

# Public Involvement Summary

### **Approach Summary**

The Public Involvement process for development of the STIP and future amendments to the STIP are defined in the currently approved version of the West Virginia Department of Transportation (WVDOT) Public Involvement Process and the WVDOT Procedures for Consultation with Local Officials with Responsibility for Transportation. These procedures are outlined in West Virginia Division of Highways (WVDOH) Design Directive 201 (DD201). The public involvement policies and procedures defined in DD201 work in concert with the requirements established in 23 C.F.R 450.210. Both of these documents can be found in the following pages.

To facilitate a robust public involvement component to the development of the 2023-2028 STIP the WVDOT utilized two statewide virtual public workshops which were widely publicized via newspapers, social media platforms, online news articles, podcasts, Metropolitan Planning Organizations (MPOs) and Regional Planning Development Councils (RPDCs), as well as direct notifications to 595 individuals representing the following:

- 8 Metropolitan Planning Organizations (MPOs)
- 11 Regional Planning & Development Councils
- WV Municipal League
- WV Association of Counties
- 55 County Commissions
- 229 Municipal Agencies
- 55 Media Outlets
- 8 Economic Development/Industry Authorities
- 24 Freight Rail Entities
- 6 Tourist Rail Entities
- 9 Passenger Rail Entities
- 5 Neighboring State Department of Transportations (VA, OH, PA, MD, KY)
- 20 Transit Authorities
- WV Contractors Association
- 25+ Community Organizations and Non-Profits
- 9+ Native American Tribes
- 20+ State and Federal Partner Agencies

The first virtual public workshop was held on June 30, 2022. The intent and goal of this virtual public workshop #1 was for the public to review information on future funding levels and provide input on the potential program categories and funding levels for the 6-year period. The workshop provided a venue for the public to ask questions and discuss the program with the STIP

# ***West Virginia 2023-2028 STIP***

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development team. The input was used as the foundation to formulate a draft STIP document. This virtual public workshop initiated a 14-day public comment period to gather comments and feedback from the public and stakeholders. The workshop was recorded and published online on the STIP website.

The second virtual public workshop was held on September 1, 2022. Virtual public workshop #2 involved an explanation of the results gathered from virtual public workshop #1 as well as stakeholder input. After the explanation of results, the development team explained how to interpret and navigate the published 2023-2028 STIP documents. This meeting also facilitated a venue for the development team to field questions from those in attendance. Upon concluding virtual public workshop #2 the official 45-day public comment period commenced. Virtual public workshop #2 was also recorded and published on the STIP website for future reference.

During both workshops the West Virginia Department of Transportation, upon request, provided reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in our services, programs, and activities. The WVDOT provided, upon request, for reasonable accommodations to provide language interpretation for people with Limited English Proficiency and translations of written materials necessary to access project information. Additionally, each virtual public workshop was enabled with closed captioning capabilities.

## **WVDOT Response to Comments**

The WVDOT received several comments on the 2023-2028 STIP ranging from citizens to local public entities. The following items are the summarized comments and feedback received.

1. Feedback regarding the federal funding split among the core programs was overwhelmingly positive. Meaning the amount of funding being proposed to invest toward Bridges, Pavement, Community Development, etc.
2. There was interest in the I-68 extension during the workshop. The development team explained that the extension of I-68 is not totally out of the realm of possibility but would rely on USDOT discretionary or Congressional Directed (Earmark) funding in order to become a priority.
3. Received a handful of smaller project requests which were notified that the project requests would have to go through the normal WVDOT project vetting processes to become a programmed project.
4. Feedback was received and incorporated from the MPOs and RPDC. In fact, the MPO's have been largely appreciative of the methodology used for the development of the federal program.
5. There were some requests received during Public Workshop #1 which desired a slightly heavier investment into bike and pedestrian facilities. The development team took that feedback and adjusted the program slightly to accommodate that request. Since those adjustments were made there has been additional positive feedback from those groups.

## ***West Virginia 2023-2028 STIP***

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6. Many positive comments have been received commending the educational aspect of the virtual public workshops. Specifically, the growing understanding of both stakeholders and the general public regarding the condition of assets and the needed investment to bring those assets into good condition. Once the base line asset conditions were explained, the investment path became clearer to demonstrate. This has resulted in heavy buy-in from the participants and commenters.

