

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 487**

**FISCAL  
NOTE**

By Senator Woodrum

[Introduced January 19, 2026; referred

to the Committee on Natural Resources; and then to

the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new chapter,  
2 designated §33A-1-1, §33A-1-2, §33A-1-3, §33A-1-4, §33A-1-5, §33A-1-6, §33A-1-7,  
3 §33A-1-8, §33A-1-9, §33A-2-1, §33A-2-2, §33A-2-3, §33A-2-4, §33A-2-5, §33A-2-6,  
4 §33A-2-7, §33A-2-8, §33A-3-1, §33A-3-2, §33A-3-3, §33A-3-4, §33A-3-5, §33A-3-6,  
5 §33A-3-7, §33A-3-8, §33A-3-9, §33A-3-10, §33A-3-11, §33A-3-12, §33A-3-13, §33A-3-14,  
6 §33A-3-15, §33A-4-1, §33A-4-2, §33A-4-3, §33A-4-4, §33A-4-5, §33A-4-6, §33A-4-7,  
7 §33A-4-8, §33A-4-9, §33A-4-10, §33A-5-1, §33A-5-2, §33A-5-3, §33A-5-4, §33A-5-5,  
8 §33A-5-6, §33A-5-7, §33A-5-8, §33A-5-9, §33A-5-10, §33A-5-11, §33A-6-1, §33A-6-2,  
9 §33A-6-3, §33A-6-4, §33A-6-5, §33A-6-6, §33A-6-7, §33A-6-8, §33A-6-9, §33A-6-10,  
10 §33A-7-1, §33A-7-2, §33A-7-3, §33A-7-4, §33A-8-1, §33A-8-2, §33A-8-3, §33A-8-4,  
11 §33A-8-5, §33A-8-6, §33A-8-7, §33A-8-8, §33A-8-9, §33A-8-10, §33A-8-11, and §33A-8-  
12 12, relating to the creation of the West Virginia Trails, Access, and Stewardship Act;  
13 providing for general provisions and legislative findings; creating the West Virginia Trail  
14 Authority; providing for statewide trail system and corridor standards; providing for wildlife,  
15 flood, and safety management; providing for the establishment of the West Virginia Trail  
16 Maintenance and Stewardship Fund; clarifying property rights, easements, and eminent  
17 domain; providing for whitewater non-interference; and providing for implementation,  
18 reporting, and transition.

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

**CHAPTER 33A – THE WEST VIRGINIA TRAILS, ACCESS &**  
**STEWARDSHIP ACT.**

**ARTICLE 1. GENERAL PROVISIONS AND LEGISLATIVE FINDINGS.**

**§33A-1-1. Short title.**

1 This chapter shall be known and cited as the "West Virginia Trails, Access & Stewardship  
2 Act."

**§33A-1-2. Legislative findings and purpose.**

1       (a) The Legislature finds and declares that:

2           (1) West Virginia possesses exceptional natural, cultural, wildlife, and scenic resources,  
3 including rivers, ridges, gorges, forests, state parks, Wildlife Management Areas, and the New  
4 River Gorge National Park and Preserve, which are suitable for non-motorized land and water trail  
5 development.

6           (2) The state currently lacks a coordinated, statewide system of interconnected non-  
7 motorized trails, resulting in fragmented development, inconsistent standards, limited access, and  
8 unrealized economic potential.

9           (3) Land and water trails are proven drivers of rural and regional economic development,  
10 increasing visitation, supporting gateway community revitalization, expanding outdoor tourism,  
11 generating local business activity, and enhancing quality of life for residents and visitors.

12           (4) Stewardship—including habitat protection, seasonal wildlife sensitivity, flood recovery,  
13 public safety, long-term maintenance, and respect for traditional uses—is essential to sustainable  
14 use of West Virginia’s outdoor resources.

15           (5) Access to outdoor recreation must be supported by uniform statewide signage,  
16 mapping standards, emergency location markers, difficulty ratings based on nationally recognized  
17 systems, and integration with county 9-1-1 and search-and-rescue systems.

18           (6) Significant portions of West Virginia’s most valuable trail and river corridors lie in  
19 remote areas with limited or no mobile device connectivity and extended emergency response  
20 times, requiring trail and water users to be appropriately prepared for self-rescue and prolonged  
21 self-sufficiency.

22           (7) Natural hazards, including flood events and severe weather, frequently damage trail  
23 corridors and access points, causing erosion, siltation, washouts, debris accumulation, and  
24 unsafe conditions that require temporary closure and restoration.

25           (8) Long-term maintenance has historically been the greatest barrier to the sustainability of

26 trail systems, requiring a stable, dedicated funding structure that does not undermine other critical  
27 state functions.

28        (9) Private property rights are fundamental, and voluntary agreements, easements, and  
29        cooperative arrangements shall be the preferred means of acquiring and maintaining trail  
30        corridors across private lands; however, in rare cases of unavoidable public safety necessity, a  
31        narrowly tailored, strictly limited eminent domain authority may be required.

(10) The whitewater outfitting industry is governed by a comprehensive existing statutory framework in §20-3B-1 *et seq.*, and nothing in this chapter shall amend, modify, supersede, conflict with, or apply to the regulation or licensing of whitewater outfitters.

35 (11) To achieve the objectives of access, stewardship, economic development, safety, and  
36 respect for private property and traditional uses, a statewide trail authority is needed to coordinate  
37 planning, funding, corridor standards, wildlife and flood management, hazard education,  
38 maintenance, and long-term system growth.

39 (b) Therefore, the purpose of this chapter is to:

#### 40 (1) Establish a West Virginia Trail Authority:

(2) Create a statewide, interconnected system of non-motorized land and water trails;

42 (3) Ensure public access, safety, wildlife protection, and stewardship;

43 (4) Provide clear standards for corridor development and maintenance:

44                   (5) Create a permanent funding structure dedicated to trail maintenance and stewardship;

45                   (6) Protect traditional uses, private property rights, and the whitewater outfitting

46                   framework; and

47                   (7) Support economic development through outdoor recreation and gateway community  
48                   revitalization.

## §33A-1-3. **Applicability** and **scope**.

1 (a) This chapter applies to all State-designated non-motorized land and water trails,

2     including:

3        (1) Hiking trails;

4        (2) Bicycling trails;

5        (3) Equestrian trails;

6        (4) Water trails;

7        (5) Multi-use non-motorized trails;

8        (6) ADA-accessible and adaptive-use trail segments;

9        (7) Trailheads, access points, and associated infrastructure.

10      (b) Motorized recreation, including ATVs, UTVs, off-road motorcycles, and other motorized

11     vehicles, is prohibited on State Trail Corridors established under this chapter except for:

12        (1) Emergency response;

13        (2) Authorized maintenance operations; or

14        (3) Motorized systems established under separate statutory authority.

15      (c) Nothing in this chapter shall:

16        (1) Impair lawful hunting, fishing, trapping, or other traditional outdoor uses on lands where

17     such uses are authorized;

18        (2) Alter or supersede existing federal land management plans;

19        (3) Diminish or infringe private property rights; or

20        (4) Amend, modify, or conflict with §20-3B-1 *et seq.*, the Whitewater Outfitters Licensing

21     Act.

**§33A-1-4.** **Definitions.**

1        As used in this chapter, unless the context clearly requires a different meaning:

2        (1) "Authority" means the West Virginia Trail Authority created under Article 2 of this

3     chapter.

4        (2) "Corridor" means the designated right-of-way or travel route of any non-motorized trail

5     segment, including the trail tread, associated buffers, and any designated emergency or

6 maintenance access paths.

7       (3) "Land trail" means a non-motorized trail for hiking, bicycling, equestrian use, or multi-  
8 use travel on land.

9       (4) "Water trail" means a navigable river, stream, or lake segment designated for public  
10 paddling, boating, or water-based recreation with defined access points and hazard information.

11       (5) "Trail corridor plan" means a planning document approved by the Authority that  
12 addresses alignment, engineering, safety, maintenance, wildlife and habitat considerations, flood  
13 risk, access, emergency ingress and egress, and long-term sustainability for a given corridor.

14       (6) "Stewardship" means maintenance, habitat protection, safety management, flood and  
15 storm recovery, and other activities necessary to ensure the long-term sustainability of trail  
16 corridors.

17       (7) "Traditional uses" means hunting, fishing, trapping, foraging, and other uses historically  
18 or lawfully permitted on particular lands, including the Preserve portions of the New River Gorge  
19 National Park and Preserve.

