

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 425

By Senators Woodrum, Deeds, Woelfel, and Rucker

[Introduced January 12, 2024; referred
to the Committee on Agriculture and Natural
Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §20-3C-1, §20-3C-2, §20-3C-3, §20-3C-4, and §20-3C-5, all relating to
 3 creating the West Virginia Public Waterway Act; purpose and legislative findings;
 4 definition; public access bridge crossings; fencing; and implementation by the Department
 5 of Transportation, in cooperation with the Department of Natural Resources.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30C. WEST VIRGINIA PUBLIC WATERWAY ACCESS ACT.

§20-3C-1. Purpose and findings.

1 The purpose of this article is to ensure public access to the state’s rivers and streams for
 2 recreational purposes. This article recognizes the importance of outdoor recreation to the health
 3 and well-being of West Virginia’s residents and visitors. The Legislature finds that river access
 4 points provide several benefits:

5 (a) Recreational opportunities: They serve as launch facilities for boats or other watercraft,
 6 allowing people to engage in recreational activities such as fishing, boating, and swimming;

7 (b) Economic impact: They can boost local economies by attracting tourists and
 8 recreational enthusiasts, who contribute to the local economy through spending on goods and
 9 services;

10 (c) Environmental Education: They provide opportunities for people to connect with nature,
 11 fostering a greater appreciation and understanding of the environment.

12 (d) Health and Well-being: They offer spaces for outdoor recreation, which has been
 13 shown to have numerous health benefits, including stress reduction and improved physical health.

14 (e) Community Engagement: They can serve as community gathering spots, fostering
 15 social interaction and community engagement and.

16 (f) The thoughtful planning and design supported by the planning guide will benefit the
 17 public. River users will also benefit from an enhanced recreation experience shaped by mindful
 18 planning and design.

§20-3C-2. Definitions.

1 For the purposes of this article, "public bridge" refers to any bridge that is maintained with
2 public funds and crosses a navigable river or stream.

§20-3C-3. Public access at bridge crossings.

1 (a) Whenever a new public bridge is constructed or an existing one is replaced or
2 substantially repaired, an access point to the river or stream shall be included in the project, if it is
3 safe and practical to do so.

4 (b) The access point shall be designed in a manner that allows safe and reasonable
5 access for recreational users while minimizing impact on private property rights and agricultural
6 operations. The access point may include, but is not limited to, a path, a ramp, stairs, or a dock.

§20-3C-4. Fencing.

1 (a) Landowners may erect fences abutting bridge structures for the purpose of controlling
2 livestock.

3 (b) Any such fence shall include approved access features such as gates or stiles to allow
4 recreational users to pass through.

§20-3C-5. Implementation.

1 The Department of Transportation, in cooperation with the Department of Natural
2 Resources, shall develop guidelines for the implementation of this article. These guidelines shall
3 include standards for the design and location of access points and approved access features for
4 fences.

NOTE: The purpose of this bill is to create of the West Virginia Public Waterway Act providing public access bridge crossings; fencing; and requiring implementation by the Department of Transportation, in cooperation with the Department of Natural Resources.

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