

**Senate Bill No. 609**

(By Senators Unger, Minard, D. Facemire, Stollings, Klempa and  
Foster)

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[Introduced February 16, 2012; referred to the Committee on  
Transportation and Infrastructure; and then to the Committee on  
Government Organization.]

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A BILL to amend and reenact §8-18-1 of the Code of West Virginia,  
1931, as amended; and to amend said code by adding thereto a  
new section, designated §17-2A-8d, all relating to municipal  
corporations; roads and highways; establishing a complete  
streets policy; defining terms; authorizing municipal  
governing bodies to implement a complete streets policy;  
adding implementation of a complete streets policy to the  
duties of the West Virginia Commissioner of Highways; and  
requiring a review of policy by the commissioner and governing  
bodies of municipalities.

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

That §8-18-1 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; and that said code be amended by adding

1 thereto a new section, designated §17-2A-8d, all to read as  
2 follows:

3 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

4 **ARTICLE 18. ASSESSMENTS TO IMPROVE STREETS, SIDEWALKS AND SEWERS;**  
5 **SEWER CONNECTIONS AND BOARD OF HEALTH; ENFORCEMENT**  
6 **OF DUTY TO PAY FOR SERVICE.**

7 **PART I. POWER AND AUTHORITY TO MAKE IMPROVEMENTS.**

8 **§8-18-1. Power and authority of municipalities relating to street,**  
9 **sidewalk, sewer and other permanent improvements.**

10 (a) Every municipality is hereby empowered and authorized, in  
11 addition to any other rights, power and authority conferred upon  
12 it, upon the terms, conditions and in the manner hereinafter set  
13 forth, to grade or regrade, pave or repave, surface or resurface,  
14 curb or recurb, streets (which term is used in this article to  
15 include avenues and roads), alleys, public ways or easements, or  
16 portions thereof, and to build or renew sidewalks, and to  
17 construct, provide or renew any of such improvements or other  
18 permanent public improvements in any streets, alleys, public ways  
19 or easements, or portions thereof, in such municipality, and, if  
20 deemed advisable, to construct storm and sanitary sewers, or all or  
21 a part of a storm or sanitary or combined storm and sanitary sewer  
22 system in any streets, alleys, public ways or easements, or sewer  
23 right-of-ways or easements, or portions thereof, independently or

1 in conjunction with other of such improvements, and to assess the  
2 costs of any or all of such improvements on abutting property.

3 (b) As used in this section:

4 (1) "Complete streets policy" means considering the needs of  
5 drivers, public transportation vehicles and patrons, bicyclists and  
6 pedestrians of all ages and abilities in all planning, programming,  
7 design, construction, reconstruction, retrofit, operations and  
8 maintenance activities and making applicable adjustments to provide  
9 for those needs.

10 (2) "Complete streets features" means components that ensure  
11 the safe usage of roads by all users and includes, but is not  
12 limited to, sidewalks, crosswalks, accessible curb ramps, curb  
13 extensions, raised medians, refuge islands, roundabouts or mini-  
14 circles, traffic signals and accessible pedestrian signals  
15 including audible and vibrotactile indications and pedestrian  
16 countdown signals, shared-use paths, bicycle lanes, paved  
17 shoulders, street trees, planting strips, signs, street furniture,  
18 bicycle parking facilities, public transportation stops and  
19 facilities, dedicated transit lanes and transit priority  
20 signalization.

21 (c) The governing body of the municipality shall implement a  
22 complete streets policy through utilizing the complete street  
23 features appropriate to a given project. The governing body shall  
24 approach all transportation improvements as opportunities to

1 improve safety, access and mobility for all travelers in West  
2 Virginia.

3       (d) Within eighteen months of the effective date of this  
4 section, the governing body shall identify the internal policies,  
5 procedures, plans, design manuals and ordinances that could be used  
6 to facilitate the implementation of the complete streets policy,  
7 identify provisions in these documents that conflict with the  
8 complete streets policy and provide a schedule for updating such  
9 documents.

10       (e) The complete streets policy applies to all cases defined  
11 in subsection (b) (1) of this section except, when the governing  
12 body determines in writing with appropriate documentation, that:

13       (1) Use by nonmotorized users is prohibited by law; or

14       (2) The cost would be excessively disproportionate to the need  
15 or probable future use over the long-term; or

16       (3) There is an absence of current or future need; or

17       (4) Preliminary engineering for a project has been completed  
18 prior to the effective date of this amendment; or

19       (5) The work is maintenance activity designed to keep assets  
20 in serviceable condition.

21 **CHAPTER 17. ROADS AND HIGHWAYS.**

22 **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

23 **§17-2A-8d. Implementation of a complete streets policy.**

1 (a) As used in this section:

2 (1) "Complete streets policy" means considering the needs of  
3 drivers, public transportation vehicles and patrons, bicyclists,  
4 and pedestrians of all ages and abilities in all planning,  
5 programming, design, construction, reconstruction, retrofit,  
6 operations and maintenance activities and making applicable  
7 adjustments to provide for those needs.

8 (2) "Complete streets features" means components that ensure  
9 the safe usage of roads by all users and includes, but is not  
10 limited to, sidewalks, crosswalks, accessible curb ramps, curb  
11 extensions, raised medians, refuge islands, roundabouts or mini-  
12 circles, traffic signals and accessible pedestrian signals  
13 including audible and vibrotactile indications and pedestrian  
14 countdown signals, shared-use paths, bicycle lanes, paved  
15 shoulders, street trees, planting strips, signs, street furniture,  
16 bicycle parking facilities, public transportation stops and  
17 facilities, dedicated transit lanes and transit priority  
18 signalization.

19 (b) When executing the duties and authority granted to him or  
20 her in section eight of this article, the West Virginia  
21 Commissioner of Highways shall implement a complete streets policy  
22 through utilizing the complete street features appropriate to a  
23 given project. The commissioner shall approach all transportation  
24 improvements as opportunities to improve safety, access and

1 mobility for all travelers in West Virginia.

2       (c) Within eighteen months of the effective date of this  
3 section, the commissioner shall identify the internal policies,  
4 procedures, plans, design manuals and ordinances that could be used  
5 to facilitate the implementation of the complete streets policy,  
6 identify provisions in these documents that conflict with the  
7 complete streets policy and provide a schedule for updating such  
8 documents.

9       (d) The complete streets policy applies to all cases defined  
10 in subsection (a) (1) of this section except, when the commissioner  
11 determines in writing with appropriate documentation, that:

12       (1) Use by nonmotorized users is prohibited by law; or

13       (2) The cost would be excessively disproportionate to the need  
14 or probable future use over the long-term; or

15       (3) There is an absence of current or future need; or

16       (4) Preliminary engineering for a project has been completed  
17 prior to the effective date of this amendment; or

18       (5) The work is maintenance activity designed to keep assets  
19 in serviceable condition.

NOTE: The purpose of this bill is to implement a complete streets policy in order to improve the safety, accessibility and mobility of travel for all West Virginians.

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

§17-2A-8d is new; therefore, strike-throughs and underscoring have been omitted.