WEST VIRGINIA CODE: §17-4A-2

§17-4A-2. Exceptions.

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

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

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

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

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

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

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

WV Legislature