

Senate Bill No. 158

(By Senators Beach and Stollings)

[Introduced February 14, 2013; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Government Organization.]

**Interim
Bill**

**FISCAL
NOTE**

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; adopting a complete streets policy applicable to all
streets, roads and highways and other transportation
infrastructure facilities under the jurisdiction of the
Commissioner of Highways; providing for model complete streets
policies for use by counties and municipalities; creating a
Complete Streets Advisory Board; 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:

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

2 **§17-4A-1. Complete Streets.**

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

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

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

22 (d) The Division of Highways shall use the latest and best
23 design standards as they apply to bicycle, pedestrian, transit and

1 highway facilities, which may include, but are not limited to, the
2 latest editions of:

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

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

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

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

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

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

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

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

9 **§17-4A-2. Exceptions.**

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

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

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

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

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

22 (c) Documentation of any granted exceptions shall be made
23 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

1 the Governor and appointed by the Governor as follows:

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

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

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

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

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

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

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

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

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

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

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

22 (c) The Commissioner of Highways shall serve as the first
23 chair of the advisory committee. The advisory committee shall meet

1 at least twice a year and at the call of the chair or a majority of
2 the members. The members of the committee shall annually elect one
3 of its members to serve as chair after the first year.

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

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

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

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

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

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

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

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

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

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

19 (2) The report shall be coordinated with the Division of
20 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, strike-throughs and underscoring have been omitted.

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