20       (8) "Gateway community" means a municipality or unincorporated community adjacent to  
21 one or more major trail corridors that serves as a principal access point, service hub, or tourism  
22 node.

23       (9) "Recovery Management Zone" means a temporary area designated by the Authority for  
24 trail restoration, hazard mitigation, and safety repairs following a flood, storm, or similar natural  
25 event.

26       (10) "Non-motorized" means human-powered travel, including walking, running, bicycling,  
27 equestrian use, wheelchair use, and use of ADA-permitted mobility devices, and includes Class 1  
28 and Class 2 electric bicycles as provided in this chapter, but excludes Class 3 electric bicycles and  
29 other motorized vehicles unless otherwise authorized.

30       (11) "Feasible alternative" means a trail alignment that can be constructed and maintained  
31 without compulsory acquisition, and without creating unreasonable safety, environmental, or

32 operational impacts.

33 (12) "Whitewater outfitter" has the meaning set forth in §20-3B-1 *et seq.*

34 (13) "Electric bicycle" or "e-bike" means a bicycle equipped with fully operable pedals and  
35 an electric motor of less than 750 watts that falls within a classification recognized under this  
36 chapter or any subsequent statewide electric-bicycle statute.

37 (14) "Class 1 e-bike" means an electric bicycle equipped with a motor that provides  
38 assistance only when the rider is pedaling and ceases to provide assistance when the bicycle  
39 reaches 20 miles per hour.

40 (15) "Class 2 e-bike" means an electric bicycle equipped with a motor that may be used  
41 exclusively to propel the bicycle and ceases to provide assistance when the bicycle reaches 20  
42 miles per hour.

43 (16) "Class 3 e-bike" means an electric bicycle equipped with a motor that provides  
44 assistance only when the rider is pedaling and ceases to provide assistance when the bicycle  
45 reaches 28 miles per hour; for purposes of this chapter, Class 3 e-bikes are treated as motorized  
46 vehicles unless statewide law is later amended.

47 (17) "Electric mobility device" means an ADA-permitted electric assistive device used by  
48 an individual with a mobility impairment; such devices are not considered bicycles or e-bikes for  
49 purposes of this chapter.

**§33A-1-5. Rulemaking authority.**

1 The Authority may propose legislative rules and procedural rules pursuant to §29A-3-1 *et*  
2 *seq.* to implement this chapter.

**§33A-1-6. Liberal construction; strict construction of certain powers.**

1 This chapter shall be liberally construed to achieve its purposes; however:  
2 (1) Any grant of eminent domain authority under this chapter shall be strictly construed;  
3 (2) Protections for private property rights shall be strictly construed; and  
4 (3) Protections for whitewater outfitter regulation under §20-3B-1 *et seq.* shall be strictly

5 construed.

**§33A-1-7. Automatic incorporation of statewide electric bicycle classifications.**

1 (a) Electric bicycle classifications, equipment standards, and operational definitions  
2 applicable under this chapter shall automatically conform to any future amendments or  
3 reenactments of West Virginia law governing electric bicycles, notwithstanding any definitions  
4 contained in §33A-1-4.

5 (b) In the event of a conflict between this chapter and any general statewide electric bicycle  
6 classification law, the statewide electric bicycle law shall control as to classification and equipment  
7 standards, subject to the non-motorized trail-use restrictions of this chapter.

**§33A-1-8. Federal land compliance.**

1 Nothing in this chapter shall be construed to alter, supersede, or conflict with rules,  
2 policies, or classifications adopted by the National Park Service, United States Forest Service,  
3 United States Army Corps of Engineers, or any other federal land management agency. State  
4 classifications and permissions created under this chapter apply only to State Trail Corridors  
5 located on state or local lands and do not modify federal regulations where federal jurisdiction  
6 applies.

**§33A-1-9. Electric mobility devices.**

1 Nothing in this chapter shall restrict the use of electric mobility devices by individuals with  
2 disabilities where such use is authorized under the Americans with Disabilities Act or other  
3 applicable federal law.

**ARTICLE 2. THE WEST VIRGINIA TRAIL AUTHORITY.**

**§33A-2-1. Creation of the West Virginia Trail Authority.**

1 (a) There is hereby created the West Virginia Trail Authority, an independent state entity  
2 with statewide jurisdiction over planning, development, funding, coordination, safety,  
3 maintenance, stewardship, and management of the Statewide Trail System established under this  
4 chapter.

(b) The Authority is a public body corporate and politic, created to exercise essential public functions and to serve as the state's principal coordinating agency for non-motorized land and water trails.

(c) The Authority shall have perpetual succession, may contract and be contracted with, sue and be sued, and adopt a seal.

(d) The Authority is not a subdivision of the Division of Natural Resources, the Division of Tourism, or the Division of Highways, but shall coordinate closely with each.

## §33A-2-2. Composition of the Authority.

(a) The Authority shall consist of 15 voting members as follows:

(1) The Secretary of the Department of Tourism, or designee;

(2) The Director of the Division of Natural Resources, or designee;

(3) The Commissioner of the Division of Highways, or designee;

(4) The Director of the Division of Emergency Management, or designee;

(5) One representative of the West Virginia Geological and Economic Survey or statewide

GIS office, appointed by the State Geologist;

(6) One representative of a county commission from a county with significant trail activity, selected by the County Commissioners' Association;

(7) One representative of a municipality that is a gateway community, appointed by the  
West Virginia Municipal League;

(8) One representative of the tourism industry, appointed by the Governor;

(9) One representative of the outdoor recreation industry, appointed by the Governor;

(10) One representative of a recognized bicycling or mountain biking organization,

appointed by the Governor;

### (11) One representa

vernors;

(12) C

19     Governor;

20         (13) One representative of a recognized paddling or river-access organization, appointed

21         by the Governor;

22         (14) One representative of a recognized wildlife or conservation organization, appointed by

23         the Governor;

24         (15) One representative with expertise in ADA accessibility or adaptive recreation,

25         appointed by the Governor.

26         (b) Members shall serve staggered four-year terms. Vacancies shall be filled in the same

27         manner as the original appointment for the remainder of the unexpired term.

28         (c) The Authority shall annually elect a chair and vice chair from among its voting

29         members.

**§33A-2-3. Powers and duties of the Authority.**

1         The Authority shall have the following powers and duties:

2             (1) Plan, designate, develop, and maintain a Statewide Trail System of non-motorized land

3         and water corridors, including ADA-accessible and adaptive-use facilities.

4             (2) Prepare Trail Corridor Plans for designated segments consistent with Article 3.

5             (3) Adopt, publish, and periodically update a Statewide Trail Design and Engineering

6         Manual.

7             (4) Adopt, publish, and periodically update a Statewide Trail Signage and Wayfinding

8         Manual.

9             (5) Administer grants and expenditures from the West Virginia Trail Maintenance and

10         Stewardship Fund created under Article 5.

11             (6) Enter into cooperative agreements with state agencies, federal agencies, counties,

12         municipalities, regional entities, nonprofit organizations, and private partners.

13             (7) Support gateway communities through signage, wayfinding, economic-development

14         linkages, and trail-to-town connectors.

(8) Coordinate with county search-and-rescue teams, emergency services, law enforcement, and 9-1-1 centers to define emergency access routes, staging areas, and equipment caches.

(9) Coordinate statewide maintenance, establish maintenance priorities, certify volunteer trail crews, oversee multi-purpose segments for maintenance access, and manage flood recovery operations.

(10) Establish and maintain GIS mapping standards for trail corridors, access points, hazard classifications, emergency markers, and corridor boundaries, and share such data with relevant entities.

(11) Implement wildlife and environmental stewardship measures, including seasonal closures, quiet zones, buffer protections, and wildlife impact assessments, in consultation with the Division of Natural Resources.

(12) Develop and disseminate public safety messaging, hazard education, and self-rescue preparedness information, including at trailheads, water-access points, and through digital platforms.

(13) Incorporate statewide electric bicycle classification reforms as required by §33A-1-7 and maintain compatibility with federal rules on federal lands.

(14) Exercise eminent domain only under the strict conditions set forth in §33A-6-6.

(15) Train, equip, and support volunteer trail crews and recognize volunteer efforts.

(16) Prepare and maintain a 10-year Statewide Trail Master Plan, updated at least every five years.

(17) Produce annual reports and quarterly public updates on funding, maintenance, corridor conditions, closures, and improvements.

(18) Perform any other acts necessary to carry out the purposes of this chapter, consistent with state and federal law.

