

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 708

By Senators Woodrum and Hart

[Introduced February 2, 2026; 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 §17-4B-1, §17-4B-2, §17-4B-3, §17-4B-4, §17-4B-5, §17-4B-6, §17-4B-7, §17-
3 4B-8, §17-4B-9, §17-4B-10, §17-4B-11, §17-4B-12, §17-4B-13, and §17-4B-14, relating to
4 public river access and public safety in connection with bridge projects and hazardous river
5 segments; creating a short title; providing legislative findings and purpose; providing
6 definitions; clarifying how to evaluate river access during bridge projects; establishing
7 when to undertake public access improvements; prohibiting eminent domain; requiring
8 safety and design standards; prioritizing public safety; authorizing informational signage in
9 certain situations; clarifying liability; authorizing inter-agency coordination; providing grant
10 and funding authority; and providing legislative review.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4B. WEST VIRGINIA RIVER ACCESS AND BRIDGE MODERNIZATION ACT.

§17-4B-1. Short title.

1 This article shall be known and may be cited as the "West Virginia River Access and Bridge
2 Modernization Act."

§17-4B-2. Legislative findings and purpose.

1 The Legislature finds that:

2 (1) Bridges crossing navigable waterways are frequently used by the public for lawful
3 recreational activities, including fishing, boating, and paddling;

4 (2) Unmanaged or informal river access increases risks to public safety, emergency
5 response personnel, and the traveling public, and may result in unnecessary environmental
6 degradation;

7 (3) Inadequate or unsafe ingress and egress from navigable waterways contributes to
8 emergency rescues, injuries, and fatalities, including incidents requiring response by fire
9 departments, emergency medical services, law enforcement, and search-and-rescue personnel;

10 (4) The provision of controlled and properly designed river access can reduce the

11 frequency, complexity, and danger of rescue operations and improve overall public safety; and

12 (5) It is the intent of the Legislature to encourage safe, voluntary, and fiscally responsible
13 public river access without the use of eminent domain, without interference with private property
14 rights, and without expanding the authority of the Division of Highways beyond that expressly
15 provided by this article.

§17-4B-3. Definitions.

1 For purposes of this article:

2 "Division" means the West Virginia Division of Highways.

3 "Navigable waterway" means a river or stream capable of recreational navigation for a
4 substantial portion of the year.

5 "Public river access facility" means a designed and managed location providing ingress to
6 and egress from a navigable waterway, including pull-offs, user-specific parking or staging areas,
7 paths, under-bridge access areas, or related orientation features.

8 "Substantial bridge project" means the construction, replacement, or rehabilitation of a
9 bridge crossing a navigable waterway.

§17-4B-4. Evaluation of river access during bridge projects.

1 (a) When undertaking a substantial bridge project over a navigable waterway, the division
2 shall evaluate whether a public river access facility may be safely and practicably provided.

3 (b) Nothing in this section shall be construed to require construction of a public river access
4 facility where site conditions, safety concerns, environmental constraints, funding limitations, or
5 right-of-way considerations make such construction impracticable.

§17-4B-5. Authority to construct public river access facilities.

1 (a) The division may design, construct, improve, or maintain public river access facilities
2 when the division determines that such access:

3 (1) Can be accommodated safely;

4 (2) Does not interfere with traffic or transportation operations; and

5 (3) Improves public safety or resource protection, including mitigation of hazardous river
6 conditions, unsafe ingress or egress, or conditions contributing to emergency response or rescue
7 incidents.

8 (b) The division may undertake public river access improvements independent of a bridge
9 project when necessary to address documented public safety concerns.

10 (c) Notwithstanding the absence of a bridge construction, replacement, or rehabilitation
11 project, the division may design and construct limited public river access facilities, including user-
12 specific parking or staging areas, when necessary to mitigate unsafe ingress or egress conditions
13 or to reduce the likelihood or severity of emergency response or rescue operations.

14 (d) Facilities constructed pursuant to subsection (c) shall be limited in size and scope to
15 what is reasonably necessary to achieve public safety objectives.

§17-4B-6. Prohibition on eminent domain; voluntary acquisition permitted for safety
purposes.

1 (a) The division may not exercise eminent domain to acquire property for the purpose of
2 creating or expanding a public river access facility or related parking or staging area under this
3 article.

4 (b) Notwithstanding subsection (a), the division may acquire real property or interests
5 therein from willing sellers, by purchase, donation, or voluntary easement, for the limited purpose
6 of improving public safety through safe ingress or egress, including user-specific parking or
7 staging areas.

8 (c) Any acquisition under this section shall:

9 (1) Be voluntary and without the use or threat of eminent domain;

10 (2) Be limited in size and scope to what is reasonably necessary to achieve public safety or
11 rescue-mitigation objectives; and

12 (3) Not interfere with agricultural operations, timber operations, fencing, gates, or other
13 lawful working-land uses unless expressly agreed to by the property owner.