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
DESIGN DIRECTIVE**

**DD-201  
PUBLIC INVOLVEMENT PROCESS**  
*June 25, 2015*

Attached is the Division of Highways policy on the "Public Involvement Process".

This document replaces the "Action Plan" dated 1979, DD-93 dated March 14, 1969, DD-93-1 dated September 20, 1991, DD-201 dated October 1, 2003 and DD-201 dated November 14, 2011. The "Public Involvement Process" will be used on both State and Federal Projects.

Attachment

## **PUBLIC INVOLVEMENT PROCESS**

### **10. INTRODUCTION**

This policy addresses the public involvement process for projects that require processing a National Environmental Policy Act (NEPA) environmental document. It is necessary for people to communicate. Communication is an interchange of ideas between individuals and groups. Maximizing communication is the responsibility of not only the Division of Highways (Division), but also the citizens. The citizen should be willing to listen, the Division should be willing to listen and both must react in a positive manner to what they have heard. The Division's listening and comment channels should be formally established so the citizen knows where and how to have his or her views heard and when to expect a response.

Generally Public Involvement is for any project that requires the acquisition of considerable amounts of right of way, requires a long and/or complex detour, substantially changes the layout or function of connecting roadways or of the facility being improved, has a sizeable impact on abutting property, or otherwise may result in substantial social, economic, environmental or other effects.

Additional public involvement opportunities may be initiated when the Division believes there is a substantial change in the project, an unusually long lapse of time since the last public involvement or the identification of a -substantial social, economic or environmental issue not previously considered at earlier public involvement opportunities.

### **20. PUBLIC INVOLVEMENT AND THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

NEPA requires public involvement on projects that have or may have a significant environmental effect. These projects normally require an "Environmental Impact Statement" (EIS), an "Environmental Assessment" (EA) or a "Categorical Exclusion" (CE).

An EIS will require at least two public involvement opportunities. The first is for the "Project Scoping" and the second is after the Draft Environmental Impact Statement (DEIS) has been approved by the Federal Highway Administration (FHWA). An EA will also require at least two public involvement opportunities. The first is for the "Project Scoping" and the second is after the EA has been approved by FHWA. A CE normally does not require public involvement, however, public involvement may be conducted if the Division believes it is warranted or it is requested by the public.

### **30. PUBLIC INVOLVEMENT TYPES**

Public involvement can take many forms. A public meeting is the most recognized by the public. However, other types can be just as valuable and effective such as notices in newspapers, mail, radio, television, billboards, road signs and the internet. All of these forms help keep the public involved in the project development process and provides the

Division with valuable information.

Public meetings provide a face to face interaction between the citizens of West Virginia and the Division in planning and design. There are three different types of public meetings the first is a public informational workshop, the second is a public hearing and the third is a combination of the two. All of these types of public meetings provide a face to face interaction with the public and provide the Division and the public with valuable information.

- a) A public informational workshop is a forum for the free interchange of ideas and may or may not include a formal presentation. While general notes of the issues discussed are taken and considered during project development, written comments are encouraged and included in the public record.
- b) A public hearing is the most formal type where a formal presentation is given and verbal comments, or testimony, are recorded after the presentation. A transcript of the presentation and testimony is prepared for the public record; however, written comments are encouraged and are also included in the public record.
- c) The combination type will have a public information workshop that begins prior to a formal presentation and testimony is recorded following the presentation. A transcript of the presentation and testimony is prepared for the public record; however, written comments are also encouraged and are also included in the public record.

Other types of Public Involvement like newspaper ads, mail, radio, television, billboards, road signs and the internet can be just as useful as a Public Meeting depending on what information the Division is seeking and what information the Public wants. These types can be used alone or in combination with a Public Meeting. If the Division wants to get a sense of the public's concern about a highway project, distributing a Project Informational Flyer may be sufficient. However, if it is evident that there is a concern from the public about the project, a Public Meeting may be more appropriate and using one or more of the other methods to advertise the meeting would be typical.

Some projects may require a public hearing due to the type of environmental document being prepared. Due to the amount of public concern, the Division or the Federal Highway Administration (FHWA) may require a public hearing. A public hearing is generally required when the public is asked to comment on an approved DEIS or on an approved EA.

