

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



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FOR

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FOR

Senate Bill No. 158

(SENATORS BEACH AND STOLLINGS, *ORIGINAL SPONSORS*)

[PASSED APRIL 10, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 158

2013 APR 19 PM 12:50
SECRETARY OF STATE
FILED

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OFFICE OF THE CLERK
SECRETARY OF STATE

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AN ACT 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,
9 bicyclists, public transportation vehicles and their passengers,
10 motorists, movers of commercial goods, persons with
11 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 that
19 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 and
26 Transportation Officials;

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

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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 developing
42 and implementing complementary complete streets policies.
43 In the development of projects within municipal boundaries,
44 the Division of Highways and municipality may share
45 expertise in multimodal transportation planning.

46 (f) The Division of Highways is encouraged to modify its
47 procedures, documents, training systems and performance
48 measures in a timely manner to ensure the needs of all users
49 of the transportation system are included in all phases of the
50 projects. The Division of Highways is encouraged to create
51 an implementation plan, including a schedule and a regional
52 and local government and public outreach plan, in
53 consultation with the advisory board as outlined in section
54 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 of
2 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 first
48 chair of the board. The board shall meet at least twice a year
49 and at the call of the chair or a majority of the members. The
50 members of the board shall annually elect one of its members
51 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 to
56 a term of three years and four members appointed to a term
57 of four years. Thereafter each member shall be appointed for
58 four years. A member shall serve until his or her successor
59 is appointed. In the case of a vacancy the appointee shall
60 serve the remainder of the unexpired term. Members of the

61 board may succeed themselves and shall serve without
62 compensation. The members appointed by the Governor are
63 entitled to be reimbursed in a manner consistent with the
64 guidelines of the Travel Management Office of the
65 Department of Administration for actual and necessary
66 mileage expenses incurred while attending official meetings
67 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 protocols,
80 guidance, standards or other requirements to facilitate
81 complete streets implementation;

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

84 (D) Any information obtained on the use made of bicycle,
85 pedestrian, transit and highway facilities together with the
86 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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *19th*
Day of *April*, 2013.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

APR 15 2013

Time 4:14 pm