

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4530

**FISCAL
NOTE**

By Delegates G. Howell, Jeffries, Street, and Willis

[Introduced January 19, 2026; referred to the

Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §17-3-11; and to amend the code by adding a new article, designated §17-31-
3 1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, relating generally to improvements and
4 maintenance of traffic intersections impacted by high-impact retail operations; creating the
5 Special Retail Impact Intersection Improvement Fund as a subaccount of the State Road
6 Fund; authorizing the legislature to transfer certain funds into the subaccount for certain
7 purposes; creating the Retail Impact Intersection Improvement Program; stating legislative
8 findings and purpose of program; providing definitions; requiring Division of Highways
9 county supervisors consult with county commissions to submit project requests to the
10 Division of Highways; setting forth a funding formula; setting forth requirements concerning
11 bidding, vendors, and contracts with private vendors; specifying uses of the Special Retail
12 Impact Intersection Improvement Fund; providing requirements for Commissioner of
13 Highways and districts; requiring rulemaking; and requiring reporting by Division of
14 Highways and Legislative Auditor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE ROAD FUND.

§17-3-11. Special retail impact intersection improvement fund.

1 There is created a special subaccount in the State Road Fund, designated the special
2 retail impact intersection improvement fund, to be expended solely for the purposes specified in
3 §17-31-1 et seq. of this code for the improvement of traffic intersections impacted by high-impact
4 retail operations. Deposited funds allocated by the West Virginia Legislature shall be used for the
5 sole purpose of improvement, maintenance, and repairs of traffic intersections impacted by high-
6 impact retail operations.

ARTICLE 31. RETAIL IMPACT INTERSECTION IMPROVEMENT PROGRAM.

§17-31-1. Legislative findings; purpose.

1 The Legislature finds that high-impact retail operations can significantly contribute to traffic
2 congestion by generating increased traffic, creating parking issues, and potentially hindering
3 pedestrian flow. For purposes of this article, "high-impact retail operations" means operations,
4 such as shopping malls, grocery stores, warehouses, and roadside shops. The purpose of the
5 Retail Impact Intersection Improvement Program established in this article is to reduce congestion
6 and optimize traffic flow by upgrading traffic intersections with turning lanes, traffic signals, signal
7 timing adjustments, adequate drop-off and pick-up areas, sufficient parking, and any other issue
8 impacting the overall efficiency of traffic flow located in proximity to high-impact retail operations.

§17-31-2. Establishment of the retail impact intersection improvement program.

1 (a) The Retail Impact Intersection Improvement Program is created within the Division of
2 Highways and is to be administered by the division in accordance with the provisions of this article.

3 (b) To accomplish the goals of this program the Division of Highways' county supervisor for
4 each county shall consult with the county commission of each county and submit to the Division of
5 Highways a list of improvements and maintenance of traffic intersections impacted by high-impact
6 retail operations. These projects shall be limited to roads that are classified as federal aid
7 highways and nonfederal aid eligible county roads. The projects shall be listed in priority order
8 according to the Division of Highways average daily traffic counts and the county commission's
9 recommendation of urgency to improve the intersection. This request is to be made to the Division
10 of Highways by July 1, 2026, and on July 1 of each year thereafter. The projects shall be based
11 upon the funds available to the county from the funding formula set forth in §17-31-3 of this code.

12 (c) Following receipt of a priority list from all counties in a district, the Division of Highways
13 shall determine the available funding from the funding formula and ascertain the funding available
14 to address the submitted projects in the district. If funding is insufficient to address all submitted
15 projects, the Division of Highways shall notify all the county commissions in the district of the
16 projects which funding is not sufficient to complete. The funding shall only be used for the
17 purposes set forth in this article and for projects submitted to the Division of Highways which are

18 directly related to retail impact projects. The Division of Highways may perform other, non-retail-
19 related improvements at the same time using other funds, if such work is warranted.