**§33A-2-4. Meetings; quorum; compensation.**

(a) The Authority shall meet at least quarterly and may meet more frequently as needed.

(b) A majority of the voting members constitutes a quorum.

(c) Members serve without salary but are entitled to reimbursement for reasonable and necessary expenses incurred in the performance of their duties.

(d) All meetings of the Authority shall comply with the Open Governmental Proceedings

## Act.

**§33A-2-5. Executive Director and staff.**

(a) The Authority shall appoint an Executive Director, who shall serve at its pleasure and be responsible for day-to-day administration.

(b) The Executive Director may hire staff, contract with public or private entities, and organize internal divisions as needed to perform the work of the Authority, within the limits of available funds.

**§33A-2-6. Advisory councils.**

(a) The Authority shall establish advisory councils for:

### (1) Bicycling and e-bike access;

## (2) Hiking and backpacking;

### (3) Equestrian use:

#### (4) Water trails and river access:

#### (5) Wildlife viewing and interpretation:

## (6) Gateway communities:

#### (7) Maintenance and volunteer coordination:

(8) ADA accessibility and adaptive recreation.

(b) Advisory councils shall provide technical input, review proposed rules and manuals, commend improvements.

(c) Advisory council recommendations shall be recorded in Authority minutes and made available.

**§33A-2-7. Federal, interstate, and cross-border cooperation.**

1       The Authority may coordinate with neighboring states, regional entities, and federal  
2       agencies to align trail systems, share data, pursue cooperative projects, and create cross-border  
3       connections, including but not limited to the Appalachian Trail, Great Eastern Trail, C&O Canal, rail  
4       trails, and multi-use corridors.

**§33A-2-8. Prohibition on interference with whitewater outfitter regulation.**

1       Nothing in this chapter shall amend, modify, supersede, conflict with, or apply to the  
2       regulation, licensing, or operation of whitewater outfitters under §20-3B-1 *et seq.*, nor shall the  
3       Authority exercise regulatory jurisdiction over commercial whitewater activities, equipment,  
4       training, or river-use rules governed by that article.

**ARTICLE 3. STATEWIDE TRAIL SYSTEM & CORRIDOR STANDARDS.****§33A-3-1. Establishment of the Statewide Trail System.**

1       (a) The Authority shall create, designate, and maintain a Statewide Trail System consisting  
2       of non-motorized land and water trails located on public lands and on private lands through  
3       voluntary agreements or other lawful means.

4       (b) The Statewide Trail System shall include the following categories:

5       (1) Hiking Trails;

6       (2) Bicycling Trails;

7       (3) Equestrian Trails;

8       (4) Water Trails;

9       (5) Multi-Use Non-Motorized Trails;

10       (6) ADA-Accessible Trails;

11       (7) Adaptive Recreation Trails;

12       (8) Heritage and Interpretive Trails;

13       (9) Urban Greenway Connectors;

14       (10) Children's Discovery Trails;

15        (11) Wildlife-Viewing Trails and Boardwalks.

16        (c) Each trail segment designated under this chapter shall be managed in accordance with  
17        a Trail Corridor Plan approved by the Authority.

18        (d) Trail designation under this chapter shall not alter or restrict traditional uses on lands  
19        where such uses are authorized unless necessary to address immediate public safety or federal  
20        requirements.

**§33A-3-2. Trail categorization and classification standards.**

1        (a) The Authority shall adopt nationally recognized difficulty and design standards for each  
2        trail type, which may include:

3        (1) National Park Service and United States Forest Service hiking difficulty standards;  
4        (2) International Mountain Bicycling Association (IMBA) mountain bike trail classifications;  
5        (3) American Endurance Ride Conference (AERC) equestrian trail standards;  
6        (4) The International Scale of River Difficulty (Class I–VI) for water trails.

7        (b) Trails shall be classified by the Authority according to:

8        (1) Trail type;  
9        (2) Difficulty level;  
10        (3) Intended user groups;  
11        (4) Use restrictions;

12        (5) Seasonal or wildlife restrictions;

13        (6) ADA or adaptive-use design features;

14        (7) Corridor sensitivity or environmental considerations.

15        (c) All official maps, signage, and trailhead postings must display the applicable  
16        classification information.

**§33A-3-3. Trail type definitions.**

1        The following trail types are authorized within the Statewide Trail System:

2        (1) Hiking Trails — pedestrian-only, non-motorized routes.

(2) Bicycling Trails — natural-surface or hardened-surface trails intended for traditional bicycles.

(3) Equestrian Trails — routes designed for safe horseback travel.

(4) Water Trails — navigable river, stream, or lake segments with designated access points and safety information.

(5) Multi-Use Non-Motorized Trails — shared routes intended for a combination of hikers, bicycles, and equestrians, as appropriate.

10 (6) ADA-Accessible Trails — trails or segments built to meet applicable ADA accessibility  
11 standards.

12        (7) Adaptive Recreation Trails — trails or segments designed to accommodate adaptive  
13        cycles, hand-cycles, and other mobility devices.

14 (8) Heritage and Interpretive Trails — trails designed to highlight cultural, historical, or  
15 interpretive themes.

16        (9) Urban Greenway Connectors — non-motorized connectors linking trail corridors to  
17        municipalities or community centers.

18                   (10) Children's Discovery Trails — short, educational loop trails intended for families and  
19                   youth.

20                   (11) Wildlife-Viewing Trails and Boardwalks — trails, overlooks, blinds, or boardwalks  
21                   designed for wildlife observation.

**§33A-3-4.**

## Electric

**bicycles.**

1                   (a) Until statewide electric bicycle classifications are amended by the Legislature, the  
2 following shall apply to State Trail Corridors:

3            (1) Class 1 and Class 2 electric bicycles shall be permitted on State Bicycle Trails and  
4    Multi-Use Non-Motorized Trails unless restricted by a corridor-specific management plan  
5    approved by the Authority.

(2) Class 3 electric bicycles shall be treated as motorized vehicles and are prohibited on

7 non-motorized trails except where explicitly authorized for ADA mobility access or designated on  
8 shared-use paths adjacent to roadways.

9 (b) The Authority may restrict electric bicycle use on trails that are:

10 (1) Equestrian priority routes;

11 (2) Wildlife-sensitive routes;

12 (3) Erosion-prone or steep routes;

13 (4) Wilderness-style footpaths not designed for bicycles of any kind.

14 (c) Upon enactment of any future statewide electric bicycle classification law, the Authority

15 shall adopt such statewide classifications for trail management purposes under this chapter  
16 without further rulemaking.

17 (d) Nothing in this section shall restrict the use of ADA-permitted electric mobility devices.

18 (e) Nothing in this section shall alter or supersede federal rules governing electric bicycle  
19 use on federally managed lands.

**§33A-3-5. ADA-accessible and adaptive-use trail development.**

1 (a) The Authority shall encourage development of ADA-accessible trail segments,  
2 accessible overlooks, accessible water-access points, and accessible trailheads.

3 (b) Adaptive-use trails may be included wherever feasible and consistent with corridor  
4 planning and resource protection.

5 (c) Projects that expand accessibility or adaptive recreation opportunities shall receive  
6 priority consideration under Article 5.

7 (d) ADA-accessible features shall comply with applicable federal accessibility standards.

**§33A-3-6. Trailhead infrastructure standards.**

1 (a) Each designated trailhead must include at minimum:

2 (1) Orientation maps including "you are here" indicators;

3 (2) Difficulty ratings for departing trails;

4 (3) Emergency location codes synchronized with county 9-1-1 GIS systems;

- 5        (4) Mobile-device coverage advisories where applicable;
- 6        (5) Basic search-and-rescue self-rescue instructions;
- 7        (6) ADA-accessible parking where feasible;
- 8        (7) Wildlife-awareness and seasonal-closure signage;
- 9        (8) A QR code linking to current maps, hazards, closures, and preparedness guidance;
- 10      (9) Posted rules and use restrictions.
- 11      (b) Restroom or vault-toilet facilities shall be encouraged where appropriate and feasible.

