

**H. B. 2494**

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(By Delegates Staggers, Phillips, L.,  
Guthrie, Swartzmiller and Stephens)

[Introduced February 15, 2013; referred to the  
Committee on Roads and Transportation then Finance.]

**FISCAL  
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §17-4A-1, §17-4A-2  
12 and §17-4A-3, all relating to creation of the Complete Streets  
13 Act; adopting a complete streets policy applicable to all  
14 streets, roads and highways and other transportation  
15 infrastructure facilities under the jurisdiction of the  
16 Commissioner of Highways; providing for model complete streets  
17 policies for use by counties and municipalities; creating a  
18 Complete Streets Advisory Board; and requiring annual reports.

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

20 That the Code of West Virginia, 1931, as amended, be amended  
21 by adding thereto a new article, designated §17-4A-1, §17-4A-2 and  
22 §17-4A-3, all to read as follows:

23 **ARTICLE 4A. COMPLETE STREETS ACT.**

1 **§17-4A-1. Complete Streets.**

2 (a) Vehicular, public transportation, bicycle, and pedestrian  
3 modes are integral to the transportation system of this state. The  
4 Division of Highways shall view all transportation improvements as  
5 opportunities to improve safety, access and mobility for all  
6 travelers.

7 (b) All transportation projects receiving federal or state  
8 funds shall strive to improve safety, access and mobility for users  
9 of all ages and abilities, defined to include pedestrians,  
10 bicyclists, public transportation vehicles and their passengers,  
11 motorists, movers of commercial goods, persons with disabilities,  
12 older adults and children.

13 (c) Accommodation of all users shall be considered in the  
14 planning, design, construction, reconstruction, rehabilitation,  
15 maintenance and operations of any state, county, or local  
16 transportation facilities receiving funds from the Division of  
17 Highways. The Division of Highways shall aim to create a safe,  
18 comprehensive, integrated and connected network to accommodate all  
19 users in a manner that is suitable to the rural, suburban or urban  
20 context.

21 (d) The Division of Highways shall use the latest and best  
22 design standards as they apply to bicycle, pedestrian, transit and  
23 highway facilities, which may include, but are not limited to, the

1 latest editions of:

2 (1) A Policy on Geometric Design of Highways and Streets, from  
3 the American Association of State Highway and Transportation  
4 Officials;

5 (2) Designing Walkable Urban Thoroughfares: A Context Sensitive  
6 Approach: An ITE Recommended Practice, from the Institute of  
7 Transportation Engineers;

8 (3) Guide for the Development of Bicycle Facilities, from the  
9 American Association of State Highway and Transportation Officials;

10 (4) Guide for the Planning, Design and Operation of Pedestrian  
11 Facilities, from the American Association of State Highway and  
12 Transportation Officials;

13 (5) Public Rights-of-Way Accessibility Guidelines, from the  
14 U.S. Access Board; and

15 (6) Other relevant federal, state, or local guidance as  
16 appropriate.

17 (e) The Division of Highways may provide assistance to and  
18 coordinate with regional and local agencies in developing and  
19 implementing complementary complete streets policies. In the  
20 development of projects within municipal boundaries, the Division  
21 of Highways and municipality shall share expertise in multimodal  
22 transportation planning.

23 (f) The Division of Highways shall modify its procedures,

1 documents, training systems and performance measures in a timely  
2 manner to ensure the needs of all users of the transportation  
3 system are included in all phases of the projects. The Division of  
4 Highways shall create an implementation plan, including a schedule  
5 and a regional and local government and public outreach plan, in  
6 consultation with the advisory board as outlined in section three  
7 of this article.

8 **§17-4A-2. Exceptions.**

9 (a) The provision of facilities pursuant to section one of  
10 this article is not required if the commissioner determines that:

11 (1) Use of a transportation facility by pedestrians,  
12 bicyclists or other users is prohibited by law;

13 (2) The cost of new accommodation would be excessively  
14 disproportionate to the need or probable use; or

15 (3) There is a demonstrated absence of future need, as  
16 determined by factors including current and future land use,  
17 current and projected user volumes, population density and crash  
18 data.

19 (b) The commissioner shall consult local and regional plans  
20 and leaders, as appropriate, in assessing exceptions.

21 (c) Documentation of any granted exceptions shall be made  
22 publicly available and shared with the advisory board as  
23 established in section three of this article.