Anyone may request a Public Hearing or a Public Meeting for any project by contacting the Division in writing or by making a written comment on its website. The Division and FHWA will determine after the request has been received if the request is warranted in consideration of all of the comments received from the project.

#### **40. PUBLIC INVOLVEMENT POLICIES**

The Division's procedures for public involvement have been established to maximize citizen input in both location and design while complying with environmental requirements. These environmental requirements include NEPA, Section 404 of the Clean Water Act (CWA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA), various Executive Orders, including 11988 (Floodplains), 11990 (Wetlands) and 12898 (Environmental Justice), Title IV of the Civil Rights Act and FHWA policy and regulations.

When the Division and FHWA determine that formal public involvement is necessary for a Federal-aid highway project, the Division will develop a public involvement plan in consultation with the FHWA Division office. The public involvement plan should include a summary of the agency and public involvement strategy for the entire NEPA process, as well as a project information distribution list. In addition, the public involvement strategy shall consider how to involve any affected person or persons that qualify under Title IV of the Civil Rights Act, Environmental Justice or the Americans with Disabilities Act of 1990. The distribution list should include federal, state and local agencies, federal, state and county elected officials, historic preservation groups who are active within the project area, as well as individuals who have requested project development information.

All Public Involvement is moderated by responsible officials in the Division. The Division furnishes individuals who are sufficiently familiar with the project to answer questions raised by the public. Alternative courses of action, alternative project locations and major features of the project are discussed along with environmental and other effects of the alternatives.

#### **50. DETERMINING THE TYPE OF PUBLIC INVOLVEMENT TO BE USED**

The Public Involvement for any project should consider what questions need to be answered and who the target audience is for the project. The target audience is typically the users of the highway in the area, property owners that are affected by the project, any interested party such as historic groups, metropolitan planning groups, and government officials. The target audience differs from project to project and not all types of public involvement are appropriate for all projects. Therefore, the type of public involvement must be tailored to the target audience.

If a project serves a very small community and has very little to no through traffic then the appropriate public involvement may be sending project flyers to the residents of the community and soliciting their comments. This method may also be appropriate if it is unclear if the public is interested in the project.

For a project in a populated area where the public is likely to be interested, a Public Informational meeting will be the best option. Public informational meetings are also useful on large projects where an initial meeting may assist with the identification of

environmental issues and/or resources present within the project area, which would help determine what type of environmental document needs to be developed. This meeting type is also useful if the project has an approved environmental document, but does not have a lot of public controversy. During this type of meeting, it may be determined that an informal presentation is warranted.

For projects that have public controversy and have an approved NEPA Document, a Public Informational Meeting with a hearing component may be the best option. This meeting type will allow the public to ask questions and get responses during the informal part of the meeting and during the formal part of the meeting will allow comments to be recorded.

Public Hearings by themselves without an informal component have not been found to be helpful to the public and are not generally encouraged. However, the Division and FHWA may determine that this type of meeting is the best option.

## **60. PUBLIC MEETING PROCEDURE**

When the Division determines that it has reached a stage in the development process at which a public meeting is recommended, the WVDOT Office of Communications will be notified by the section responsible for conducting the meeting.

### **a) NOTICE**

When a public meeting is scheduled, notice in the form of a legal advertisement will be published in newspapers having general circulation in the vicinity of the proposed project. The newspaper notice shall contain the following:

- 1) Date and time of the meeting.
- 2) Location of the meeting.
- 3) A description of the project.
- 4) A link to a website where additional project information can be found.
- 5) A statement that a hearing may be requested.
- 6) A statement regarding the NHPA Section 106 consultation process and/or Section 4(f) determinations, if applicable.
- 7) If a formal presentation is being conducted, the time it will begin.
- 8) If a hearing is being conducted, the time it will begin.
- 9) If a NEPA document is being presented for comment, the notice will indicate that an electronic copy can be obtained on the Division's website and at the local library.

A statement regarding accommodations to allow persons with disabilities to obtain information and/or provide comments shall be included with the legal advertisement. The statement will be written as follows:

“The West Virginia Department of Transportation will, upon request, provide reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability and equal opportunity to

participate in our services, programs, and activities. Please contact us at (304) 558-3931. Persons with hearing or speech impairments can reach all state agencies by calling (800) 982-8772 (voice to TDD) or (800) 982-8771 (TDD to voice), toll free.” Add the name, phone number, and e-mail address of the current Director of the Office of Communications to complete the statement.