**§33A-3-7. Multi-purpose and emergency-access trail engineering.**

- 1        (a) To support maintenance, public safety, search-and-rescue operations, wildfire  
response, and flood recovery, the Authority may designate specific trail segments for multi-  
purpose engineering where such design:
  - 4        (1) Enhances maintainability;
  - 5        (2) Improves emergency access;
  - 6        (3) Supports wildlife or flood-recovery operations; or
  - 7        (4) Aligns with an existing utility or low-impact access corridor.
- 8        (b) Multi-purpose segments may be engineered, where environmentally suitable, to  
accommodate:
  - 10      (1) Maintenance vehicles;
  - 11      (2) Search-and-rescue carts or UTVs;
  - 12      (3) Fire-suppression access;
  - 13      (4) Flood-recovery equipment;
  - 14      (5) Utility maintenance where prior easement exists;
  - 15      (6) Adaptive-recreation equipment where authorized.
- 16      (c) Public motorized access to multi-purpose segments is prohibited except for ADA  
mobility devices.
- 18      (d) Multi-purpose designs shall be used only where necessary and shall not alter the non-

19     motorized nature of the trail system.

20         (e) Multi-purpose segments shall not be signed or presented in a manner that encourages  
21         unauthorized motorized use.

22         (f) Lands adjacent to multi-purpose segments shall receive appropriate buffer or privacy  
23         protections.

**§33A-3-8.     Emergency     staging     areas     and     equipment     caches.**

1         (a) The Authority may designate Emergency Staging Areas for:

2             (1) Search-and-rescue coordination;

3             (2) Medical evacuation;

4             (3) Fire-suppression staging;

5             (4) Emergency refuge during incidents.

6         (b) The Authority may install secured, non-public equipment caches containing:

7             (1) Hand tools;

8             (2) First-aid supplies;

9             (3) Search-and-rescue equipment;

10             (4) Communications or navigation devices.

11         (c) All staging areas and caches shall be documented in GIS data and shared with

12         emergency responders.

**§33A-3-9.     Trail     corridor     buffers     and     privacy     protections.**

1         (a) The Authority shall establish corridor-buffer standards to:

2             (1) Protect private property from encroachment;

3             (2) Protect wildlife habitat;

4             (3) Reduce noise or visual impacts;

5             (4) Help ensure trail users remain within designated corridors.

6         (b) Natural vegetation, fencing, or screening may be required where appropriate.

**§33A-3-10.     Mapping,     signage,     and     wayfinding     standards.**

1       (a) The Authority shall adopt and maintain a Statewide Trail Signage and Wayfinding  
2 Manual specifying uniform standards for:

3       (1) Difficulty symbols;  
4       (2) Trail-type icons;  
5       (3) River classifications (Class I–VI);  
6       (4) Flatwater hazard tiers;  
7       (5) Emergency location markers;  
8       (6) Self-rescue advisories;  
9       (7) Wildlife and seasonal-closure notices;  
10      (8) Gateway-community signage;  
11      (9) ADA and adaptive-use signage;  
12      (10) Restricted-use and prohibited-use signs.

13      (b) All designated trails shall be mapped using GIS and shall include:

14       (1) Accurate trail lines;  
15       (2) Trailheads and access points;  
16       (3) Emergency access points;  
17       (4) Multi-purpose segments;  
18       (5) Staging areas;  
19       (6) Seasonal-closure zones;  
20       (7) ADA-accessible segments;  
21       (8) Key water-hazard classifications.

<u>§33A-3-11.</u>	<u>Gateway</u>	<u>community</u>	<u>connections.</u>
1	(a) The Authority shall coordinate with counties and municipalities to establish:		
2	(1) <u>Downtown-to-trail connectors;</u>		
3	(2) <u>Community-wayfinding networks;</u>		
4	(3) <u>River-access improvements;</u>		

(4) Crosswalks, sidewalks, or bicycle/pedestrian infrastructure necessary for safe connections;

### **(5) Heritage-interpretive or cultural connectors.**

(b) Gateway connectors shall be eligible for funding under Article 5.

§33A-3-12.	Legacy	Trail	Corridors
<u>(a) The Authority shall identify and prioritize Legacy Trail Corridors that provide major</u>			
<u>multi-county or statewide trail connectivity, including but not limited to:</u>			
<u>(1) The Great Eastern Trail;</u>			
<u>(2) The Mary Draper Ingalls Trail System;</u>			
<u>(3) The New River Gorge Land-and-Water Spine;</u>			
<u>(4) The Bluestone Corridor;</u>			
<u>(5) The Webster–Randolph–Monongahela–Morgantown Spine;</u>			
<u>(6) Any additional corridors approved by the Authority.</u>			
<u>(b) Legacy Corridors shall receive priority consideration for mapping, signage, hazard</u>			
<u>classification, maintenance, gateway connectors, and emergency-access planning.</u>			

**§33A-3-13. Seasonal and weather-related use restrictions**

(a) The Authority may restrict trail or water-trail use temporarily during:

- (1) Wildlife nesting, brooding, denning, or migration periods;
- (2) Freeze-thaw cycles;
- (3) Mud-season conditions where use would cause erosion;
- (4) High fire-danger periods;
- (5) Post-flood-recovery periods;
- (6) Other temporary safety hazards.

(b) Restrictions must be publicly posted and time-limited.

## §33A-3-14. Federal cooperation and compatibility.

2 development, management, or access on lands or waters administered by federal agencies.

**§33A-3-15.**

**Rulemaking**

**authority.**

1 The Authority may propose legislative and procedural rules to implement this article.

**ARTICLE 4. WILDLIFE, FLOOD, AND SAFETY MANAGEMENT.**

**§33A-4-1. Inherent risks of outdoor recreation; assumption of responsibility; no liability.**

1 (a) Outdoor recreation on land and water involves inherent, obvious, and unavoidable  
2 risks, including, but not limited to:

3 (1) Variations in terrain, elevation, and surface conditions;

4 (2) Rocks, roots, vegetation, cliffs, drop-offs, and other natural obstacles;

5 (3) Wildlife encounters and natural wildlife behavior;

6 (4) Rapidly changing weather, fog, heat, cold, lightning, and storms;

7 (5) Limited or nonexistent mobile-device connectivity;

8 (6) Extended emergency response times due to remoteness or terrain;

9 (7) Navigational challenges, including unmarked or intermittently marked routes;

10 (8) Hazards created by other users;

11 (9) Subsurface and surface water hazards, including strong currents beneath calm

12 surfaces, hydraulics, strainers, sweepers, undercut rocks, deep pools, cold-water shock, foot-  
13 entrapment hazards, and abrupt depth changes;

14 (10) Temporary, seasonal, or flow-dependent hazards that may appear or disappear  
15 without warning.

16 (b) These risks cannot be eliminated without fundamentally altering the natural character  
17 of the Statewide Trail System.

18 (c) Users of land and water trails assume all inherent risks and are solely responsible for:

19 (1) Evaluating trail and river conditions;

20 (2) Determining their physical and technical abilities;

21 (3) Exercising reasonable judgment;

22        (4) Preparing for self-rescue when necessary;

23        (5) Carrying adequate supplies, equipment, and protective gear;

24        (6) Accounting for limited or nonexistent mobile connectivity;

25        (7) Recognizing that emergency response may be delayed.

26        (d) The Authority, the State of West Virginia, counties, municipalities, landowners, and

27        volunteers owe no duty to warn of inherent risks or hazards that are temporary, unpredictable,

28        mobile, seasonal, flow-dependent, naturally occurring, or not reasonably identifiable or markable.

29        (e) No classification, designation, map, QR code, signage, or advisory issued under this

30        chapter shall create any guarantee that all hazards have been identified, marked, or

31        communicated.

32        (f) The failure to mark, identify, update, repair, or warn against any hazard shall not create

33        liability for the Authority, the State, counties, municipalities, landowners, or trail partners.

34        (g) Nothing in this chapter shall modify federal liability standards applicable on federal

35        lands.

**§33A-4-2. Self-rescue preparedness and user education.**

1        (a) The Authority shall develop and disseminate guidance addressing self-rescue

2        preparedness for hiking, bicycling, equestrian travel, and water recreation, including

3        recommendations regarding:

4        (1) Terrain and exposure hazards;

5        (2) Cold-water shock and immersion risks;

6        (3) Flow-dependent river hazards;

7        (4) Route-finding and navigation;

8        (5) Minimum supply and equipment recommendations;

9        (6) Emergency signaling protocols;

10        (7) Actions to take when mobile devices fail;

11        (8) Self-evacuation procedures from remote areas.

(b) Trailheads and water-access points shall include self-rescue advisories and QR codes linking to preparedness resources.

(c) The absence, damage, removal, or failure to maintain such advisories shall not create liability.

(d) The Statewide Trail Design & Engineering Manual shall incorporate self-rescue preparedness requirements.