1 **§17-4A-3. Complete Streets Advisory Board.**

2 (a) A Complete Streets Advisory Board to the Division of  
3 Highways is established to:

4 (1) Provide and facilitate communication, education and advice  
5 between the Division of Highways, counties, municipalities,  
6 interest groups and the public;

7 (2) Make recommendations to the Division of Highways, counties  
8 and municipalities for restructuring procedures, updating design  
9 guidance, providing educational opportunities to employees and  
10 creating new measures to track the success of multimodal planning  
11 and design; and

12 (3) Submit to the Joint Committee on Government and Finance,  
13 through the Division of Highways, an annual report as outlined  
14 herein.

15 (b) The advisory board shall consist of sixteen members,  
16 designated as follows:

17 (1) The Commissioner of Highways or his or her designee;

18 (2) The Secretary of the Department of Transportation or his  
19 or her designee;

20 (3) The Secretary of the Department of Health and Human  
21 Resources or his or her designee; and

22 (4) Thirteen members that serve at the will and pleasure of  
23 the Governor and appointed by the Governor as follows:

1 (A) One member who is a licensed engineer with expertise in  
2 transportation or civil engineering;

3 (B) One member representing the American Planning Association;

4 (C) One member representing a state association of counties;

5 (D) One member representing state association of  
6 municipalities;

7 (E) One member representing a major regional or local public  
8 transportation agency;

9 (F) One member representing a national association of retired  
10 persons;

11 (G) One member representing an organization interested in the  
12 promotion of bicycling;

13 (H) One member representing an organization interested in the  
14 promotion of walking and health;

15 (I) One member representing an organization representing  
16 persons with disabilities;

17 (J) One member representing an automobile and/or trucking  
18 organization; and

19 (K) Three members of the general public interested in  
20 promoting complete streets policies as determined by the Governor.

21 (c) The Commissioner of Highways shall serve as the first  
22 chair of the advisory committee. The advisory committee shall meet  
23 at least twice a year and at the call of the chair or a majority of

1 the members. The members of the committee shall annually elect one  
2 of its members to serve as chair after the first year.

3 (d) The initial terms of appointment for members appointed by  
4 the Governor shall be as follows: Three members appointed to a term  
5 of one year, three members appointed to a term of two years, three  
6 members appointed to a term of three years, and four members  
7 appointed to a term of four years. Thereafter each member shall be  
8 appointed for four years. Members shall serve until his or her  
9 successor is appointed. In the case of a vacancy the appointee  
10 shall serve the remainder of the unexpired term. Members of the  
11 advisory committee may succeed themselves and shall serve without  
12 compensation. The members appointed by the Governor are entitled to  
13 be reimbursed for actual and necessary expenses incurred for each  
14 day or portion thereof engaged in the discharge of his or her  
15 official duties as a member of the committee in a manner consistent  
16 with the guidelines of the travel management office of the  
17 Department of Administration.

18 (e) By December 1, 2013, and annually December 1 thereafter,  
19 the advisory board shall submit a report to the Governor, the  
20 Commissioner of Highways, and the Joint Committee on Government and  
21 Finance on the status of implementation of section one of this  
22 article.

23 (1) The reports shall include information such as:

1       (A) A summary of specific actions taken by the Division of  
2 Highways in the preceding year to improve the safety, access and  
3 mobility of roadways pursuant to section one of this article;

4       (B) Any identified statutory recommendations to facilitate  
5 complete streets implementation;

6       (C) Modifications made to or recommended for protocols,  
7 guidance, standards or other requirements to facilitate complete  
8 streets implementation;

9       (D) Status of the development of multimodal performance  
10 indicators;

11       (E) Information collected from agencies on the percentage of  
12 trips made by foot, bicycle and public transportation together with  
13 target level of use for these modes;

14       (F) Crash statistics by mode, age, road type and location and  
15 other relevant factors; and

16       (G) Other related information that may be requested by the  
17 Governor or Legislature.

18       (2) The report shall be coordinated with the Division of  
19 Highways.

NOTE: The purpose of this bill is to insure that streets are safe, efficient and convenient for travel by all users, including pedestrians, bicyclists, motorists and transit riders, in the policies, design guidance, planning, development, construction and maintenance of roads in this state.



This article is new; therefore, it has been completely underscored.

This legislation was recommended for introduction and passage during the 2013 Regular Session of the Legislature by the Legislative Select Committee on Infrastructure.