In addition to the legal advertisement, a project flyer will be distributed and will generally contain all of the same information as the legal advertisement.

A copy of the public notice will be mailed to all of the federal and state elected officials that serve the project area. The public notice will also be provided to the respective County Commission and historic preservation groups who are active within the project area.

#### b) PUBLICATION OF MEETING NOTICES

The WVDOT Office of Communications maintains a current list of newspapers that advertisements are to be placed in, based on the location of the project. All Public Meeting notices should appear in the newspaper and be posted on the Division’s website at least 14 days prior to the meeting. In order to ensure that the public, in the area of the project, is informed about the meeting, a secondary type of advertisement is normally required and is developed to inform the local target audience. The secondary advertisement if required should be distributed and/or posted 7 days prior to the meeting. The secondary advertisement may include, but are limited to, the following:

- 1) Meeting advertisement fliers to be sent to the property owners and/or residents in the project vicinity.
- 2) Placing fliers in local stores and gathering areas.
- 3) A road sign to inform the traveling public about the meeting.
- 4) A paid advertisement in the local paper that is not in the legal section.
- 5) A billboard.

#### c) ENVIRONMENTAL DOCUMENTS

When an DEIS or EA is provided to the public and agencies for comment as a part of the public involvement process, the deadline date for comments will be 30 days after the public meeting. For DEIS documents, the comment deadline date will be at least 45 days from the date the Notice of Availability (NOA) for the document is published in the Federal Register. For EA documents, the deadline date for comments should be no less than 30 days from the date the document was mailed to the agencies or placed on the Division’s website. The Division shall advise of the comment deadline date and where the document is available for public review. The Division will work with FHWA to approve any written request to extend the deadline date for comments, if it is received prior to the advertised deadline date.

## d) OTHER NOTICES

In addition to the formal newspaper legal advertisement, a press release concerning the meeting and/or hearing may be prepared and distributed by the WVDOT Office of Communications.

## e) MEETING AND/OR HEARING FORMAT

- 1) Meetings and/or hearings will be moderated by an official of the Division.
- 2) The developing Division will furnish an individual who is sufficiently familiar with the project to answer questions raised by citizens.
- 3) The Division's presentation will include project description, alternatives, environmental and other effects of the project.
- 4) Provision will be made for submission of written statements and other exhibits in addition to oral statements at meetings or hearings.
- 5) The Division will explain its right of way acquisition process, relocation assistance program and relocation assistance payments at each public meeting and/or hearing where appropriate.

## f) PUBLIC HEARING TRANSCRIPT

A court reporter will develop a verbatim transcript of the proceedings of each public hearing. The responsible individual within the Division will make arrangements for the court reporter. Copies and certification will be forwarded to the developing Division for appropriate action and transmittal to the Federal Highway Administration, should the project be federally funded, is eligible for federal funds or if the FHWA has agreed to be the lead federal agency. Copies of the transcript and appendices will be available for public inspection.

## g) PUBLIC MEETING NOTES

The developing Division will be responsible for notes of the meeting. These notes are to include the approximate number of people attending, Division participants, meeting handouts/flyers, advertisement method(s), retain copies of all written comments received and, if applicable, retain a copy of the public hearing transcript.



# **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**



## **"CONSULTATION WITH NON-METROPOLITAN LOCAL OFFICIALS WITH JURISDICTION/RESPONSIBILITY FOR TRANSPORTATION IN THE TRANSPORTATION PLANNING PROCESS"**

**Effective  
January 1, 2021**

**West Virginia Department of Transportation,  
in cooperation with the United States Department of Transportation,  
Federal Highway Administration and the Federal Transit Administration**



## TABLE OF CONTENTS

|                                                            | <u>Page</u> |
|------------------------------------------------------------|-------------|
| Background -----                                           | 2           |
| Purpose -----                                              | 5           |
| Identification of "Non-Metropolitan Local Officials" ----- | 6           |
| Consultation Techniques -----                              | 8           |
| Implementation Process -----                               | 8           |
| Periodic Review and Evaluation -----                       | 9           |