## §33A-4-3. Swiftwater Hazard Classification System.

(a) The State recognizes the International Scale of River Difficulty (Class I–VI) as the standard classification system for whitewater segments of water trails.

(b) For educational purposes, the Authority shall supplement each Class designation with descriptive characteristics, including:

### (1) Turbulence and rapid complexity;

## (2) Maneuvering requirements;

(3) Presence of hydraulics, waves, holes, or chutes;

(4) Strainers, undercuts, or other entrapment features;

**(5) Swim difficulty and consequence level;**

#### (6) Changes in hazard severity at different water levels.

(c) Flow variability clause. Hazards may intensify significantly at higher flows even when  
pass rating does not change.

(d) Mandatory disclaimer. Hazards may appear or disappear depending on flow, season, water, debris, or channel changes. Class ratings do not guarantee safety or full hazard reduction.

(e) The Swiftwater Hazard Classification System is educational only and does not create

## §33A-4-4. Flatwater Hazard Classification System.

(a) Flatwater segments of water trails shall be classified for educational purposes into the

2 following tiers:

3       (1) Tier A – Stillwater / Flatwater: Surface appears calm; hazards may include cold-water  
4 shock, sudden depth changes, unseen currents, or exhaustion risk.

5       (2) Tier B – Slow Current / Subsurface Hazard Zone: Moderate subsurface flow capable of  
6 sweeping swimmers off their feet or causing entrapment despite calm appearance.

7       (3) Tier C – Dam-Influenced Flatwater: Areas above or below dams or flow-control  
8 structures where hydraulic forces may be lethal even when the surface appears smooth.

9       (4) Tier D – Obstructed Flatwater: Segments containing subsurface hazards such as logs,  
10 debris, bridge pilings, undercut rocks, or hidden drop-offs.

11       (b) Water-access signage should, where feasible, disclose:

12       (1) That flatwater may conceal hazardous currents or hydraulics;

13       (2) Risks of cold-water shock and entrapment;

14       (3) Where applicable, links to gauge or flow-data sources;

15       (4) Clearly posted "Hazards Not Marked" disclaimers.

16       (c) Mandatory disclaimer. Flatwater may conceal strong currents or dangerous hydraulics.

17       Not all hazards can be identified or marked.

18       (d) The Flatwater Hazard Classification System is educational only and does not create  
19 liability.

<u>§33A-4-5.</u>	<u>Fixed-hazard</u>	<u>warning</u>	<u>requirements.</u>
1	(a) <u>The Authority shall identify and, where feasible and practicable, mark known,</u> <u>permanent, and reasonably identifiable hazards along water-trail segments, which may include:</u>		
2	(1) <u>Low-head dams;</u>		
3	(2) <u>Major bridge abutments;</u>		
4	(3) <u>Permanent strainers;</u>		
5	(4) <u>Known hydraulic traps.</u>		
6			
7	(b) <u>The Authority is not required to mark hazards that are:</u>		

8           (1) Temporary;

9           (2) Mobile;

10          (3) Seasonal;

11          (4) Flow-dependent;

12          (5) Unobservable; or

13          (6) Not reasonably identifiable.

14          (c) Failure to mark or warn against such hazards shall not create liability for the Authority,

15          the State, counties, municipalities, landowners, or trail partners.

**§33A-4-6.           Wildlife           protection;           seasonal           closures.**

1           (a) The Authority may enact seasonal closures or use restrictions to protect wildlife during:

2           (1) Nesting;

3           (2) Brooding;

4           (3) Denning;

5           (4) Fawning;

6           (5) Sensitive migration periods.

7           (b) Closures or restrictions must be time-limited and reviewed annually.

8           (c) The Authority shall consult the Division of Natural Resources when assessing wildlife

9          impacts or determining closures.

10          (d) Seasonal closures shall not restrict lawful hunting, fishing, or trapping except as

11          required for immediate public safety or federal compliance.

**§33A-4-7.           Flood-impact           closures;           Recovery           Management           Zones.**

1           (a) The Authority may temporarily close corridor segments affected by flooding, including

2          but not limited to:

3           (1) Heavy silt deposition;

4           (2) Erosion or slope destabilization;

5           (3) Washouts;

6       (4) Debris accumulation;

7       (5) Damaged or undermined structures.

8       (b) The Authority may establish Recovery Management Zones adjacent to affected

9       segments for:

10      (1) Erosion control and repair;

11      (2) Vegetation restoration;

12      (3) Structural reconstruction;

13      (4) Emergency maintenance staging.

14      (c) Closures shall be time-limited and publicly posted at trailheads and online.

<u>§33A-4-8.</u>	<u>Quiet</u>	<u>Zones.</u>
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1       (a) The Authority may designate Quiet Zones near:

2       (1) Wildlife-sensitive sites;

3       (2) Scenic overlooks;

4       (3) Areas of potential user conflict;

5       (4) Areas heavily used for hunting or fishing.

6       (b) Quiet Zone restrictions may include:

7       (1) Dog-control requirements;

8       (2) Limits on amplified sound;

9       (3) Group-size caps;

10      (4) Daylight-only use;

11      (5) Additional restrictions tailored to local conditions.

<u>§33A-4-9.</u>	<u>Emergency</u>	<u>access</u>	<u>and</u>	<u>staging.</u>
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1       (a) The Authority may design and maintain multi-purpose access routes for:

2       (1) Search-and-rescue ingress and egress;

3       (2) Emergency medical evacuation;

4       (3) Fire-suppression access;

**(4) Other emergency operations.**

(b) The Authority may designate emergency staging areas for search-and-rescue, incident support, and operational coordination.

(c) The designation of emergency access routes or staging areas does not create a right of public motorized access.

**§33A-4-10. Federal compatibility.**

Nothing in this article shall alter, supersede, or conflict with federal rules governing lands or administered by the National Park Service, United States Forest Service, United States Corps of Engineers, or other federal agencies.

## **ARTICLE 5. TRAIL FUNDING, MAINTENANCE & STEWARDSHIP FUND.**

## **§33A-5-1. Creation of the West Virginia Trail Maintenance & Stewardship Fund.**

(a) There is hereby created in the State Treasury a special revenue account known as the West Virginia Trail Maintenance & Stewardship Fund.

(b) The Fund shall be continuous and non-lapsing and shall be dedicated solely to:

### **(1) Maintenance and repair of State Trail Corridors;**

## (2) Flood and storm recovery;

(3) Wildlife-protection compliance and implementation of seasonal closures;

**(4) Signage and wayfinding installation, replacement, or upgrades;**

**(5) Emergency access and staging area maintenance;**

(6) ADA-access improvements and adaptive-use trail features;

(7) Trail safety and self-rescue preparedness infrastructure;

(8) Support, training, and certification of volunteer trail crews

#### (9) Corridor restoration and environmental rehabilitation:

## (10) Gateway-community connector upkeep:

### (11) Upkeep of multi-purpose and emergency

(12) Installation and servicing of emergency equipment caches:

16        (13) Maintenance of GIS mapping and emergency-location systems.  
17        (c) Expenditures from the Fund may not be used for general administrative purposes  
18        unrelated to trail maintenance or stewardship, nor for the construction of new trail segments  
19        unless a maintenance mechanism is identified and approved.

**§33A-5-2.              Revenue              sources              for              the              Fund.**

1        The Fund shall consist of:

2        (1) Lodging Tax Allocation. One percent of statewide lodging-tax receipts, deposited  
3        monthly into the Fund.

4        (2) Voluntary Outdoor Access Fee. A voluntary one-dollar-per night fee collected by  
5        participating lodging establishments.

6        (3) Recreational Concession Revenue. A three to five percent revenue share from  
7        concessions operating at state-designated trailheads or recreation nodes.

8        (4) Trail Steward Stamp. Proceeds from a voluntary Trail Steward Stamp attached to  
9        outdoor recreation licenses or passes.

10        (5) Corporate Sponsorship and Endowment Contributions. Non-commercial naming  
11        recognition or sponsorships approved by the Authority.

12        (6) Recreational Mitigation Credits. Verified in-kind trail maintenance performed by mining,  
13        timber, pipeline, or utility operators.

14        (7) Trail Impact District Allocations. Local increment revenue from voluntary Trail Impact  
15        Districts established by counties or municipalities.

16        (8) Federal Funds. Grants from RTP, LWCF, TAP, ORLP, RAISE, FEMA, USDA Rural  
17        Development, USFS, NPS, or other federal sources.

18        (9) Legislative Appropriations. Any appropriations by the Legislature.

