

The background of the entire page is a photograph of the West Virginia state flag waving on a flagpole against a bright blue sky with scattered white clouds. The flag is white with a blue border and features the state seal in the center, which depicts a plow, a sheaf of wheat, and a bundle of cotton, surrounded by a wreath of olive and oak branches.

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS & DIVISION OF PUBLIC TRANSIT
FEDERAL HIGHWAY ADMINISTRATION - WEST VIRGINIA DIVISION
FEDERAL TRANSIT ADMINISTRATION - REGION III OFFICE

2023 - 2028 STIP & TIP Operating Procedures



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I. Introduction

This document represents the established set of procedures to be employed within the State of West Virginia for development of the Statewide Transportation Improvement Program (STIP) and the Transportation Improvement Programs (TIPs) of the Metropolitan Planning Organizations (MPOs) within the state, as well as modifications to those documents. The development of the West Virginia STIP and TIPs will be in accordance with 23 CFR 450.212, 450.216(d), 450.220, 450.326, 450.332 and 23 U.S.C 134 (j) and 49 U.S.C. 5303 (j).

II. Summary of Requirements and Agreements

Development and content of the STIP/TIP

A. General Information:

STIP

The STIP is a complete list and description of all Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funded projects that are to be advanced by federal fiscal year for the four fiscal years following its joint approval by FHWA and FTA. STIP/TIP operating guidelines will be reviewed and revised as necessary upon approval of any new STIP within 120 days of its joint approval by FHWA and FTA. Projects and/or project phases contained in the STIP should be consistent with the statewide Long-Range Transportation Plan (LRTP), federally required asset management plans (which are commonly referred to as the TAMP for FHWA and the TAM for FTA), statewide planning processes and consistent with MPO Metropolitan Transportation Plans (MTPs), TIPs and processes.

In compliance with 23 CFR 450.218(a), the West Virginia Department of Transportation (WVDOT) must submit the entire proposed STIP to FHWA and FTA for joint approval at a minimum of every four years, however the WVDOT intends to update the STIP every two years. Air quality non-attainment and maintenance areas must include a conformity determination (See Appendix A for the locations of the state's non-attainment and maintenance areas). Amendments to the STIP can be submitted anytime after its approval.

In order to maintain the required consistency between the STIP and TIPs, all MPO TIPs must be reviewed for consistency and changes approved via resolution during the STIP approval process. If revisions are necessary due to change in federal regulations, Performance Measures, or inconsistencies with the STIP those amendments to the TIP must be addressed first.

TIP

A TIP as defined in 23 CFR 450.326(a) is a staged multi-year; intermodal program of all FHWA/FTA funded transportation projects within the metropolitan planning boundaries of a Census designated urban area, which is consistent with each MPO's long-range transportation plan. TIPs must be updated at least every four years and approved by the responsible MPO and the Governor (or designee). The state shall include each metropolitan TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor. Amendments to the TIP will require a corresponding amendment to the STIP. TIPs will be reviewed and updated as needed to verify



consistency with the STIP. Requests for Amendments to the TIP are to be submitted to WVDOT no less than 30 days before the upcoming MPO Policy Board Meeting. The WVDOT will then provide proposed TIP Amendments within 2 weeks of receipt of the request.

B. Project Content

The TIP and STIP shall include all capital and non-capital projects (i.e. transit operations) or phases of project development, which are targeted to use FHWA and/or FTA funding. The STIP and TIP also includes all regionally significant transportation projects as defined in Title 23 CFR §450.104 requiring an action by the FHWA or the FTA whether or not the projects are to be funded with Title 23, U.S.C. or Federal Transit Act funds (e.g., addition of an interchange to the Interstate System with State, local and/or private funds). Per Title 23 CFR §450.104, a regionally significant project is generally defined as:

“A transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulations (40 CFR part 93, subpart A sections 126 and 127) (see Appendix B for the listing of exempt project classifications) that is on a facility that serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.”

Only projects included in the federally approved STIP shall be eligible for funds administered by the FHWA and FTA. While initial STIP approval is a joint FHWA/FTA action: subsequent amendments only require joint approval if both FHWA and FTA are involved. Otherwise, the funding agency makes the approval action. The WVDOT and each individual MPO develops long-range plans from which projects are drawn. Prior to their inclusion in the STIP, projects must be consistent with the Department's most recent LRTP.

