WEST VIRGINIA CODE CHAPTER 17 ARTICLE 4A

WV Legislature

§17-4A-1. Complete Streets.

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

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

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

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

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

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

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

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

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

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

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

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

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Highways is encouraged to create an implementation plan, including a schedule, and a regional and local government and public outreach plan.

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§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.

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§17-4A-3. Complete Streets Collaboration.

(a) The Division of Highways shall:

(1) Provide and facilitate communication, education, and advice with counties, municipalities, interest groups, and the public; and

(2) Make recommendations to the counties, and municipalities for restructuring procedures, updating design guidance, providing educational opportunities to employees, and creating new measures to track the success of multimodal planning and design.

(b) In its annual report submitted pursuant to §5-1-20(a) of this code, the Division of Highways shall include:

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

(2) Modifications made to or recommended for protocols, guidance, standards, or other requirements to facilitate complete streets implementation;

(3) Status of the development of multimodal performance indicators;

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

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

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

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