19        (10) Private Donations and Grants.

**§33A-5-3.              Custody              and              administration.**

1        (a) The State Treasurer shall serve as custodian of the Fund and shall maintain proper

2 records.

3 (b) The West Virginia Trail Authority shall administer the Fund and shall:

4 (1) Collect, verify, and deposit revenue;

5 (2) Issue grants;

6 (3) Monitor expenditures;

7 (4) Audit participating lodging facilities or concessionaires;

8 (5) Maintain accounting and reporting systems.

9 (c) The State Auditor shall conduct an annual independent audit of the Fund.

10 (d) The Authority shall publish quarterly public reports listing revenues, expenditures,

11 balances, and grant awards.

<u><b>§33A-5-4.</b></u>	<u><b>Grant</b></u>	<u><b>eligibility.</b></u>
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1 Eligible grant recipients include:

2 (1) Counties;

3 (2) Municipalities;

4 (3) County Trail Maintenance Districts;

5 (4) Gateway communities;

6 (5) State agencies;

7 (6) Volunteer trail organizations;

8 (7) Nonprofit conservation or trail entities;

9 (8) Public–private partnership entities supporting corridor maintenance.

<u><b>§33A-5-5.</b></u>	<u><b>Maintenance</b></u>	<u><b>impact</b></u>	<u><b>assessment</b></u>	<u><b>for</b></u>	<u><b>new</b></u>	<u><b>trails.</b></u>
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1 (a) No new trail corridor shall be approved unless accompanied by a Maintenance Impact

2 Assessment demonstrating:

3 (1) Projected annual maintenance costs;

4 (2) Identified ongoing funding source or sources;

5 (3) Volunteer capacity or supplemental support;

6       (4) Equipment access feasibility, including multi-purpose access if needed;  
 7       (5) Long-term sustainability.  
 8       (b) The Authority may deny or defer corridor designation if maintenance feasibility is  
 9       inadequate.

<b><u>§33A-5-6.</u></b>	<b><u>Grant</u></b>	<b><u>priority</u></b>	<b><u>criteria.</u></b>
	<p>1       <u>Priority shall be given to grant applications that:</u></p> <p>2       (1) <u>Correct or mitigate safety hazards;</u></p> <p>3       (2) <u>Repair flood or storm damage to designated corridors;</u></p> <p>4       (3) <u>Maintain or improve Legacy Trail Corridors identified under §33A-3-12;</u></p> <p>5       (4) <u>Improve ADA accessibility or expand adaptive-use opportunities;</u></p> <p>6       (5) <u>Expand self-rescue preparedness infrastructure, including signage, QR-linked</u>    7       <u>guidance, and remote-area warnings;</u></p> <p>8       (6) <u>Enhance emergency access or staging capability;</u></p> <p>9       (7) <u>Implement wildlife-protection measures or habitat-sensitive redesign;</u></p> <p>10       (8) <u>Rehabilitate erosion-prone or damaged trail segments;</u></p> <p>11       (9) <u>Create or improve gateway-community connectors;</u></p> <p>12       (10) <u>Incorporate multi-purpose engineering for maintenance and safety;</u></p> <p>13       (11) <u>Support certified volunteer trail crew operations;</u></p> <p>14       (12) <u>Improve GIS mapping, emergency markers, or digital trail information.</u></p>		

<b><u>§33A-5-7.</u></b>	<b><u>Maintenance</u></b>	<b><u>priority</u></b>	<b><u>formula.</u></b>
	<p>1       <u>The Authority shall apply a weighted scoring formula for maintenance priorities, including:</u></p> <p>2       (1) <u>Safety risk (30 percent);</u></p> <p>3       (2) <u>User volume or visitation (20 percent);</u></p> <p>4       (3) <u>Flood or erosion vulnerability (20 percent);</u></p> <p>5       (4) <u>Economic impact (10 percent);</u></p> <p>6       (5) <u>Wildlife or environmental sensitivity (10 percent);</u></p>		

## 7 (6) Gateway-community benefit (10 percent).

## **§33A-5-8. Emergency maintenance declarations.**

(a) If revenue or conditions fall below the threshold needed for essential maintenance, the

**2 Authority may declare a Maintenance Emergency.**

(b) A Maintenance Emergency authorizes the Authority to:

**(1) Reallocate eligible federal or internal funds to urgent maintenance;**

(2) Mobilize certified volunteer trail crews;

**(3) Enter emergency contracts;**

#### (4) Temporarily close unsafe segments;

(5) Request supplemental legislative appropriation.

(c) A declaration must be reported to the Governor and the Legislature within ten 10 days.

**§33A-5-9.** **Trail** **District** **capability** **match** **program.**

(a) Counties or municipalities may establish Trail Maintenance Districts to coordinate local  
ance resources.

(b) The Authority shall match contributions from Trail Maintenance Districts at rates  
determined by rule and subject to available funding.

**§33A-5-10. Restricted use of funds; no liability.**

(a) Fund expenditures shall be restricted to purposes stated in §33A-5-1.

(b) Nothing in this article creates liability for:

(1) Presence or absence of maintenance;

(2) Damage caused by natural conditions or inherent risks;

(3) The condition or absence of signage;

(4) The accuracy of trail or hazard information;

(5) Delayed or unavailable emergency response.

## **§33A-5-11. Rulemaking authority.**

The Authority may propose legislative and procedural rules to implement this article.

2 including:

3       (1) Fee-collection procedures;

4       (2) Oversight of voluntary lodging-fee participation;

5       (3) Concession revenue procedures;

6       (4) Mitigation-credit verification;

7       (5) Trail District matching formulas;

8       (6) Emergency maintenance procedures;

9       (7) Maintenance standards.

## **ARTICLE 6. PROPERTY RIGHTS, EASEMENTS & EMINENT DOMAIN.**

### **§33A-6-1. Preservation of private property rights.**

1       (a) Nothing in this chapter shall be construed to diminish, impair, or infringe upon private  
2 property rights.

3       (b) Trail corridors established under this chapter shall be created and maintained in a  
4 manner that:

5       (1) Respects landowner autonomy;

6       (2) Minimizes impacts to agricultural, forestry, commercial, and residential uses;

7       (3) Incorporates appropriate buffers and privacy protections;

8       (4) Avoids trespass and unauthorized use; and

9       (5) Adheres strictly to the minimum-interest principle described in §33A-6-5.

10      (c) No person using a State Trail Corridor shall acquire any prescriptive or adverse rights  
11 against a landowner by virtue of trail proximity or public use.

### **§33A-6-2. Voluntary acquisition of easements and agreements.**

1       (a) Voluntary agreements shall be the preferred method of establishing trail corridors  
2 across private lands, including:

3       (1) Trail easements;

4       (2) Conservation easements;

5                   (3) Recreational licenses;  
6                   (4) Right-of-entry agreements;  
7                   (5) Temporary or seasonal easements;  
8                   (6) Conditional or limited easements;  
9                   (7) Land exchanges, where feasible.  
10                   (b) Trail easements shall, at minimum, define:  
11                   (1) Permitted uses;  
12                   (2) Prohibited uses;  
13                   (3) Corridor width;  
14                   (4) Buffer and privacy protections;  
15                   (5) Emergency access terms;  
16                   (6) Maintenance responsibilities.  
17                   (c) Voluntary easements may be revocable or permanent, according to negotiated terms.  
18                   (d) The Authority may offer technical assistance and voluntary compensation where  
19                   appropriate.

**§33A-6-3. Right-of-entry for inspections and maintenance.**

1                   (a) Where a voluntary easement or access agreement exists, the Authority, its contractors,  
2                   and approved volunteers may enter the property solely for:  
3                   (1) Inspection;  
4                   (2) Maintenance;  
5                   (3) Repair;  
6                   (4) Emergency response;  
7                   (5) Hazard mitigation.  
8                   (b) Entry shall occur only within the designated corridor boundaries except in emergencies  
9                   or where otherwise agreed.  
10                   (c) Entry outside corridor boundaries shall not create any easement or property interest.

**§33A-6-4. Corridor mapping and boundary precision.**

1       (a) All trail corridors crossing private property shall be:

2           (1) Mapped precisely using statewide GIS standards;

3           (2) Recorded in a parcel-level digital boundary database;

4           (3) Discreetly marked on the ground where appropriate for field reference;

5           (4) Buffered consistent with §33A-3-9.