- The addition of new projects to the STIP could require amending the LRTP and could require a new air quality conformity determination. For MPO areas, the project will be compared with the currently approved MTP to determine consistency. For non-MPO areas, the project will be compared with the currently approved statewide LRTP.
- In MPO areas, project selection and TIP approval is performed by both the MPO and the State. Projects listed in the TIP must be consistent with the MPO's MTP. As mentioned previously, TIP projects are then included in the STIP without modification.
- Outside MPO areas, project selections are performed by the State in consultation with affected local officials as per the FHWA approved WVDOT Public Involvement Process and the WVDOT Procedures for Consultation with Non-Metropolitan Local Officials with jurisdiction/responsibility for Transportation in the Transportation Planning process (see attached documents for processes). As part of the Public Involvement Process, Draft STIP's undergo a 45-day public comment period. After all comments are addressed the document is submitted to FHWA and FTA for joint review and approval.
- The first year of the STIP is viewed as the "agreed to" list of projects selected for implementation. If projects in the first year are delayed, projects in the subsequent three years may be advanced.



The WVDOT currently prepares a six-year STIP with the last two years being provided for planning and information purposes only and thus, not formally approved as part of the four-year STIP.

C. Grouped Project Phases

Grouping of projects allows flexibility and reduces paperwork for programming minor projects and the phases that they encompass. Projects and their associated phases, which are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93, which outlines what types of work are typically considered Categorical Exclusions (CE's) (See Appendix C for listing of CE project work types or descriptions). WVDOH Programming Division staff will make the initial determination of whether or not the project qualifies as a CE based upon information contained in project initiation documents and a review of the information in Appendix C.

In addition, project phases proposed for funding under Title 23 U.S.C. that are not regionally significant as defined in Title 23 CFR §450.104, may be grouped in a line item or identified individually in the STIP. The WVDOT, FHWA and FTA have administratively concurred that any standalone phase of a project with an estimated cost of more than \$10 million is of appropriate scale to consider for Not Groupable. With the exception of some projects being developed using Design/Build, it is extremely rare to have the Engineering or Right of Way phases of a project exceed \$10 million, which will help expedite the overall development of the program.

In addition to the two requirements shown above (i.e., work can be performed as a CE and each phase is less than \$10 million) for projects in nonattainment and maintenance areas (see Appendix A for locations), project classifications must be consistent with the "exempt project" classifications identified in the EPA's transportation conformity regulations (40 CFR part 93, subpart A, sections 126 and 127) (see Appendix B for the listing of exempt project classifications). Projects and their phases not meeting all three requirements must be listed individually.

D. Ungrouped/Individually Listed Project Phases

Some projects due to a combination of their cost, potential impacts and scope are required to be listed individually in the STIP and in TIPs. Some of the specific elements or activities of a project or project phase that require it to be listed individually are as follows:

- All regionally significant projects as defined in Title 23 CFR §450.104 requiring an action by the FHWA or the FTA (see above).
- Any project that cannot meet the CE and air quality exempt requirements for grouping that involve roadway improvements on facilities, functionally classified principal arterial or above, designated as an NHS route; or otherwise serving regional transportation needs regardless of funding source.
- Any project action as specified in 23 CFR 771.117 (e) listed below:
 - (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements.
 - (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general



permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;

- (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act.
 - (4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions.
 - (5) Changes in access control.
 - (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.
- Any project adding travel lanes to the transportation system (capacity adding).
 - New road or extension of existing road
 - Projects with potential for significant environmental impacts (EAs, EISs)
 - All Advanced Construction (AC) projects will be treated as any normal project. If the AC project is Non Groupable according to the rules and regulations established in these operating procedures, then it will remain a Non Groupable project. If the AC project is Groupable according to the operating procedures, then it will remain Groupable regardless of AC.
 - Any project likely to significantly impact regional travel during construction.

