

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4520

BY DELEGATES ATKINSON, SYPOLT, WESTFALL, TOMBLIN,
COOPER, HARTMAN, HOTT, CADLE, DEAN, D. KELLY AND
D. JEFFRIES

[By Request of the Division of Natural Resources]

[Introduced January 23, 2020; Referred to the
Committee on Agriculture and Natural Resources]

1 A BILL to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating
2 to the North Bend Rail Trail, Greenbrier River Rail and the Elk River Trail.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PARKS AND RECREATION.

§20-5-3. Section of parks and recreation; purpose; powers and duties generally.

1 The purposes of the section of parks and recreation shall be to promote conservation by
2 preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural,
3 archaeological or historic significance, and to provide outdoor recreational opportunities for the
4 citizens of this state and its visitors. ~~It shall be the duty of~~ The section of parks and recreation ~~to~~
5 ~~have~~ has within its jurisdiction and supervision:

6 (a) All state parks and recreation areas, including all lodges, cabins, swimming pools,
7 motorboating, and all other recreational facilities therein, except the roads heretofore transferred
8 pursuant to §17-4-1 *et seq.* of this code to the state road system and to the responsibility of the
9 Commissioner of Highways with respect to the construction, reconstruction, and maintenance of
10 the roads or any future roads for public usage on publicly owned lands for future state parks, state
11 forests, and public hunting and fishing areas;

12 (b) The authority and responsibility to do the necessary cutting and planting of vegetation
13 along road rights-of-way in state parks and recreational areas;

14 (c) The administration of all laws and regulations relating to the establishment,
15 development, protection, use and enjoyment of all state parks and state recreational facilities
16 consistent with the provisions of this article;

17 (d) The continued operation and maintenance of the Berkeley Springs Historical State
18 Park, in Morgan County, as a state recreational facility, designated the Berkeley Springs
19 sanitarium under prior enactment of this code;

20 (e) The continued operation and maintenance of that portion of Washington Carver camp
21 in Fayette County formerly incorporated within the boundaries of Babcock State Park;

22 (f) The continued operation and maintenance of Camp Creek State Park as a state
23 recreational facility, formerly delineated according to §19-1A-3 of this code;

24 (g) The continued operation and maintenance of Moncove Lake State Park as a state
25 recreational facility, formerly delineated pursuant to enactment of §5B-1-13 of this code in 1990;

26 (h) The continued protection, operation and maintenance of ~~approximately seventy-five~~
27 ~~miles of right-of-way along the former Greenbrier subdivision of the Chessie railroad~~ the right-of-
28 way along the former Greenbrier subdivision of the CSX railway system, between Caldwell in
29 Greenbrier County and Cass in Pocahontas County collectively designated as the Greenbrier
30 River Trail, including the protection of the trail from motorized vehicular traffic and operation for
31 the protection of adjacent public and private property;

32 (i) The continued protection, operation and maintenance of approximately sixty and fifty-
33 seven one-hundredths miles of the right-of-way of the CSX railway system, between Walker in
34 Wood County and Wilsonburg in Harrison County designated as the North Bend Rail Trail,
35 including the protection of the trail from motorized vehicular traffic and operation for the protection
36 of adjacent public and private property; and

37 (j) The continued development, operation and maintenance of Blennerhassett Island
38 Historical State Park, including all the property, powers and authority previously held by the
39 Blennerhassett Island Historical State Park Commission formerly delineated pursuant to §29-8-1
40 *et seq.* of this code.

41 (k) The continued protection, operation, and maintenance of the rights-of-way of the Elk
42 River Coal & Lumber Railroad, the Buffalo Creek & Gauley Railroad, and the Middle Creek Spur,
43 collectively designated as the Elk River Trail, including the protection of the trail from motorized
44 vehicular traffic and operation for the protection of adjacent public and private property.

NOTE: The purpose of this bill is to add the protection, operation and maintenance of the Elk River Trail as part of the Division of Natural Resources, Parks and Recreation Section and to update language related to the Greenbrier River Trail and North Bend Rail Trail.

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