## APPENDICES

|                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------|----|
| <u>Appendix A:</u> List of Non-Metropolitan Planning and Development<br>Councils and Associated Non-MPO Counties ----- | 10 |
|------------------------------------------------------------------------------------------------------------------------|----|



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## **West Virginia Department of Transportation**

### **Consultation with Rural Local Officials in the Transportation Planning Process Document**

#### **BACKGROUND**

On January 23, 2003, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued a final rule as required by Section 1204 of the Transportation Efficiency Act for the 21<sup>st</sup> Century (TEA-21) that addressed the roles of non-metropolitan officials in the statewide transportation planning process. Specifically, federal rules and regulations regarding statewide transportation planning were amended to require a State to, "...consider, with respect to non-metropolitan areas, the concerns of local elected officials representing units of general purpose local government" in carrying out statewide transportation planning.

The rules established through TEA-21 were superseded by the FHWA/FTA final rule on statewide and metropolitan planning following SAFETEA-LU which states that "The State shall have documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process" [23 CFR 450.210 (b)], effective on March 16, 2007. The rule also notes that once every five years states must solicit, review and collect comments from non-metropolitan local officials for a period of not less than 60 calendar days to ensure the effectiveness of the existing consultation process and proposed modifications.

With the enactment of MAP-21 and subsequently FAST, increased emphasis was placed on the participation and engagement of rural local officials in the statewide transportation planning process. MAP-21 required states to work more closely with nonmetropolitan areas and to "cooperate", rather than "consult" with nonmetropolitan local officials. Similarly, the FAST Act required States to have a higher level of involvement with nonmetropolitan local officials and provided for the creation of Regional Transportation Planning organizations (RTPO's). The nuances regarding the potential regulatory changes regarding planning activities were outlined in a Notice of Proposed Rulemaking (NPRM) dated June 2, 2014. WVDOT's prior document, which



was finalized in March 2016, incorporated the regulatory items covered in the NPRM of principal concern (i.e. the regulatory differences between “consult” and “cooperate” and the procedure the Agency would use moving forward for cooperating with Non-Metropolitan Local Officials).

Subsequent to the finalization of the WVDOT’s consultation process document, on June 27, 2016 the Federal Highway Administration and Federal Transit Administration jointly issued a final rule updating the regulations governing Statewide, Metropolitan and Nonmetropolitan Planning. WVDOT’s consultation process document was not adversely impacted by the final rule, since the elements governing nonmetropolitan planning remained essentially unchanged for what was in the NPRM.

Table #1 provides a brief summary of how the regulatory language and requirements governing planning activities and nonmetropolitan officials have changed in the most recent federal reauthorizations. that have occurred . SAFETEA-LU language and MAP-21 language within the key components applicable to nonmetropolitan consultation. The terms are defined below the table.

**Table #1. Level of Participation for Rural Local Official/ Regional Transportation Planning Organizations (RTPOs)**

| Planning Activity                                                         | SAFETEA-LU                                                                                                                                        | MAP-21 & FAST Act                                                                                                                                                                |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Scope of Planning Process</b>                                          | Consult                                                                                                                                           | Cooperate                                                                                                                                                                        |
| <b>Long-Range Plan</b>                                                    | Consult                                                                                                                                           | Cooperate                                                                                                                                                                        |
| <b>STIP Development</b>                                                   | Consult                                                                                                                                           | Cooperate                                                                                                                                                                        |
| <b>Project Selection</b>                                                  | Cooperate                                                                                                                                         | Cooperate                                                                                                                                                                        |
| <b>Regional Transportation Planning Organizations (RTPO) Designation*</b> | None - Rural Planning Organization means a voluntary organization of local elected officials and representatives of local transportation systems. | Yes - States <u>may</u> establish and designate RTPOs to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and STIP. |

Note\*: A Regional Transportation Planning Organization (RTPO) is a policy board of nonmetropolitan local officials or their designees created to carry out the regional transportation planning process. The designation of RTPOs is an encouraged voluntary approach to enhancing cooperation with rural local officials – it is not required. West Virginia DOT is not planning to convene RTPOs.



Under federal transportation planning rules, statewide and metropolitan transportation planning processes are guided by four levels of intergovernmental collaboration and outreach. 23 CFR 450.104 offers the following definitions that pertain to the non-metropolitan consultation process.