E. STIP Subprogram Information

West Virginia’s STIP is divided into eight generalized programs based upon a combination of the nature of the work being conducted, the asset being impacted, the performance measure being addressed, etc. Invariably, most projects have elements that would enable them to be placed in multiple programs. Programing Division staff will assign each project to the program that best reflects its primary intent from information supplied during project initiation. The eight programs of the STIP are:

1. Bridge Program
2. Pavement Program
3. Traffic Program
4. Localized Mobility Improvement Program
5. Community Development and Connectivity Program
6. Planning and Workforce Development Program
7. Regional Mobility Program
8. Transit Program



With the exception of the Regional Mobility Program, all of the other generalized programs could potentially contain both groupable and non-groupable elements. A brief description of the eight programs and some of the possible “groupable” elements within each program follows:

Bridge Program

The Bridge program contains both 200 Series (Design Report) and 300 Series (Contract Plan) projects which have the primary emphasis of helping maintain or improving the condition of the State’s bridge assets. In order for a project to be assigned to this program, the primary asset being worked on must meet the federal definition of a bridge (i.e., primary work on drainage structures (less than 20’) and minor culverts without BARS numbers would be in other programs). Projects in this program would generally be intended to address or impact National Performance Measure 2 (PM 2), which addresses the condition of Pavement and Bridge infrastructure. Bridge projects for Condition Based and Cyclical Maintenance, Preservation, Rehabilitation, and Replacement of existing structures as outlined in the State’s Transportation Asset Management Plan (TAMP), as well as Bridge Inspections and in some cases the construction of new bridges would be included in this program. If eligible for grouping, projects in this program could include, but are not limited to deck overlays/sealing, bridge inspections, cleaning and painting structures, substructure repair, superstructure replacement or total replacement of the existing structure.

Pavement Program

The Pavement program contains both 200 Series (Design Report), if required, and 300 Series (Contract Plan) projects to help maintain or improve the condition of the State’s pavement assets. Projects in this program would be intended to address National Performance Measure 2 (PM 2), which addresses the condition of Pavement and Bridge infrastructure. Pavement Projects classified as Preventative Maintenance, Preservation, Rehabilitation, Replacement or Reconstruction would be included, if eligible. Projects in this program could include, but are not limited to Microsurfacing, Minor Hot Mix Asphalt (HMA) overlays, Major diamond grinding with Concrete Pavement Rehabilitation (CPR) and Full depth replacement of HMA or Portland Cement Concrete (PCC) pavements.

It should be noted that any project for the construction of new roads and interchanges or adding pavement as part of the construction of a new roadway is specifically excluded from this program.

Traffic Program

The Traffic program contains both 200 Series (Design Report) and 300 Series (Contract Plan) projects for initiatives that not only maintain and improve the State’s existing signing, lighting and railroad and traffic signal assets, but also initiatives to address spot safety problems that have been identified or which have a significant safety element. Projects contained within the Traffic Program would typically be intended to maintain or improve the overall safety of the State’s transportation network and address National Performance Measure 1 (PM 1), which addresses the Safety of the transportation network. If eligible, grouped projects in this program could include but are not limited to, sign and signal renovation/and or replacements, High Friction Surface Treatments (HFST), Roadway Departure projects or updates to railroad grade crossing infrastructure and Roadway striping.

It should be noted that any projects for new traffic signals regardless of cost in MPO counties are considered non-groupable.



Localized Mobility Program

The Localized Mobility program often funds projects that are designed to reduce spot congestion issues, improve air quality, address urban sprawl issues, and address roadside safety issues caused by landslides. The program may contain both 200 Series (Design Report) and 300 Series (Contract Plan) projects for this work. Projects contained within the Localized Mobility Program, would typically be intended to address National Performance Measure 3 (PM 3), which addresses the reliability of the transportation system, freight and congestion mitigation and air quality. As with other programs some of the actions required to address these issues may have high costs, involve adding capacity or constructing a new road, therefore some of the work conducted within this Program would not be “groupable”. If eligible, grouped projects in this program could include, but are not limited to slide correction, construction of auxiliary lanes and minor road and curve improvements.

