

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 3147

By Delegates Storch, Howell and Clark

[Originating in the Committee on Economic Development
and Tourism; Reported February 15, 2023]

1 A BILL to amend and re-enact §20-17A-1 and §20-17A-2 of the Code of West Virginia, 1931, as
2 amended, and by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-
3 17B-3, §20-17B-4, and §20-17B-5, all relating to the expansion of the Mountaineer Trail
4 Network Recreation Authority and the creation of the Upper Ohio Valley Trail Network
5 Recreation Authority; providing for legislative findings and purposes; providing for
6 interconnection of recreational trail networks; providing for the continuation of the Upper
7 Ohio Valley Trail Network Recreation Authority and the establishment of the recreation
8 area; providing recreational purposes; providing for a governing body and expenses; and
9 providing for protection for private landowners.

Be it enacted by the Legislature of West Virginia:

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 17A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.

§20-17A-1. Legislative findings; purpose.

1 The Legislature further finds that, with the cooperation of private landowners, there is an
2 opportunity to provide trail-oriented recreation facilities primarily on private property in the
3 mountainous terrain of the Potomac Highlands and north central West Virginia and that the
4 facilities will provide significant economic and recreational benefits to the state and to the
5 communities in the Potomac Highlands and north central West Virginia through increased tourism
6 in the same manner as whitewater rafting, snow skiing, and utility terrain motor vehicle riding
7 benefit the state and communities surrounding those activities.

8 The Legislature further finds that the creation and empowering of a joint development
9 entity to work with the landowners, county officials and community leaders, state and federal
10 government agencies, recreational user groups, adjacent neighboring states and counties, and
11 other interested parties to enable and facilitate the implementation of the facilities will greatly
12 assist in the realization of these potential benefits.

13 The purpose of this article is to provide additional opportunities and regulatory
14 authorization for recreational trail networks and to provide for increased access to recreational
15 areas, including, but not limited to, creating a contiguous trail system that connects to the Upper
16 Ohio Valley Trail Network Recreation Authority, the Elk River Trail, the Chesapeake and Ohio
17 Canal Tow Path and any other trails in adjacent neighboring states that can be feasibly connected.

**§20-17A-2. Continuation of Mountaineer Trail Network Recreation Authority and
establishment of recreation area.**

1 (a) There is hereby continued the Mountaineer Trail Network Recreation Authority
2 consisting of representatives from the counties of Barbour, Doddridge, Grant, Harrison, Lewis,
3 Marion, Mineral, Monongalia, Preston, Randolph, Ritchie, Taylor, Tucker, Upshur, and Wood
4 organized pursuant to the provisions of §20-17-1 *et seq.* of this code. This authority is authorized
5 to establish a Mountaineer Trail Network Recreation Area within the jurisdictions of those counties
6 and the authority shall be subject to the powers, duties, immunities, and restrictions provided in
7 §20-17-1 *et seq.* of this code. Visitors and participants in recreational activities within the trail
8 network shall, in similar respects, be subject to the user requirements and prohibitions of §20-17-7
9 of this code.

10 (b) Notwithstanding subsection (a) of this section, an adjacent county may join the
11 Mountaineer Trail Network Recreation Authority pursuant to the procedures set forth in §20-17-
12 3(b) of this code.

13 (c) Notwithstanding subsection (a) of this section, the Mountaineer Trail Network
14 Recreation Authority may merge with another multicounty trail network authority, pursuant to the
15 procedures set forth in §20-17-3(c) of this code.

16 (d) The Mountaineer Trail Network Recreation Authority may set goals of connecting to the
17 Ohio Valley Trail Network Recreation Authority, the Elk River Trail, the Chesapeake and Ohio
18 Canal Tow Path and any other trails in adjacent neighboring states that can be feasibly connected.

ARTICLE 17B. UPPER OHIO VALLEY TRAIL NETWORK RECREATION AUTHORITY.

§20-17B-1. Legislative findings; purpose.

1 The Legislature further finds that, with the cooperation of private landowners, there is an
2 opportunity to provide trail-oriented recreation facilities primarily on private property in the Ohio
3 River valley terrain of western counties in West Virginia and the northern panhandle of West
4 Virginia and that the facilities will provide significant economic and recreational benefits to the
5 state and to the communities in the Ohio River valley terrain of western counties in West Virginia
6 and the northern panhandle of West Virginia through increased tourism in the same manner as
7 whitewater rafting, snow skiing, and utility terrain motor vehicle riding benefit the state and
8 communities surrounding those activities.