- “Cooperation” means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.
- “Consultation” means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about actions taken.
- “Coordination” means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, program and schedules to achieve general consistency, as appropriate.
- “Consideration” means that one or more parties takes into account the opinions, actions, and relevant information from other parties in making decisions or determining a course of action.
- “Non-metropolitan area” means a geographical area outside a designated metropolitan planning area.
- “Nonmetropolitan local official” means the elected or appointed officials of general-purpose local government, in non-metropolitan areas, with responsibility for transportation.

The Final Rule posted to the Federal Register jointly by FHWA and FTA on June 27, 2016, regarding planning activities and nonmetropolitan local officials under CFR 450.201 requires or allows the following:

- A. Requires the State to provide for the participation of nonmetropolitan local official’s participation in the development of the long-range statewide transportation plan and the STIP.
- B. Requires the State to have a process or processes for cooperating with nonmetropolitan local officials representing units of general-purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process to encourage their participation in the development of those documents.



- C. Requires the State to review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the cooperative process and proposed changes, at least once every 5 years.
- D. Requires the State, when seeking comments, to direct a specific request for comments to the state association of counties, state municipal league, regional planning agencies, or directly to nonmetropolitan local officials.
- E. Allows the Governor to establish and designate RTPOs to enhance the planning, coordination, and implementation of the long-range statewide transportation plan and STIP, with an emphasis on addressing the needs of nonmetropolitan areas of the State.

This document represents the results of procedures that will constitute the official process for the WVDOT and the official document for the State of West Virginia to satisfy requirements discussed in 23 CFR 450.210. WVDOT is providing this 5-year update as part of the requirements of the Final Statewide Planning rule outlined above.

It is not the intent of this document to outline the approach used by the WVDOT during consideration of the planning factors set forth by 23 U.S.C. 134, 135 and 315; and/or 49 U.S.C. 5303-5306, 5323 (i); such consideration is included in the WVDOT Multi-Modal Statewide Transportation Plan and/or the WVDOT Statewide Transportation Planning Public Involvement process, as appropriate.

## **PURPOSE**

The purpose of this procedures document is to establish the process for consultation with nonmetropolitan local officials to be used by the WVDOT. This process will endeavor to create interest and cooperation with non-metropolitan local officials in the development of the long-range statewide transportation plan and the STIP. Under FAST, the State retains decision making authority but would be required to cooperate with non-metropolitan local officials, which means working together and promoting active engagement to achieve a common outcome.



Affected local officials with responsibility for transportation shall be involved, on a cooperative basis, in developing the Statewide Transportation Improvement Program (STIP) and/or Multi-Modal Statewide Long-Range Transportation Plan (LRTP) for their respective areas in the State.

By facilitating the role of non-metropolitan local officials in transportation planning, all may benefit from the expertise and unique perspective of local officials with responsibility/jurisdiction for transportation. This procedures document establishes WVDOT's approach to assure these officials have an opportunity to be involved throughout the decision making process for development of the LRTP and STIP.

### **IDENTIFICATION OF "NON-METROPOLITAN LOCAL OFFICIALS"**

Almost without exception, most states have sub-units of government (in non-metropolitan areas, such as county, township, city or parish) which have Departments of Highways and/or Transportation to whom Federal transportation funds are allocated. Our neighboring state of Ohio, for example, reportedly has more than 750 sub-units with transportation jurisdiction identified.

In West Virginia, there are about 39,000 miles of public roadway. Of that amount, the State has responsibility for roughly 35,000 miles. While municipalities have responsibility for approximately 3,000 miles of all public mileage in West Virginia, less than 10% (274 miles) of that amount is eligible for federal-aid highway funds. While any public bridge in the State is eligible to receive federal funds (whether or not on the Federal Aid System or the State Highway System), there are only a very few (less than 1% of total) identified that are neither on the State Road System nor in the Metropolitan Planning Organization areas of the State. These bridges which are off the State Highway System are inspected by WVDOT just as are on State Highway System bridges. Any deficiencies on off State Highway System bridges are currently addressed just as for those on-system.