Community Development and Connectivity Program

The Community Development and Connectivity Program is comprised primarily of the State’s non-traditional grant initiatives in conjunction with projects associated with federal lands (federal lands access program, Transportation Alternative and Recreational Trail Programs). Projects contained within the Community Development and Connectivity Program, would typically be intended to address National Performance Measure 3 (PM 3). The program advances projects that preserve or enhance the State’s bicycle and pedestrian infrastructure, as well as preserving and expanding access to motorized and non-motorized trail facilities statewide. The program may contain both 200 Series (Design Report) and 300 Series (Contract Plan) projects for this work. Pedestrian and bicycle projects are typically associated with sidewalks, crosswalks, ADA compliant ramps, the addition of bicycle lanes or other improvements that improve modal choice. Trail projects can run the gamut from maintenance and enhancement of existing trails (adding public facilities, parking, signage, etc.) to the creation of new trail facilities statewide.

Planning and Workforce Development Program

The Planning and Workforce Development Program covers not only projects that are intended to ensure federal requirements associated with statewide and metropolitan planning are adhered to, but also transportation related research, funding of interagency positions and federally sponsored training. Projects falling within this program are generally technical in nature and generally result in no physical construction. As such, it is assumed that all work conducted would be of a “groupable” nature. Projects in this category would include any work covered in the federally required Statewide Planning and Research Work Program and Unified Planning Work Programs (UPWP’s) and programs approved by FHWA. Since no physical construction occurs on projects in this program performance measures are not generally directly affected.

Transit Program

The Transit Program covers all projects that are overseen and submitted by the West Virginia Division of Public Transit (WVDPT) for approval by FTA. Funding for these initiatives is a combination federal, state, and local sources. Projects in this category would be intended to address Transit Performance Measures, which addresses the reliability of the transportation system, freight and congestion mitigation and air quality. Projects in this program cover both operating assistance and capital assistance for the state’s rural and urban transit systems. It is assumed that all projects within this program would be considered of a “groupable” nature, since they do not involve physical construction of highway facilities.



Regional Mobility Program

The Regional Mobility Program incorporates individual projects that make up portions of corridor length expansion and improvement efforts statewide. The program could consist of 100 Series (Corridor Location), 200 Series (Design Report) and 300 Series (Contract Plan) projects or any technical assessments required for projects of this nature. Due to the size, scope and overall importance of these projects, no project falling within this program will be considered eligible for grouping. Projects contained within the Regional Mobility Program, would typically be intended to address National Performance Measure 3 (PM 3). Examples of corridor length initiatives falling under this program would include, but not be limited to, completion of Appalachian Development Highway System (ADHS) Corridor H, Coalfields Expressway, Tolsia Highway, King Coal Highway, and the I-68 Extension. Most of the State's Regional Mobility projects are located on NHS facilities.

In addition to the expansion and improvement projects mentioned above, any project that cannot readily be assigned to one of the other seven core programs will be added to the Regional Mobility Program and treated as not groupable.

Other Items

Technical Support

Technical Support projects are generally of a non-capital nature, such as research, safety assessments, or bridge inspections and could be needed for any of the eight core programs. It is assumed that most of these initiatives with the exception of those needed in conjunction with the Regional Mobility program would be groupable. Any Technical Support project needed in conjunction with a Regional Mobility program initiative will be considered not groupable.

Allocation Projects

In order to help maintain fiscal constraint and identify future work type investment levels where specific projects have yet to be identified, the Agency frequently uses allocation projects as place holders for specific work activities and funding amounts until a specific project has been identified. Since these projects are by nature undefined, all allocations will be assumed to be groupable.

III. STIP Financial Constraint

The STIP must be financially constrained overall by year and by federal funding type. The determination of fiscal constraint is twofold in nature. First of all, the WVDOT's STIP is financially constrained based upon a combination of anticipated federal apportionments or allocations of exempt and non-exempt funds as well as anticipated obligation limitations. As stated above, it must contain all projects and phases both "grouped" and "ungrouped" proposed for FHWA or FTA funding, as well as any regionally significant projects proposed with state or local funding. While funding for projects in the STIP will come from various sources, the determination of fiscal constraint is primarily focused on the availability and use of federal funding. A financial chart that outlines the estimated revenues and planned obligations for each year covered by the STIP is provided for inspection as a general measure of fiscal constraint.