6       (b) Corridor boundary data and GIS files shall be made accessible to:

7           (1) County commissions;

8           (2) County 9-1-1 / emergency communications centers;

9           (3) County mapping and addressing offices;

10          (4) County or regional GIS divisions;

11          (5) County planning, zoning, or land-use offices;

12          (6) Regional planning and development councils;

13          (7) Emergency response agencies, including SAR teams, fire, EMS, and law enforcement;

14          (8) Landowners of affected parcels.

15       (c) Corridor boundary data shall be maintained in a standardized, interoperable format

16       suitable for integration into 9-1-1 CAD systems, emergency mapping, and county GIS databases.

17       (d) Nothing in this section shall create or imply a public right-of-way across private land

18       except as expressly provided by easement or law.

**§33A-6-5. Minimum-interest acquisition rule.**

1       (a) Where the acquisition of a property interest is necessary to complete or maintain a

2       State Trail Corridor, the Authority shall acquire only the minimum interest required, which may

3       include:

4           (1) A narrow trail easement;

5           (2) A conditional, seasonal, or temporary easement;

6           (3) A right-of-entry agreement;

7       (4) A conservation easement;

8       (5) Another minimal interest tailored to the need.

9       (b) Fee-simple acquisition may not be used unless:

10      (1) All lesser forms of interest are infeasible; and

11      (2) Such acquisition is required for public safety as determined under §33A-6-6.

12      (c) No acquisition shall exceed the width necessary for the trail tread, required buffers,

13      safety or environmental protections, or emergency access.

**§33A-6-6. Eminent domain authority; strict limitations.**

1       The Authority may exercise eminent domain only when all of the following conditions are  
2      satisfied:

3       (a) Public safety necessity. An engineering, environmental, or safety analysis  
4      demonstrates that:

5       (1) A trail segment cannot be safely maintained, rebuilt, or realigned without acquiring a  
6      specific property interest; and

7       (2) Failure to acquire the interest would create an unavoidable safety hazard or sever a  
8      critical corridor connection.

9       (b) No feasible alternative. A written Alternatives Analysis demonstrates that:

10      (1) No safe alternate route exists on public land or willing private land;

11      (2) Rerouting or re-engineering is infeasible or unsafe;

12      (3) Denial of access would create isolated trail segments without safe connectivity.

13      (c) Exhaustion of voluntary means. The Authority must document good-faith efforts to  
14      obtain voluntary access through:

15      (1) Easement purchase;

16      (2) Conditional or partial easement;

17      (3) Temporary or seasonal easement;

18      (4) Land exchange;

19       (5) Negotiated compensation;

20       (6) Any other voluntary agreement.

21       (d) Independent professional review. A licensed professional engineer, trail planner, or

22       qualified environmental scientist must certify that:

23       (1) The proposed taking is the minimum interest necessary;

24       (2) The alignment is justified solely by public safety;

25       (3) All alternatives have been fully evaluated.

26       (e) Two-thirds vote of the Authority. The acquisition must be approved by a two-thirds vote  
27       of all voting members of the Authority.

28       (f) Two-thirds vote of the County Commission. The County Commission of the county  
29       where the property is located must approve the acquisition by a two-thirds vote.

30       (g) Minimum-interest rule. Only the narrowest possible property interest may be taken,  
31       consistent with §33A-6-5.

32       (h) Prohibition on economic-development takings. Eminent domain may not be used to:

33       (1) Create new trails primarily for economic development when alternatives exist;

34       (2) Acquire scenic, cultural, or heritage areas not required for safety;

35       (3) Increase recreational access where safe alternatives exist;

36       (4) Support facilities not required for public safety.

37       (i) Transparency. Before approval, the Authority shall:

38       (1) Publish notice of the proposed acquisition;

39       (2) Release the Alternatives Analysis;

40       (3) Release the independent professional review;

41       (4) Provide a public-comment period of at least 30 days.

42       (j) Compensation. Just compensation shall be provided as required by Chapter 54 of the  
43       code.

§33A-6-7.       No           impairment           of           traditional           uses.

(a) Nothing in this chapter shall:

(1) Restrict lawful hunting, fishing, trapping, or foraging on lands where such uses are zed;

**(2) Impair the New River Gorge National Park and Preserve's traditional-use mandates;**

(3) Authorize closures limiting traditional uses except as required for immediate public or federal compliance.

(b) Trail users shall yield to traditional-use activities during active sport seasons where conflicts may arise.

**§33A-6-8. No creation of public access across private land except by agreement.**

(a) Trail designation shall not create public access rights across private land except where  
sly granted by:

### (1) Voluntary easement;

**(2) Acquisition under §33A-6-5; or**

**(3) Eminent domain under §33A-6-6.**

(b) Public use outside designated corridors constitutes trespass and may be enforced  
state law.

**§33A-6-9. Landowner protections; liability.**

(a) Landowners granting voluntary easements, licenses, or access agreements under this  
shall not be liable for:

### (1) Injuries to users;

## (2) Inherent risks of outdoor recreation;

### (3) Conditions outside the corridor;

(4) Conditions arising from weather, wildlife, or natural events.

(b) Recreational-use immunity under §19-25-1 et seq. applies to all voluntary access  
ments executed under this chapter.

(c) Landowners may enforce trespass laws for use outside the designated corridor.

**§33A-6-10. Rulemaking authority.**

1       The Authority may propose rules to implement this article, including:

2       (1) Standard easement templates;

3       (2) Negotiation protocols;

4       (3) Alternatives-analysis standards;

5       (4) Independent-review procedures;

6       (5) Buffer-zone requirements;

7       (6) Corridor-mapping standards;

8       (7) Property-owner notification procedures.

**ARTICLE 7. WHITEWATER NON-INTERFERENCE.****§33A-7-1. Preservation of the Whitewater Outfitters Licensing Act.**

1       (a) Nothing in this chapter shall amend, modify, supersede, conflict with, expand, restrict, or otherwise affect the provisions of §20-3B-1 *et seq.*, known as the Whitewater Outfitters Licensing Act.

4       (b) No requirement, standard, rule, permit, restriction, advisory, or safety provision created under this chapter shall apply to, or be imposed upon:

6       (1) Licensed whitewater outfitters;

7       (2) Whitewater guides;

8       (3) Commercial whitewater operations;

9       (4) River-use classifications governed under §20-3B-1 *et seq.*;

10      (5) Rafting, kayaking, canoeing, or river-tour operations operating under federal concessions or agreements;

12      (6) Any use allocations, river-day limits, training requirements, or equipment standards imposed under §20-3B or federal authority.

**§33A-7-2. No regulatory authority over whitewater activities.**

1       (a) The Authority shall have no regulatory jurisdiction over any commercial whitewater

2 activity, including:

3 (1) Commercial whitewater guiding;

4 (2) River-use or rapid-classification systems used for commercial operations;

5 (3) Equipment, training, experience, or supervision standards for guides;

6 (4) Safety requirements governed under §20-3B-1 *et seq.*;

7 (5) River-access rules or allocations established by state or federal agencies.

8 (b) Nothing in this chapter shall alter any rule or requirement imposed by the:

9 (1) National Park Service;

10 (2) U.S. Forest Service;

11 (3) U.S. Army Corps of Engineers;

12 (4) Any federal entity governing river recreation.

**§33A-7-3. Voluntary cooperation permitted.**

1 (a) Licensed whitewater outfitters may voluntarily cooperate with the Authority in:

2 (1) Public education initiatives;

3 (2) Joint safety messaging;

4 (3) Trail-to-river access improvements;

5 (4) Gateway community planning;

6 (5) Outdoor tourism coordination.

7 (b) Participation under this section shall not alter any rights, duties, privileges, or

8 obligations of whitewater outfitters under §20-3B-1 *et seq.*

**§33A-7-4. No effect on commercial agreements.**

1 Nothing in this chapter shall modify, impair, supersede, or interfere with:

2 (1) Concession agreements between the National Park Service and commercial river

3 outfitters;

4 (2) Permits issued by federal or state agencies for river-based commercial activity;

5 (3) Use allocations, river-day limits, or access restrictions established by federal or state

6 rule;

7 (4) Federal safety mandates or river-management plans.

