

COMMITTEE SUBSTITUTE

FOR

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FOR

## **Senate Bill No. 158**

(By Senators Beach and Stollings)

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[Originating in the Committee on Government Organization;  
reported March 21, 2013.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the Complete Streets Act; promoting consideration by the Division of Highways of complete streets policies for all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Division of Highways; providing for model complete streets policies for use by Division of Highways, counties and municipalities; providing instances when the

Division of Highways need not consider complete street policies; creating a Complete Streets Advisory Board; providing for reimbursement of mileage expenses of board members; and requiring annual reports.

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

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

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

**§17-4A-1. Complete Streets.**

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

6       (b) All transportation projects receiving federal or state  
7 funds should strive to improve safety, access and mobility for  
8 users of all ages and abilities, defined to include pedestrians,

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9 bicyclists, public transportation vehicles and their  
10 passengers, motorists, movers of commercial goods, persons  
11 with disabilities, older adults and children.

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

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

24 (1) A Policy on Geometric Design of Highways and  
25 Streets, from the American Association of State Highway  
26 and Transportation Officials;

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

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

33       (4) Guide for the Planning, Design and Operation of  
34 Pedestrian Facilities, from the American Association of State  
35 Highway and Transportation Officials;

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

38       (6) Other relevant federal, state or local guidance as  
39 appropriate.

40       (e) The Division of Highways may provide assistance to  
41 and coordinate with regional and local agencies in  
42 developing and implementing complementary complete  
43 streets policies. In the development of projects within  
44 municipal boundaries, the Division of Highways and

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45 municipality may share expertise in multimodal  
46 transportation planning.

47 (f) The Division of Highways is encouraged to modify its  
48 procedures, documents, training systems and performance  
49 measures in a timely manner to ensure the needs of all users  
50 of the transportation system are included in all phases of the  
51 projects. The Division of Highways is encouraged to create  
52 an implementation plan, including a schedule and a regional  
53 and local government and public outreach plan, in  
54 consultation with the advisory board as outlined in section  
55 three of this article.

**§17-4A-2. Exceptions.**

1 (a) Accommodation of all users of a transportation  
2 facility need not be considered in the planning, designing,  
3 construction, reconstruction, rehabilitation, maintenance or  
4 operations of any state, county or local transportation  
5 facilities receiving funds from the Division of Highways if  
6 the commissioner determines that:

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

9 (2) The cost of new accommodation would be  
10 disproportionate to the need or probable use;

11 (3) There is a demonstrated absence of future need as  
12 determined by factors such as current and future land use,  
13 current and projected user volumes, population density and  
14 crash data;

15 (4) The time-sensitive or expedited nature of the project  
16 would be adversely affected; or

17 (5) The project has already moved beyond the initial  
18 planning stage at the time this article goes into effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (B) One member representing the American Planning  
27 Association;

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

30 (D) One member representing state association of  
31 municipalities;

32 (E) One member representing a major regional or local  
33 public transportation agency;

34 (F) One member representing a national association of  
35 retired persons;



36 (G) One member representing an organization interested  
37 in the promotion of bicycling;

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

40 (I) One member representing an organization  
41 representing persons with disabilities;

42 (J) One member representing an automobile and/or  
43 trucking organization; and

44 (K) Three members of the general public interested in  
45 promoting complete streets policies, one representing each  
46 congressional district, as determined by the Governor.

47 (c) The Commissioner of Highways shall serve as the  
48 first chair of the board. The board shall meet at least twice  
49 a year and at the call of the chair or a majority of the  
50 members. The members of the board shall annually elect one  
51 of its members to serve as chair after the first year.

52 (d) The initial terms of appointment for members  
53 appointed by the Governor shall be as follows: Three

54 members appointed to a term of one year, three members  
55 appointed to a term of two years, three members appointed  
56 to a term of three years and four members appointed to a  
57 term of four years. Thereafter each member shall be  
58 appointed for four years. A member shall serve until his or  
59 her successor is appointed. In the case of a vacancy the  
60 appointee shall serve the remainder of the unexpired term.  
61 Members of the board may succeed themselves and shall  
62 serve without compensation. The members appointed by the  
63 Governor are entitled to be reimbursed in a manner  
64 consistent with the guidelines of the Travel Management  
65 Office of the Department of Administration for actual and  
66 necessary mileage expenses incurred while attending official  
67 meetings of the board.

68 (e) On December 1, 2013, and on December 1 every year  
69 thereafter, the board shall submit an annual report to the  
70 Governor, the Commissioner of Highways and the Joint  
71 Committee on Government and Finance on the status of  
72 implementation of section one of this article.

73 (1) The annual report shall include the following  
74 information:

75 (A) A summary of actions taken by the Division of  
76 Highways in the preceding year to improve the safety, access  
77 and mobility of roadways pursuant to section one of this  
78 article;

79 (B) Modifications made to or recommended for  
80 protocols, guidance, standards or other requirements to  
81 facilitate complete streets implementation;

82 (C) Status of the development of multimodal  
83 performance indicators;

84 (D) Any information obtained on the use made of  
85 bicycle, pedestrian, transit and highway facilities together  
86 with the existing target level of use for these modes, if any;

87 (E) Available crash statistics by mode, age, road type and  
88 location and other relevant factors; and

89 (F) Other related information that may be requested by  
90 the Governor or Legislature.

91 (2) The Division of Highways may assist the board in the  
92 preparation of the board's annual report.