Determinations of the STIP's overall financial constraint will occur not only at the initial approval of the document by FHWA and FTA, but also when STIP Amendments, which will be discussed below, are formally submitted to FHWA and FTA for approval. As actual values for apportionments, allocations, obligation limitation and obligations themselves become available the WVDOT will revise its financial



constraint tables accordingly. Adjustments to the Agency’s financial constraint chart will also be made if the Agency receives notification of a grant award, or an apportionment or allocation of funding from FHWA or FTA that was not contained in the STIP’s financial constraint chart.

Secondly, since the WVDOT and the majority of the state’s MPOs employ the use of grouped projects that allows a portion of its programs (i.e., the groupable portion of each agencies eight programs) to be comprised of non-specified projects and phases meeting the criteria identified previously, additional checks must be done during the initial development of the STIP and at regular intervals thereafter to ensure that the size and proposed funding types of each groupable program, and in turn, the overall STIP remain fiscally constrained. Therefore, the Programming Division will provide additional graphical and tabular information that clearly outlines the size and composition of each of the agencies eight programs for each year covered by the STIP. At a minimum, for each program and fiscal year, the information will show the anticipated investment level (i.e., planned obligations and authorizations) for all sources of funds (federal, state, or other) by the grouped and ungrouped portion of each program. When the anticipated federal obligations of all eight programs are summed, it will reflect the amounts provided in the WVDOT’s financial constraint chart. For transparency, the specific projects, phases or allocations and their associated costs, which make up the groupable component or each program by fiscal year will be listed separately and made available for inspection by FHWA, FTA, MPOs and other interested parties.

The program values provided as part of the initial approval of the STIP will serve as the baseline against which the requirements for future modifications will be measured. After the STIP is approved, the Programming Division will provide **monthly** snapshots of the breakdown of the agency’s programs that will reflect any modifications or adjustments to the STIP that have occurred during the previous month. As part of the monthly snapshot, updated information on the breakdown of specific projects, phases or allocations and their associated costs, which make up the groupable component or each program by fiscal year will be listed separately and made available for inspection on the State’s website by staffs of the WVDOT, FHWA, FTA and MPOs as well as any other interested parties. This will enable all entities to more easily track how the groupable programs overall are changing over time and provide an added tool to help ensure fiscal constraint is being maintained. It is worth noting that to avoid possible confusion, fiscal constraint of the grouped element of each program is maintained only at the STIP level and not at the TIP level.

IV.Changes to the STIP or TIP

Since both TIPs and the STIP cover multiple years, changes are to be expected to accommodate more accurate project information, project schedule revisions, changes in project scope, funding, etc. These changes could be either large or small in scale and impact depending on the type of changes being made. The federal government has categorized changes to TIPs and the STIP as being either an Amendment or an Administrative Modification depending on the level of impact or overall significance of the change that is necessary. A description of the requirements associated with making each type of adjustment to a TIP or STIP follows:

Amendment

The addition or removal of any Non Groupable project must be via Amendment. An Amendment to a TIP or the STIP means a revision that involves a major change to a project, project phase or to size of any “groupable” program. Amendments of a TIP or STIP may trigger a new air quality conformity analysis and determination. **Amendments require federal approval before project authorization.**

For TIP Amendments, the affected MPO conducts any necessary air quality assessments associated



with project changes or additions, demonstrates fiscal constraint within the confines of the STIP, and solicits public comments based on each MPO's Public Involvement Process Plan. If the proposed change(s) are located in air quality non-attainment or maintenance areas (see Appendix A for locations), and they include non-exempt projects (see Appendix B for listing of exempt work types) a new TIP conformity determination must be made prior to inclusion in the STIP. After all public comments are addressed, the proposed changes are brought before the MPO Policy Board for consideration and approval. Once approved, a signed resolution and all associated project and financial information is submitted to the Governor, or their designee for subsequent review and approval. After approval by the Governor or their designee, the Governor notifies the effected MPO of his approval and provides all documentation to the WVDOH Programming Division via TIP Amendment Approval letters prepared by Planning Division for subsequent incorporation into the STIP during the next scheduled Amendment of the STIP. Upon receipt of the approval letter issued by the WVDOT the MPO should post the accepted amended project(s) to their respective TIP.

For STIP Amendments, WVDOT staff is responsible for not only producing the necessary documentation outlining the proposed change(s), but also determining ongoing fiscal constraint at the macro and program level, conducting any additional analysis that may be required, and soliciting public comments for the proposed change. After public comments have been addressed, WVDOT formally sends the Amendment to the appropriate federal agency for review and approval.

