal year. ~~The maximum amount of unmatched~~  
14 ~~moneys which may be allocated from the fund is ten percent of the fair market value of the~~  
15 ~~designated industrial establishment.~~ The amount of unmatched funds allocated may be  
16 supplemented with additional matched moneys from the fund, in which case the matched moneys  
17 allocated from the fund may not exceed ~~150,000~~ \$300,000, to be matched equally from sources  
18 other than the fund. ~~The amount of matched moneys which may be allocated from the fund over~~  
19 ~~and above the unmatched funds may not exceed five percent of the fair market value of the~~  
20 ~~designated industrial site.~~

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

NOTE: The purpose of this bill is to clarify the terms of the Industrial Road Access Program.

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