14 (d) Nothing in this section shall be construed to require the division to acquire property.

§17-4B-7. Safety and design standards.

1 (a) Public river access facilities constructed under this article shall incorporate reasonable
2 safety features appropriate to site conditions.

3 (b) The division may utilize existing engineering, transportation, or recreational-access
4 design standards and is not required to promulgate new rules solely to implement this article.

§17-4B-8. Public safety and rescue-mitigation prioritization.

1 (a) In carrying out the authority granted under this article, the division shall prioritize the
2 evaluation and development of public river access facilities at locations where improved access
3 would reasonably:

4 (1) Reduce the likelihood, frequency, or severity of emergency response or rescue
5 operations involving fire departments, emergency medical services, law enforcement, or search-
6 and-rescue personnel;

7 (2) Address hazardous or advanced-difficulty river segments where the absence of safe
8 ingress or egress increases rescue risk;

9 (3) Mitigate unsafe, impracticable, or hazardous ingress or egress conditions, including
10 steep climbs, extended carries, difficult terrain, or conflicts with vehicular traffic; or

11 (4) Improve responder access to incident locations for emergency response purposes.

12 (b) In applying the prioritization set forth in this section, the division may consider, as
13 available and appropriate:

14 (1) Documented emergency response or rescue activity;

15 (2) Known or documented patterns of public use;

16 (3) Consultation with fire departments, emergency medical services, law enforcement,
17 search-and-rescue personnel, or other local officials; and

18 (4) Site conditions affecting public safety.

19 (c) Nothing in this section shall be construed to:

20 (1) Require the construction of a public river access facility at any specific location;
21 (2) Create a duty to provide access at all hazardous river segments; or
22 (3) Expand the liability of the division beyond that imposed by general law.

§17-4B-9. Informational signage; limitation of duty and liability.

1 (a) The division may install informational signage when it determines such signage would
2 reasonably improve public safety or user orientation.

3 (b) Informational signage may include:

4 (1) Identification of the bridge, access point, or river segment;
5 (2) Location-reference information for user orientation;
6 (3) Approximate distance or estimated travel time to the next access point;
7 (4) General, non-technical descriptions of river character;
8 (5) General water-safety advisories, including personal flotation device recommendations;
9 (6) Advisories that cellular telephone service may be limited or unavailable and that rescue
10 response may be delayed; or

11 (7) Advisories encouraging users to exercise personal responsibility and possess the
12 skills, equipment, and group capacity reasonably necessary for self-rescue.

13 (c) Signage may be located on or beneath bridges, at access facilities, or at other
14 appropriate locations.

15 (d) In developing signage, the division may rely upon existing standards or best practices
16 used by transportation, natural resource, or land-management agencies.

17 (e) Nothing in this section shall be construed to:

18 (1) Require signage installation or maintenance on a fixed schedule;
19 (2) Require continued presence or accuracy of signage following flooding, erosion, or
20 channel changes;

21 (3) Create a representation or warranty regarding river conditions or hazards;
22 (4) Require identification of every potential hazard; or

23 (5) Expand the liability or legal duty of the division beyond that imposed by general law.

§17-4B-10. Limitation of liability.

1 Nothing in this article shall be construed to create a duty beyond that imposed by general
2 law or to expand the liability of the Division for injuries occurring at or near a public river access
3 facility.

§17-4B-11. Interagency coordination.

1 The division may coordinate and enter into cooperative agreements with state, federal,
2 regional, or local governmental agencies or political subdivisions for purposes authorized by this
3 article.

§17-4B-12. Grant and funding authority — governmental sources.

1 The division may apply for, accept, and expend state or federal grants, mitigation funds,
2 enhancement funds, or other public monies to support public river access facilities authorized by
3 this article.

§17-4B-13. Grant and funding authority — non-governmental sources.

1 (a) The division may accept grants, donations, or financial assistance from non-
2 governmental sources for purposes authorized by this article.

3 (b) Such acceptance shall not confer ownership, control, naming rights, or management
4 authority, expand acquisition authority, or impose conditions inconsistent with this article.

5 (c) Public or grant funds may be used to support voluntary property acquisition authorized
6 under §17-4B-6 of this article.

§17-4B-14. Legislative review.

1 Within five years of enactment, the division shall report to the Joint Committee on
2 Government and Finance regarding implementation, safety outcomes, and funding sources
3 utilized under this article.

NOTE: The purpose of this bill is to encourage safe, voluntary, and fiscally responsible

public river access without the use of eminent domain, without interference with private property rights, and without expanding the authority of the Division of Highways beyond that expressly provided by this 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.