The WVDOT for its STIP and the MPOs in the state for their TIP have adopted the use of "groupable" projects and phases to increase flexibility and reduce paperwork. As such, actions that trigger an Amendment must be specified for both grouped and ungrouped situations.

A. Requirements for Groupable Projects and Phases

- If the cost of any project phase is \$10,000,000 or greater the entire project (all phases) will be considered as Not Groupable.
- Adding, deleting, or moving across federal fiscal years a number of projects or phases in the STIP, which changes the sum cost of the groupable component of any subprogram in any fiscal year by more than **10% or \$10 million, whichever is greater, of the amount shown for initial approval or the amount shown from the most recently approved Amendment.** Values presented in monthly snapshots will be used as the basis for this comparison. For computing the % change, standard rounding procedures will be used: 9.50% and greater is considered to be 10%.
- A major change of project scope or termini, such as a change that is inconsistent with the National Environmental Policy Act (NEPA) documentation or will change the finding: examples include changing the number of through lanes, adding/deleting non-motorized facilities or changing mode. A major change in project termini that makes the project ineligible for grouping. For FTA- changes associated with rolling stock or facility type or changing the projects capital category.
- Any change requiring a new regional air quality conformity, which changes a project from groupable to not groupable.
- A greater than \$10,000,000 cost increase or decrease in a phase of a project listed in the currently approved TIP and STIP, which changes the project from groupable to not groupable.

B. Requirements for Ungrouped/Individually Listed Projects and Phases



- Federalizing any regionally significant/non-groupable, state funded project will require an Amendment to both TIP and STIP.
- Adding or deleting any project that adds a new traffic signal or pedestrian signal in an MPO area.
 - Adding pedestrian accommodations to a signal = Not Groupable
 - Installing any new signal (pedestrian/vehicular) = Not Groupable
 - Constructing a new roundabout = Not Groupable
 - Renovating any signal (pedestrian/vehicular) = Groupable
 - Adding phases to an existing signal = Groupable
- Adding or deleting any phase of a project that affects air quality conformity regardless of funding source.
- Adding or deleting any phase of a project that changes traffic capacity of a road or bridge (i.e., the addition or deletion of through travel lanes).
- Major change in the scope of work or termini of a project (i.e., number of lanes, typical section, project termini).
- Adding or deleting any phase of a roadway expansion project.
- Adding any project or phase to the program that will be processed using AC.
- Adding a planned AC conversion to the program.
- Adding or deleting any phase of a regionally significant, non-federal project.
- Any cost change in a project phase, which is greater than \$2,000,000 or 10%, whichever is greater, of the previously approved estimate.
- Moving any individually listed project or phase from the constrained years to the informational years of the STIP or beyond.

Administrative Modifications

Administrative Modifications to the STIP/TIP are minor revisions to a project or project phase. Administrative Modifications to the STIP/TIP, unlike Amendments, do not require federal approval, public comment or a conformity determination. The WVDOT will report Administrative Modifications to the STIP as part of the monthly snapshot and review of macro and program level fiscal constraint. If the WVDOT is uncertain whether a change qualifies as a modification, the appropriate Federal agency should be consulted prior to taking the action.

Administrative Modifications to the STIP/TIP for grouped and ungrouped elements include, but are not limited to:

- Minor changes in project description
- Advancement of projects from year two, three, or four of the approved STIP or TIP.



- Postponement of projects from an earlier fiscal year to a latter fiscal year of the approved STIP or TIP.
- Changes in individual projects or project phases, which are contained in the groupable elements of a program, that have no significant cumulative impact on the program groups financial constraint (< than \$10 million or <10%), whichever is greater, of the amount shown for initial approval or the amount shown from the most recently approved Amendment. This would also entail the addition or deletion of a project or project phase to the programs grouped element.
- Addition or deletion of an individually listed project phase that does not exceed \$2 million or 10%, whichever is greater, of the currently approved project phase estimate, and has no effect on air quality conformity.

