
WEST VIRGINIA CODE CHAPTER 17
ARTICLE 31

WV Legislature

§17-31-1. Legislative findings and purpose.

The Legislature further finds that inadequate public roadway access to residential neighborhoods is a barrier to housing development, community stability, and population growth, particularly in rural areas of the state. It is the purpose of this article to establish a targeted program to support the reconstruction and improvement of public access roads serving residential neighborhoods and subdivisions, while avoiding state responsibility for internal subdivision infrastructure or private roadways.

§17-31-2. Creation of the Neighborhood Access Road Program.

There is hereby created the Neighborhood Access Road Program. Subject to available funding, the program shall be administered by the West Virginia Division of Highways to provide for the reconstruction or improvement of public access roads serving eligible residential neighborhoods and subdivisions.

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§17-31-3. Neighborhood Access Road Fund.

(a) There is hereby created in the State Treasury a special revenue account to be known as the Neighborhood Access Road Fund.

(b) The fund shall consist of appropriations made by the Legislature, grants, federal funds, and any other funds designated for deposit into the Neighborhood Access Road Fund.

(c) Moneys in the fund shall be expended solely for the purposes authorized by this article.

§17-31-4. Eligible funding uses.

(a) Funds in the Neighborhood Access Road Fund may be used for the construction, improvement, or upgrade of public access roads that:

(1) Serve residential neighborhoods or subdivisions to connect to an existing state road;

(2) Serve expansion phases of existing residential neighborhoods or subdivisions; or

(3) Provide improved access to existing residential neighborhoods that:

(A) Contain a substantial number of residential dwelling units; and

(B) Lack adequate public roadway access due to substandard conditions, insufficient capacity or safety features, or connectivity limitations affecting emergency services, school transportation, or general public access.

(b) All projects funded under this article shall involve infrastructure that is already part of the state or local public road system and dedicated to public use. Nothing in this article requires the division to accept infrastructure into the state road system.

§17-31-5. Minimum residential threshold and project eligibility.

(a) To be eligible for funding under this article, a project shall serve a minimum of:

(1) Twenty single-family dwelling units;

(2) Twenty multifamily dwelling units; or

(3) A combination of single-family and multifamily dwelling units totaling at least 20 residential units.

(b) For purposes of this section, each dwelling unit shall be counted as one residential unit regardless of structure type.

(c) Local government financial participation shall not be required as a condition of eligibility or approval under this program.

(d) Approval of projects under this article is in the discretion of the division and subject to the availability of funds.

§17-31-6. Prohibited uses.

Funds authorized under this article may not be used for:

- (1) Private roads, gated roads, or roads owned or maintained by a homeowners' association;
- (2) Driveways or parking areas within residential neighborhoods or subdivisions;
- (3) Routine maintenance unrelated to residential access needs; or
- (4) Roads serving exclusively commercial or industrial development.

§17-31-7. Project funding limitation.

(a) No single project approved under the Neighborhood Access Road Program may receive more than \$750,000 in program funds during any single fiscal year.

(b) A project may receive funding in more than one fiscal year, subject to the annual funding limitation and the availability of funds.

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§17-31-8. Reporting and oversight.

The Division of Highways shall submit an annual written report to the Legislative Oversight Commission on Department of Transportation Accountability detailing the administration and performance of the Neighborhood Access Road Program. The report shall include, at a minimum:

- (1) A list of projects approved and denied during the reporting period;
- (2) The location and description of each approved project;
- (3) The number and type of residential units served by each project;
- (4) Total expenditures from the Neighborhood Access Road Fund;
- (5) Anticipated long-term maintenance impacts to the public road system; and
- (6) Any recommendations for statutory changes or program improvements.

§17-31-9. Sunset.

(a) The Neighborhood Access Road Program shall terminate three years after the effective date of this article, unless reauthorized by the Legislature.

(b) Any funds remaining in the Neighborhood Access Road Fund upon termination shall revert to the State Road Fund unless otherwise directed by law.

(c) The termination of the program shall not affect the validity or completion of any project approved prior to the sunset date.