## **ARTICLE 8. IMPLEMENTATION, REPORTING & TRANSITION.**

<u>§33A-8-1.</u>	<u>Effective</u>	<u>date;</u>	<u>phased</u>	<u>implementation.</u>
1	<u>(a) This chapter shall take effect on July 1, 2026.</u>			
2	<u>(b) Implementation shall occur in three phases:</u>			
3	<u>(1) Phase I – Formation and Planning (Year 1):</u>			
4	<u>(A) Appointment of Authority members;</u>			
5	<u>(B) Hiring of the Executive Director;</u>			
6	<u>(C) Establishment of advisory councils;</u>			
7	<u>(D) Initial coordination with state and federal agencies;</u>			
8	<u>(E) Drafting of preliminary procedural rules;</u>			
9	<u>(F) Creation of interim GIS standards;</u>			
10	<u>(G) Compilation of existing statewide trail inventories.</u>			
11	<u>(2) Phase II – Standards and System Integration (Years 2–3):</u>			
12	<u>(A) Adoption of the Statewide Trail Design &amp; Engineering Manual;</u>			
13	<u>(B) Adoption of the Statewide Trail Signage &amp; Wayfinding Manual;</u>			
14	<u>(C) Integration of corridor boundary data into county 9-1-1 CAD systems;</u>			
15	<u>(D) Identification and designation of Legacy Trail Corridors under §33A-3-12;</u>			
16	<u>(E) Installation of initial uniform signage at major trailheads;</u>			
17	<u>(F) Mapping of swiftwater and flatwater hazard classifications;</u>			
18	<u>(G) Identification of emergency staging areas and multi-purpose segments;</u>			
19	<u>(H) Establishment of the Trail District capability match program;</u>			
20	<u>(I) Initial federal-grant submissions for corridor development and maintenance.</u>			
21	<u>(3) Phase III – System Expansion and Maintenance (Year 4 and beyond):</u>			
22	<u>(A) Designation of new trail corridors;</u>			

23        (B) Construction and improvement of gateway-community connectors;  
24        (C) Expansion of ADA-accessible and adaptive-use trail segments;  
25        (D) Deployment of multi-purpose emergency-access trail segments;  
26        (E) Expansion of flood and disaster recovery capabilities;  
27        (F) Integration of volunteer-trail-crew programs statewide;  
28        (G) Annual updates to GIS data, hazard classifications, and corridor conditions.

**§33A-8-2. Initial rulemaking schedule.**

1        (a) Within 12 months of the effective date, the Authority shall propose legislative rules  
2        relating to:  
3            (1) Corridor planning standards;  
4            (2) ADA and adaptive-use guidelines;  
5            (3) Electric-bicycle classification integration;  
6            (4) Wildlife-closure and flood-closure procedures;  
7            (5) Multi-purpose access segment criteria;  
8            (6) Trailhead infrastructure standards;  
9            (7) Concession revenue collection;  
10          (8) Recreational mitigation credit verification;  
11          (9) Trail District matching procedures;  
12          (10) Grant-scoring formulas and maintenance-priority rules.  
13          (b) The Authority may adopt emergency rules as needed for early implementation.

**§33A-8-3. Statewide Trail Design & Engineering Manual.**

1        (a) Within 24 months, the Authority shall adopt a Statewide Trail Design & Engineering  
2        Manual, including standards for:  
3            (1) Multi-purpose access segments;  
4            (2) ADA-accessible trail specifications;  
5            (3) Adaptive-use trail specifications;

6       (4) Wildlife-sensitive engineering;  
7       (5) Flood-resilient trail design;  
8       (6) Erosion-control and drainage;  
9       (7) Tread durability;  
10      (8) Emergency ingress and egress;  
11      (9) Equipment-cache placement;  
12      (10) Fire-suppression access compatibility;  
13      (11) Gateway-connector engineering.  
14      (b) The Manual shall be updated at least every five years.

**§33A-8-4.      Statewide      Signage      &      Wayfinding      Manual.**

1       Within 18 months, the Authority shall adopt a uniform manual establishing:  
2       (1) Difficulty and classification symbols;  
3       (2) Trail-type icons;  
4       (3) River hazard classifications (Class I–VI and Flatwater Tiers A–D);  
5       (4) Emergency-location marker standards;  
6       (5) Mobile-coverage advisories and self-rescue warnings;  
7       (6) QR-code signage standards;  
8       (7) ADA and adaptive-use signage;  
9       (8) Wildlife-closure and Quiet Zone signs;  
10      (9) Gateway-community signage templates;  
11      (10) Prohibited-use and restricted-use signs.

**§33A-8-5.      Integration      of      GIS      and      corridor      boundary      data.**

1       (a) The Authority shall deliver initial corridor-boundary datasets and GIS standards to:  
2       (1) County 9-1-1 / emergency communications centers;  
3       (2) County mapping and addressing offices;  
4       (3) County or regional GIS divisions.

5       (b) County agencies are encouraged to integrate corridor boundaries into:  
6           (1) 9-1-1 CAD systems;  
7           (2) Emergency-response mapping;  
8           (3) Addressing systems;  
9           (4) County GIS databases.  
10       (c) The Authority shall provide updated corridor-boundary data at least annually.  
11       (d) Federal land managers may voluntarily adopt these standards for cooperative  
12       segments.

**§33A-8-6.           Legacy           Trail           Corridor           identification.**

1       (a) Within 24 months, the Authority shall formally identify Legacy Trail Corridors, including  
2       but not limited to:  
3           (1) The Great Eastern Trail;  
4           (2) The Mary Draper Ingalls Trail System;  
5           (3) The New River Gorge Land-and-Water Spine;  
6           (4) The Bluestone Corridor;  
7           (5) The Webster–Randolph–Monongahela–Morgantown Trail Spine;  
8           (6) Any other corridors approved by the Authority.  
9       (b) Legacy Corridors shall receive priority for:  
10           (1) Grant funding;  
11           (2) Maintenance;  
12           (3) Hazard classification;  
13           (4) GIS mapping;  
14           (5) Gateway connectors;  
15           (6) Emergency-access improvements.

**§33A-8-7.           Initial           statewide           trail           inventory.**

1       (a) Within 12 months, the Authority shall complete a statewide inventory of existing land

2 and water trails, including:

3 (1) Ownership and managing entity;

4 (2) Physical condition;

5 (3) Access points and trailheads;

6 (4) Known hazards and flooding risks;

7 (5) Existing ADA or adaptive features;

8 (6) Emergency-access constraints;

9 (7) Wildlife-sensitive areas.

10 (b) The inventory shall be posted on a publicly accessible portal.

**§33A-8-8. Annual reporting to the Legislature.**

1 The Authority shall submit an annual report to the President of the Senate, the Speaker of

2 the House, and relevant committees, which shall include:

3 (1) Federal and state funding obtained;

4 (2) Total mileage designated and maintained;

5 (3) ADA and adaptive-use improvements;

6 (4) Updates to hazard classifications and major closures;

7 (5) Wildlife and flood closures implemented or lifted;

8 (6) Emergency-access improvements;

9 (7) Gateway-community connector progress;

10 (8) Maintenance backlog and anticipated needs;

11 (9) Overall corridor-condition summaries;

12 (10) Recommendations for statutory updates.

**§33A-8-9. Transition of responsibilities.**

1 (a) Existing jurisdictional authority shall remain with:

2 (1) Division of Natural Resources — wildlife management and state parks;

3 (2) Division of Highways — roadways, bridges, and state transportation corridors;

4       (3) Division of Emergency Management — emergency management functions;  
5       (4) Whitewater Outfitters Licensing Act — §20-3B-1 *et seq.*;  
6       (5) Federal land agencies — all federal responsibilities on NPS, USFS, or Corps lands.  
7       (b) The Authority shall assume responsibility for:  
8           (1) Statewide trail-corridor planning;  
9           (2) Maintenance-fund management under Article 5;  
10          (3) Hazard-classification publishing under Article 4;  
11          (4) Statewide trailhead safety and information systems;  
12          (5) GIS integration for the Statewide Trail System;  
13          (6) Grant administration and Trail District coordination;  
14          (7) Interagency coordination for trail-corridor development and management.

**§33A-8-10. Protection of existing local trail systems.**

1       (a) Nothing in this chapter shall diminish or limit the authority of municipalities, counties,  
2       county park boards, or regional trail alliances to operate or maintain existing trails.  
3       (b) Integration of such trails into the Statewide Trail System is encouraged but voluntary  
4       unless designation under this chapter is requested.

**§33A-8-11. Severability.**

1       If any provision of this chapter or its application is found invalid, the remainder shall remain  
2       in effect to the fullest extent possible.

**§33A-8-12. Effective date.**

1       This act shall take effect on July 1, 2026.

NOTE: The purpose of this bill is to create the West Virginia Trails, Access, and Stewardship Act.

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