

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4766**

By Delegate Burkhammer

[Introduced January 16, 2024; Referred  
to the Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17-4-5 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring signage for road closures 30 days prior to the closure if the closure will last longer  
 3 than 30 days and the detour is longer than one mile.

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

**ARTICLE                    4.                    STATE                    ROAD                    SYSTEM**  
**§17-4-5.                    Right                    of                    eminent                    domain.**

1            (a) The state road commissioner, or the state road commission may acquire by right of  
 2 eminent domain any land or water, or any interest therein or any rights, ways, or easements  
 3 thereon or thereover, for the purpose of constructing, widening, straightening, grading, or altering  
 4 any state road, or for the purposes enumerated in §17-4-25 of this code, or to provide a detour or  
 5 temporary road or bridge while a road is in the process of construction, reconstruction,  
 6 improvement, or repair, or for any other purposes authorized by any provision of this chapter,  
 7 whenever a just compensation cannot be agreed upon by the owner or claimant of such property,  
 8 for such taking, use, or damage.

9            (b) The state road commissioner, or the state road commission, for any of the purposes  
 10 aforesaid may likewise acquire by eminent domain any bridge or bridge site across any stream  
 11 separating this state from an adjoining state, any portion thereof, or the approaches thereto, or any  
 12 interest, franchise, right, or privilege in the same, whether the same be owned and operated by a  
 13 bridge company, a railroad or electric company, or other railway, or other utility, or any other  
 14 person, firm, or corporation, such right to be exercised to provide either for a permanent title,  
 15 ownership, use, or easement thereon or thereover, or for a temporary use and easement thereon  
 16 or thereover as a detour, or temporary road or bridge; and such rights may be acquired subject to  
 17 the use by any railroad or electric company, or other railway or utility, or under such reasonable  
 18 regulation as to such use as the court may prescribe. The state road commission may also  
 19 exercise in any adjoining state such powers of eminent domain for any of the purposes aforesaid,  
 20 whether such powers are now conferred or may be hereafter conferred upon the commission by

21 any act of Congress of the United States, if such act of Congress be necessary for the exercise of  
22 such powers. Title to property condemned in any adjoining state may be taken either in the name  
23 of the state or of the state road commission.

24 (c) When the road closure will exceed 30 days and the detour will be longer than one mile,  
25 the Division of Highways shall be required to post signage warning motorists about the closure and  
26 detour for at least 30 days prior to the closure.

27 (d) The proceedings for the purposes aforesaid may be instituted in the name of the  
28 commissioner, or the state road commission, either at law or in equity, and prosecuted and  
29 determined as provided in §54-1-1 *et seq.* of this code.

NOTE: The purpose of this bill is to require signage for road closures 30 days prior to the closure if the closure will last longer than 30 days and the detour is longer than one mile.

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