The State of West Virginia encompasses 55 counties (41 of which are in non-Metropolitan Planning Organization [MPO] areas of the State). Over 89% of West Virginia's highway mileage



is “state maintained,” the highest percentage in the Nation; the U.S. average is 19% “state maintained.”<sup>1</sup>

Rural public transportation in West Virginia is primarily funded under the Federal Transit Administration (FTA) Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities Program) and Section 5311 (Rural Area Formula Program) programs, which are administered by the WVDOT / West Virginia Division of Public Transit. The Section 5310 and 5311 programs provide capital and operating funds in support of public transit systems in rural West Virginia. Today, eleven (11) rural public transit systems provide service in twenty-four (24) of the state’s fifty-five (55) counties. These eleven (11) rural public transit systems provide transportation to over one million (1,000,000) passengers a year in West Virginia.

According to the Rural Transportation Consultation Process report, prepared for FHWA by a panel of the National Academy of Public Administration in May 2000, “The question of who owns the roads and who provides the other types of transportation services is key to defining appropriate relationships among participants in the non-urban planning process.”

West Virginia has 11 Regional Planning and Development Councils (RP&DC) that were established by the West Virginia Legislature in 1972. These 11 RP&DCs cover 100% of the State, unlike in many other states that are only partially covered by RP&DC areas. In West Virginia, by law, over three hundred units of local government (including all Mayors and County Commissions) are members of their respective RP&DC. Therefore, all non-metropolitan local officials with responsibility for transportation are currently members of a RP&DC in West Virginia.

The provisions of the FHWA/FTA final rule issued in 2003 were fully discussed at the West Virginia Association of Regional Planning and Development Councils’ annual meeting in December 2003. Following that meeting, each Director of a RP&DC polled their entire membership in non-MPO areas (not only those meeting the definition of those with jurisdiction/responsibility for transportation). The consensus of the RP&DC members indicated there were no members, statewide, who felt additional consultation was either needed or desired. The lack of any negative

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<sup>1</sup> Reference FHWA 2013 Highway Statistics, Table HM10.  
<https://www.fhwa.dot.gov/policyinformation/statistics/2013/>



comments from subsequent updates to the State's consultation process would indicate that the concerns of nonmetropolitan local officials are being adequately addressed.

Since over three hundred units of local government and who are governed by local elected officials in West Virginia, by definition including those in non-MPO areas with responsibility for transportation, are represented on the various RP&DCs, the WVDOT will be working through the appropriate RP&DC in cooperation required by rule, a practice recognized as a key change to statewide and nonmetropolitan planning process under MAP-21 and continued under FAST as explained 23 CFR 135 and explained in the Statewide Planning Final Rule dated June 27, 2016. In addition to RP&DC's, the National Park Service (NPS) and/or the National Forest Service (NFS) and Tribal Governments will continue to be engaged in future updates of the STIP and/or Multi-Modal Statewide Transportation Plan.

### **CONSULTATION TECHNIQUES**

Appropriate non-metropolitan area RP&DC's (as well as the National Park Service and/or the National Forest Service, as appropriate) will be forwarded pertinent information on transportation policy, projects and/or programming. Such information will be provided, on a county by county basis, with the expressed understanding that the RP&DC will solicit written comments/suggestions from interested and involved local officials, on a consultation basis and will inform WVDOT of the date and manner in which the information was transmitted to the appropriate local officials. Review and comment periods will be specified with each WVDOT request for RP&DC (and/or NPS/NFS) action and will be in accordance with those specified in the then current Public Involvement Process Document. Further, the WVDOT has a toll-free hotline (1-800-642-9292) by which West Virginia Division of Transportation Program Planning and Administration Division personnel may be contacted directly to respond to questions and concerns. These staff members may be contacted Monday through Friday (except West Virginia State Holidays) from 7:30 a.m. – 4:00 p.m.

### **IMPLEMENTATION PROCESS**



In developing (or modifying) both the Draft STIP and/or Draft Multi-Modal Statewide Transportation Plan, the following steps will occur:

- 1) In the public involvement phase of the Draft STIP and/or the Statewide Transportation Plan, the Draft STIP and/or Draft Multi-Modal Statewide Transportation Plan will be forwarded to the appropriate RP&DC, NPS or NFS (as appropriate) to solicit written comments from affected members of the Council. RP&DCs will be asked to provide copies of such letters of solicitation to the WVDOT who will then forward them to FHWA and/or FTA, as appropriate.
- 2) All comments from eligible respondents received will be considered prior to taking action(s). WVDOT will provide copies to RP&DCs, NPS, NFS, FHWA and/or FTA, as appropriate.