20 (d) The Division of Highways shall contract with a private contractor or private contractors
21 to perform federal and nonfederal aid intersection improvement and maintenance if 50 percent of
22 the projects proposed for completion in the previous year have not been completed and based
23 upon the award allocation and for the projects as submitted to the Division of Highways as set forth
24 in subsection (b) of this section. These improvements shall include, but are not limited to, turning
25 lanes, traffic signals, signal timing adjustments, adequate drop-off and pick-up areas, and
26 sufficient parking. For purposes of this article, "district" means one of the management areas of the
27 state, which include one or more counties, established by the Division of Highways, with each
28 district headed by a separate district engineer or manager.

29 (e) The Division of Highways shall contract, in any practical manner it deems appropriate,
30 with vendor contractors to complete improvements and maintenance activities for any district if 50
31 percent of the projects proposed in that district for completion in the previous year have not been
32 completed. Completion of the project by the vendor is subject, however, to the availability of funds
33 and the availability of acceptable bids from contract vendors. These projects shall include, but are
34 not limited to, turning lanes, traffic signals, signal timing adjustments, adequate drop-off and pick-
35 up areas, and sufficient parking.

36 (f) The Division of Highways and the applicable district shall ensure that, alongside roads
37 being paved, all drainage work, including any necessary ditching and installation of culverts, if
38 necessary, has been performed in the state's rights-of-way prior to such paving work.

39 (g) All counties with countywide zoning are not eligible to participate in the program.

§17-31-3. Funding for the special retail impact intersection improvement fund.

1 (a) Funding for each county intersection project shall be equitably shared between the
2 county commission of said county, the developer of the high-impact retail operation, and the
3 special retail impact intersection improvement fund.

4 (b) County commissions may either contribute directly to the special retail impact
5 intersection improvement fund or, in the alternative, establish a tax increment financing district
6 pursuant to §7-11B-1 *et seq.* of this code.

§17-31-4. Funding from the special retail impact intersection improvement fund; bidding; contracting; and vendor requirements.

1 (a) Funds in the special retail impact intersection improvement fund created by §17-3-11 of
2 this code shall be allocated by the commissioner of the Division of Highways for the payment of
3 vendor contracts among the districts for improvements and maintenance of federal aid highways
4 and nonfederal aid roads.

5 (b) The division shall use the funds for the purpose of contracting with a vendor to perform
6 certain improvement and maintenance activities in the district as set forth in this article. The
7 Division of Highways may provide supplemental funds to a district in need of additional funds if
8 said funds are available in the special retail impact intersection improvement fund.

9 (c) The Division of Highways shall process bids and award contracts in accordance with
10 the current bid and contract review processing requirements of the division.

11 (d) Notwithstanding any other provision of this code to the contrary, the bidding and vendor
12 contracting process provided for in this article shall be conducted in accordance with the most
13 efficient procedures available to the Division of Highways. The Division of highways may only
14 require that the vendor provide the applicable insurance coverage and necessary bond and surety.

15 (e) Vendor contractors performing work pursuant to a contract as provided in this article
16 shall follow all work, operating, and safety procedures and requirements prescribed by the
17 Division of Highways.

§17-31-5. Reporting requirements by the Division of Highways.

1 (a) By November 1, 2026, and on November 1 of each year thereafter, the Division of
2 Highways shall present a report to the Joint Committee on Government and Finance as to the
3 status and progress of the program together with any suggested legislation to address any issues

4 related thereto no later than November of the following fiscal year. After November 2027, reports
5 will no longer be required.

6 (b) By December 1, 2026, and by December 1 biennially thereafter, the Legislative Auditor,
7 in a separate audit report, shall review the program to determine efficacy, economic responsibility,
8 and other such factors relating to the program and submit a report of his or her findings, together
9 with any suggested legislation to improve the efficiency of the program and to more economically
10 carry out the purposes of this article.

NOTE: The purpose of this bill is to improve traffic intersections impacted by high-impact retail operations.

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