9 The Legislature further finds that the creation and empowering of a joint development
10 entity to work with the landowners, county officials and community leaders, state and federal
11 government agencies, recreational user groups, adjacent neighboring states and counties, and
12 other interested parties to enable and facilitate the implementation of the facilities will greatly
13 assist in the realization of these potential benefits.

14 The purpose of this article is to provide additional opportunities and regulatory
15 authorization for recreational trail networks and to provide for increased access to recreational
16 areas, including, but not limited to, creating a contiguous trail system that connects to the
17 Mountaineer Trail Network Recreation Authority and any other trails in adjacent neighboring states
18 that can be feasibly connected.

§20-17B-2. Continuation of Upper Ohio Valley Trail Network Recreation Authority and
establishment of recreation area.

1 (a) There is hereby continued the Upper Ohio Valley Trail Network Recreation Authority
2 consisting of representatives from all counties in the northern panhandle – Hancock, Brooke,
3 Ohio, and Marshall – and Ohio River valley counties to include Wetzel, Tyler, Pleasants, Wood,

4 Jackson, Mason, and Cabell, organized pursuant to the provisions of §20-17-1 et seq. of this code.
5 This authority is authorized to establish an Upper Ohio Valley Trail Network Recreation Area within
6 the jurisdictions of those counties and the authority shall be subject to the powers, duties,
7 immunities, and restrictions provided in §20-17-1 et seq. of this code. Visitors and participants in
8 recreational activities within the trail network shall, in similar respects, be subject to the user
9 requirements and prohibitions of §20-17-7 of this code.

10 (b) Notwithstanding subsection (a) of this section, an adjacent county may join the Upper
11 Ohio Valley Trail Network Recreation Authority pursuant to the procedures set forth in §20-17-3(b)
12 of this code.

13 (c) Notwithstanding subsection (a) of this section, the Upper Ohio Valley Trail Network
14 Recreation Authority may merge with another multicounty trail network authority, pursuant to the
15 procedures set forth in §20-17-3(c) of this code.

16 (d) Notwithstanding §20-17A-4 of this code, Monongalia County of the Mountaineer Trail
17 Network Recreation authority shall serve as an ex-officio member of the Upper Ohio Valley Trail
18 Network Recreation Authority for the purposes of establishing the trail network and coordinating
19 the two networks.

20 (e) The Upper Ohio Valley Trail Network Recreation Authority may set goals of connecting
21 to the Mountaineer Trail Network and any other trails in adjacent neighboring states that can be
22 feasibly connected.

§20-17B-3. Recreational purposes.

1 The permitted recreational purposes for the Upper Ohio Valley Trail Network Recreation
2 Area include, but are not limited to, any one or any combination of the following recreational
3 activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, mountain
4 bicycling, running, cross-country running, nature study, winter sports and visiting, viewing or
5 enjoying historical, archaeological, scenic, or scientific sites.

§20-17B-4. Governing body and expenses.

1 (a) The governing body of the authority shall be a board constituted according to the
2 provisions of §20-17-4 of this code.

3 (b) All costs incidental to the administration of the authority, including office expenses,
4 personal services expenses and current expenses, shall be paid in accordance with guidelines
5 issued by the board from funds accruing to the authority.

6 (c) All expenses incurred in carrying out the provisions of this article shall be payable solely
7 from funds provided under the authority of this article and according to the requirements of
8 §20-17-1 et seq. of this code. No liability or obligation may be incurred by the authority under this
9 article beyond the extent to which moneys have been provided under the authority of this article.

§20-17B-5. Protection for private landowners.

1 Owners of land used by the authority shall have the full benefit of the limitations of liability
2 provided in §20-17-8 of this code.

NOTE: The purpose of this bill is to expand the Mountaineer Trail Network and create the Upper Ohio Valley Trail Network Recreation Authority. The bill provides for legislative findings and purposes. The bill provides for the continuation of the Upper Ohio Valley Trail Network Recreation Authority and the establishment of the recreation area. The bill provides recreational purposes and the interconnection of recreational trails. The bill provides for a governing body and expenses. Finally, the bill provides for protection for private landowners.

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