

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 158**

6 (By Senators Beach and Stollings)

7 _____
8 [Originating in the Committee on Government Organization;
9 reported March 21, 2013.]
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11
12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §17-4A-1, §17-4A-2
14 and §17-4A-3, all relating to creation of the Complete Streets
15 Act; promoting consideration by the Division of Highways of
16 complete streets policies for all streets, roads and highways
17 and other transportation infrastructure facilities under the
18 jurisdiction of the Division of Highways; providing for model
19 complete streets policies for use by Division of Highways,
20 counties and municipalities; providing instances when the
21 Division of Highways need not consider complete street
22 policies; creating a Complete Streets Advisory Board;
23 providing for reimbursement of mileage expenses of board
24 members; and requiring annual reports.

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

26 That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new article, designated §17-4A-1, §17-4A-2 and
2 §17-4A-3, all to read as follows:

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

4 **§17-4A-1. Complete Streets.**

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

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

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

24 (d) The Division of Highways is encouraged to use the latest
25 and best design standards as they apply to bicycle, pedestrian,
26 transit and highway facilities, which may include, but are not

1 limited to, the 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
6 Sensitive Approach: An ITE Recommended Practice, from the Institute
7 of 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 U.
14 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 may share expertise in multimodal
22 transportation planning.

23 (f) The Division of Highways is encouraged to modify its
24 procedures, documents, training systems and performance measures in
25 a timely manner to ensure the needs of all users of the
26 transportation system are included in all phases of the projects.

1 The Division of Highways is encouraged to create an implementation
2 plan, including a schedule and a regional and local government and
3 public outreach plan, in consultation with the advisory board as
4 outlined in section three of this article.

5 **§17-4A-2. Exceptions.**

6 (a) Accommodation of all users of a transportation facility
7 need not be considered in the planning, designing, construction,
8 reconstruction, rehabilitation, maintenance or operations of any
9 state, county or local transportation facilities receiving funds
10 from the Division of Highways 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 disproportionate to
14 the need or probable use;

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

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

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

22 (b) The commissioner is encouraged to consult local and
23 regional plans and leaders, as appropriate, in assessing
24 exceptions.

25 (c) Documentation of any granted exceptions may be made
26 publicly available and shared with the advisory board as

1 established in section three of this article.

2 **§17-4A-3. Complete Streets Advisory Board.**

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

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

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

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

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

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

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

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

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

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

- 1 (B) One member representing the American Planning Association;
- 2 (C) One member representing a state association of counties;
- 3 (D) One member representing state association of
4 municipalities;
- 5 (E) One member representing a major regional or local public
6 transportation agency;
- 7 (F) One member representing a national association of retired
8 persons;
- 9 (G) One member representing an organization interested in the
10 promotion of bicycling;
- 11 (H) One member representing an organization interested in the
12 promotion of walking and health;
- 13 (I) One member representing an organization representing
14 persons with disabilities;
- 15 (J) One member representing an automobile and/or trucking
16 organization; and
- 17 (K) Three members of the general public interested in
18 promoting complete streets policies, one representing each
19 congressional district, as determined by the Governor.
- 20 (c) The Commissioner of Highways shall serve as the first
21 chair of the board. The board shall meet at least twice a year and
22 at the call of the chair or a majority of the members. The members
23 of the board shall annually elect one of its members to serve as
24 chair after the first year.
- 25 (d) The initial terms of appointment for members appointed by
26 the Governor shall be as follows: Three members appointed to a term

1 of one year, three members appointed to a term of two years, three
2 members appointed to a term of three years and four members
3 appointed to a term of four years. Thereafter each member shall be
4 appointed for four years. A member shall serve until his or her
5 successor is appointed. In the case of a vacancy the appointee
6 shall serve the remainder of the unexpired term. Members of the
7 board may succeed themselves and shall serve without compensation.
8 The members appointed by the Governor are entitled to be reimbursed
9 in a manner consistent with the guidelines of the Travel Management
10 Office of the Department of Administration for actual and necessary
11 mileage expenses incurred while attending official meetings of the
12 board.

13 (e) On December 1, 2013, and on December 1 every year
14 thereafter, the board shall submit an annual report to the
15 Governor, the Commissioner of Highways and the Joint Committee on
16 Government and Finance on the status of implementation of section
17 one of this article.

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

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

22 (B) Modifications made to or recommended for protocols,
23 guidance, standards or other requirements to facilitate complete
24 streets implementation;

25 (C) Status of the development of multimodal performance
26 indicators;

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

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

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

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