

WEST VIRGINIA CODE: §17-4-8A

§17-4-8a. Road paving and utility work coordination.

(a) In order to avoid the destruction of newly paved roads, each utility and the Division of Highways shall coordinate with each other concerning the timing of paving activity and utility work that disturbs any paved road.

(b) For purposes of this section:

(1) "Paved road" means any paved road in the state road system.

(2) "Paving activity" means any paving or resurfacing of at least 300 linear feet of a state right-of-way but excludes patching.

(3) "Utility" means any utility as defined in §17-2A-17a of this code.

(c) (1) Beginning on December 31, 2025, and due annually on or before that date thereafter, each utility shall provide a report that lists all projects planned by the utility, during the next two years including anticipated construction start and stop dates, that require digging or cutting into any paved road to the district office of the Division of Highways in which the paved road is located. The report shall also include identification of any grants that have either been received or applied for that may result in work that affects a paved road. The Division of Highways shall review and consider such reports in conjunction with the division's planning of projects and paving activity.

(2) If the utility does not have plans to improve or replace any road asset under consideration in the next two calendar years, the said utility may submit a "no plans report" and opt out of the yearly report. Failure to comply with these reporting requirements may result in the Division of Highways to withhold issuing a "Right of Way Entry Permit" until the required report is submitted.

(d) Beginning September 1, 2025, the Division of Highways shall make available on the division's website the following:

(1) A map of its districts;

(2) A list of all planned paving activities with approximate paving activity dates and with reasonable paving activity location information; and

(3) A copy of all reports provided by a utility by district pursuant to this section for the most current year.

(e) Nothing in this section prohibits the Division of Highways from filling potholes or performing other necessary maintenance work for the safety of vehicular or foot traffic upon

roads that are scheduled for utility projects.

(f) Nothing in this section prohibits a utility from digging or cutting and subsequently patching paved roads in accordance with §17-16-6 of this code in order to perform necessary utility repairs or projects. After performing any work that damages a paved road or other public right-of-way, the utility shall repair the road or right-of-way in accordance with the West Virginia Division of Highways Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects latest manual.