

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 8**

**FISCAL  
NOTE**

By Senator Oliverio

[Introduced January 14, 2026; referred  
to the Committee on Transportation and  
Infrastructure; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, relating to requiring  
3 the Commissioner of Highways to develop a formula for allocating road funds among  
4 districts for the benefit of the counties; making legislative findings; requiring the  
5 commissioner to solicit and consider public comments; requiring the commissioner to  
6 include certain factors in the formula; and requiring the commissioner to submit the formula  
7 to the Legislature for approval as a legislative rule.

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

**ARTICLE 31. ALLOCATION OF FUNDS.**

**§17-31-1. Findings.**

1 The Legislature finds that:  
2 (1) According to an independent audit report submitted to the Joint Committee on  
3 Government and Finance on January 10, 2016, the West Virginia Division of Highways currently  
4 has no formula in place to allocate and distribute road funds among districts and counties. The  
5 audit report recommended that in order to more effectively distribute funds, the division should  
6 create a framework to allocate and distribute road funds to each of the districts and county  
7 organizations; that a baseline maintenance capital plan should be reexamined and revised  
8 periodically; and that metrics for the allocation process should be transparent.

9 (2) A transparent process to develop an official formula for allocating road funds among  
10 districts in the state is crucial to ensure that funds are distributed in an effective and efficient  
11 manner, based on the needs of the counties within the districts.

**§17-31-2. Definitions.**

13 For the purposes of this article:

14 (1) "Commissioner" means the West Virginia Commissioner of Highways.

15 (2) "District" means one of the 10 road maintenance districts established by the West  
16 Virginia Division of Highways.

17       (3) "Heavy truck" means an on-road vehicle with a gross vehicle weight rating of 50,000  
18       pounds or more.

19       (4) "Road funds" means federal or state funds appropriated or otherwise available to the  
20       West Virginia Division of Highways for the purpose of:

21       (A) New construction;  
22       (B) Maintenance; or  
23       (C) New capacity improvements.

24       **§17-31-3. Formula for allocation of funds.**

25       (a) Prior to the beginning of the regular legislative session in 2027, the commissioner must  
26       develop and propose a formula for the effective and efficient allocation of state and federal road  
27       funds among the districts and counties in this state, to be promulgated as a legislative rule.

28       (b) The commissioner must include the following factors in the formula developed pursuant  
29       to this section:

30       (1) The population served in each county according to the most recent United States  
31       Census;

32       (2) The amount of population growth in each county according to the most recent United  
33       States Census projection;

34       (3) The number of total lane miles in a county;  
35       (4) The approximate number of vehicle miles travelled within a county;  
36       (5) The approximate number of heavy truck miles travelled within a county; and  
37       (6) The number of bridges in a county and their condition.

38       (c) Before developing the formula required by this section, the commissioner must review  
39       and consider all public comments submitted to the commissioner pursuant to §17-31-4 of this  
40       code.

41       **§17-31-4. Public comment period.**

42       (a) On or before October 1, 2026, the commissioner must develop and implement a

43 mechanism to proactively seek public comments and recommendations regarding the division's  
44 current allocation of road funds.

45 (b) In developing and implementing a mechanism to seek public comments, the  
46 commissioner must, at a minimum:

47 (1) Use multimedia resources to publicize the public comment period;  
48 (2) Allow a period of six weeks for members of the public to submit comments to the  
49 commissioner through written and electronic forms of communication; and  
50 (3) Make all public comments received by the commissioner available for the public to view  
51 on the department's website.

52 (c) The commissioner must issue targeted communications to the following entities to  
53 encourage representatives of those entities to participate in the public comment period required by  
54 this subsection:

55 (1) Division of Highways district offices;  
56 (2) County commissions; and  
57 (3) Metropolitan planning organizations.

#### **§17-31-5. Legislative rule.**

59 (a) During the regular legislative session of 2027, the commissioner must submit the  
60 formula developed pursuant to this section to the Legislature for approval as a legislative rule, in  
61 accordance with the requirements of §29A-3-1 et seq..

62 (b) The legislative rule promulgated pursuant to this article must allow districts to exercise  
63 discretion over how to distribute funds among counties within the district over a period of five  
64 years: *Provided*, That at the end of the five year period, all counties within the district must have  
65 received the funds apportioned to them by the formula developed pursuant to this article.

66 (c) The proposed legislative rule shall provide that no district receives less funding than  
67 had been received in highest of the previous five fiscal years unless the overall state budget for the  
68 Division of Highways has been reduced.

NOTE: The purpose of this bill is to require the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties.

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