#### **PERIODIC REVIEW AND EVALUATION**

In accordance with the FHWA/FTA final rule issued in 2016, WVDOT shall review and solicit comments from the West Virginia Association of Counties, West Virginia Municipal League, and all RP&DC's representing non-metropolitan local officials with responsibility for transportation and "other interested parties" for a period of not less than 60 days regarding the effectiveness of West Virginia's "consultation process" and proposed modifications at least once every five (5) years.

The WVDOT, at its discretion, shall be responsible for determining whether to adopt proposed modifications in accordance with the requirements of the final rule. If proposed modifications are not adopted, WVDOT will make publicly available its reasons for not accepting the proposed modifications.



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## **WEST VIRGINIA REGIONAL PLANNING AND DEVELOPMENT COUNCILS**

**(For Non-MPO Counties Only)**

### **Region I Planning and Development Council**

**1439 East Main Street  
Suite 5  
Princeton, West Virginia 24740  
Telephone: (304) 431-7225  
Fax: (304) 431-7235**

### **Non-MPO Counties within Region I:**

**McDowell, Mercer, Monroe,  
Summers & Wyoming**

### **Region II Planning and Development Council**

**400 Third Avenue  
P.O. Box 939  
Huntington, West Virginia 25712  
Telephone: (304) 529-3357  
Fax: (304) 529-7229**

### **Non-MPO Counties within Region II:**

**Lincoln, Logan, Mason & Mingo**

### **Region III Planning and Development Council**

**315 D Street  
South Charleston, West Virginia 25303  
Telephone: (304) 744-4258  
Fax: (304) 744-2534**

### **Non-MPO Counties within Region III:**

**Boone & Clay**



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## **WEST VIRGINIA REGIONAL PLANNING AND DEVELOPMENT COUNCILS – Continued...**

**(For Non-MPO Counties Only)**

### **Region IV Planning and Development Council**

**825 Broad Street, Suite 100  
Summersville, West Virginia 26651  
Telephone: (304) 872-4970  
Fax: (304) 872-1012**

**Non-MPO Counties within Region IV:  
Greenbrier, Nicholas,  
Pocahontas & Webster**

### **Region V Planning and Development Council**

**Post Office Box 247  
531 Market Street  
Parkersburg, West Virginia 26102  
Telephone: (304) 422-4993  
Fax: (304) 422-4998**

**Non-MPO Counties within Region V:  
Calhoun, Jackson, Pleasants, Ritchie,  
Roane, Tyler & Wirt**

### **Region VI Planning and Development Council**

**34 Mountain Park Drive  
White Hall, West Virginia 26554  
Telephone: (304) 366-5693  
Fax: (304) 367-0804**

**Non-MPO Counties within Region VI:  
Doddridge, Harrison, Marion,  
Preston & Taylor**

### **Region VII Planning and Development Council**

**99 Edmiston Way, Suite 225  
Buckhannon, West Virginia 26201  
Telephone: (304) 472-6564  
Fax: (304) 472-6590**

**Non-MPO Counties within Region VII:  
Barbour, Braxton, Gilmer, Lewis,  
Randolph, Tucker & Upshur**



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**WEST VIRGINIA REGIONAL PLANNING  
AND DEVELOPMENT COUNCILS – Continued...**

**(For Non-MPO Counties Only)**

**Region VIII Planning and Development  
Council**

**Post Office Box 849  
Petersburg, West Virginia 26847  
Telephone: (304) 257-2448  
Fax: (304) 257-4958**

**Non-MPO Counties within Region VIII:**

**Grant, Hampshire, Hardy, Mineral &  
Pendleton**

**Region IX Planning and Development  
Council**

**400 W. Stephen Street, Suite 301  
Martinsburg, West Virginia 25401  
Telephone: (304) 263-1743  
Fax: (304) 263-7156**

**Non-MPO Counties within Region IX:**

**Morgan**

**Region X Planning and Development  
Council**

**105 Bridge Street Plaza  
Post Office Box 2086  
Wheeling, West Virginia 26003  
Telephone: (304) 242-1800  
Fax: (304) 242-2437**

**Non-MPO Counties within Region X:**

**Wetzel**