

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 712

BY SENATORS MORRIS, THORNE, DEEDS, AND HART

[Introduced February 2, 2026; referred
to the Committee on Agriculture]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §17-2A-26, relating to permission to install cattle guards on certain public
3 roads by the Division of Highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-26. Private installation of cattle guards on certain public roads; rule-making authority.

1 (a) Notwithstanding any provision of this code to the contrary, the Division of Highways
2 may permit the installation of cattle guards on certain public roads in accordance with the
3 provisions of this section.

4 (b) Cattle guards authorized under this section may be installed only on public roads that:

5 (1) Are classified as local access roads, farm-to-market roads, or dead-end public roads;

6 (2) Are not part of the interstate highway system, a United States route, or a primary or
7 secondary state highway;

8 (3) Are located in areas of active agricultural or livestock operations; and

9 (4) Meet any additional eligibility criteria established by the Division of Highways by
10 legislative rule.

11 (c) Any cattle guard installed pursuant to this section shall:

12 (1) Be designed, constructed, and installed in strict accordance with specifications
13 established by the Division of Highways;

14 (2) Be installed entirely at the expense of the applicant;

15 (3) Be maintained, repaired, and replaced at the expense of the applicant for the life of the
16 installation; and

17 (4) Not unreasonably interfere with snow removal, roadway maintenance, or emergency
18 vehicle access, as determined by the Division of Highways.

19 (d) Prior to installation, an applicant shall:

- 20 (1) Submit an application in a form prescribed by the Division of Highways;
21 (2) Demonstrate a bona fide agricultural or livestock-related need for the cattle guard;
22 (3) Execute an indemnification agreement holding harmless the State of West Virginia and
23 the Division of Highways from any claims, damages, or liabilities arising from the installation,
24 maintenance, or presence of the cattle guard; and
25 (4) Comply with any bonding or insurance requirements imposed by the Division of
26 Highways.
27 (e) The Division of Highways retains sole discretion to approve, deny, condition, suspend,
28 or revoke authorization for any cattle guard installed pursuant to this section if it determines that
29 the installation:
30 (1) Poses a risk to public safety;
31 (2) Interferes with highway operations, including snow removal or maintenance activities;
32 or
33 (3) Results in damage to state equipment or infrastructure.
34 (f) Upon revocation of authorization, the applicant shall promptly remove the cattle guard
35 and restore the roadway to its original condition at no cost to the state.
36 (g) The Division of Highways shall propose legislative rules in accordance with §29A-3-1
37 et seq. of this code to implement and administer the provisions of this section, including, but not
38 limited to, application procedures, design specifications, eligibility standards, maintenance
39 requirements, and enforcement provisions.