V.Examples of Amendments vs. Administrative Modifications

Amendment	Administrative Modification
Increasing the project or phase cost of an individually listed project from \$4,000,000 to \$6,100,000. This change exceeds 10% and \$2,000,000.	Increasing the project or phase cost of an individually listed project from \$55,000 to \$110,000. While this is a 100% increase, the monetary change is less than \$2,000,000.
Decreasing a planned AC conversion amount from \$4,000,000 to \$1,900,000. This change exceeds 10% and \$2,000,000.	Decreasing a planned AC conversion amount from \$40,000,000 to \$37,000,000. While this change is more than \$2,000,000, the percentage decrease is less than 10%.
Adding or deleting projects or a project phase into or out of the current STIP/TIP that are not categorized as part of a group and significant enough for individual listing.	Revise a project description, name or project number or split/combine individually listed projects in the current STIP/TIP without causing a significant change to the project scope, environmental document, or air quality conformity.
Adding a project or phase of an individually listed project that was in the previous STIP but was inadvertently omitted from the first 4 years of the current STIP.	Moving an existing STIP project from the 2nd year of the STIP to the 1st year.
Adding an AC eligible project and/or planned AC conversion to the STIP.	Moving the year of a planned AC conversion from the 3rd year of the STIP to the 1st year.
Adding any new project or project phase or reassigning an existing project or project phase to the to the Regional Mobility Program.	Making a post letting adjustment to a project that was obligated under a previous STIP.*
Changing a bridge rehabilitation to a bridge replacement (changing design standard).	Adding guardrail to a listed bridge project.
Changing from a 3R to a 4R design standard.	Adding concrete repair to an asphalt resurfacing project
Adding a new Traffic/Pedestrian Signal in an MPO area.	Switching project or project phase funding types if it has no impact on fiscal constraint at the State or program level.
Adding a newly programmed regionally significant project. (bridge over the Ohio River or new Interstate interchange).	Adding a project to a group that does not exceed the 10% or \$10,000,00 threshold (adding in a new \$60,000 resurfacing project or sign replacement).
* Changes to Federal-aid or AC amounts must be within the 10% / \$2 million thresholds.	



VI.MPO Suballocated Funds

The Infrastructure Investment and Jobs Act (IIJA) establishes new suballocation of funds associated with both Surface Transportation Block Grant (STBG) and Carbon Reduction Program funds. Specifically, these funds have been suballocated to urbanized population areas of 50,000 – 200,000. The methodology for obligating these funds is established below:

Carbon Reduction Program 50,000 – 200,000 Population

These funds have predetermined distributions established at the federal level. As such, each MPO area receives a specific apportioned amount each federal fiscal year. To obligate these funds, the MPO must submit a written request to program a project for the specific funds. If the project is a priority of the WVDOT then the WVDOT will consider providing matching funds. If it is not a WVDOT priority, then the MPO will be responsible for finding a local sponsor to provide the match.

Surface Transportation Block Grant (STBG) 50,000 – 200,000 Population

These funds are suballocated as a lump sum to the State and the distribution methodology of these funds have been delegated to the WVDOT.

FHWA Guidance states – “Urbanized areas with population of at least 50,000 but no more than 200,000: The State is to establish a process to consult with relevant metropolitan planning organizations and describe how funds will be allocated equitably. [23 U.S.C. 133(d)(1)(A)(ii) and (d)(3)(A)]”

- Annual Contingency Set Aside will be 10% of the apportionment.
- Base Annual Allocation will be 20% of the apportionment and will be distributed among the 7 MPOs noted below.
 - This provides the following MPO’s with a base set aside of STBG 50,000-200,000 funds:
 1. BELOMAR (Ohio and Marshall Counties)
 2. BHJ (Brooke and Hancock Counties)
 3. FRMPO (Fayette and Raleigh Counties)
 4. HEP (Berkeley and Jefferson Counties)
 5. MMMPO (Monongalia County)
 6. RIC (Kanawha and Putnam Counties)
 7. WWW (Wood County)
- The Remaining Annual Apportionment will be obligated competitively as outlined in the Tiered process noted in section VII.

**Since KYOVA receives suballocated 200,000+ population funds and can obligate the funds within the full planning area, KYOVA will not receive the base allocation but may request utilization of the 50,000-200,000 funds following the process below.*

The Remaining Annual Apportionment of STBG 50,000-200,000 funds will be obligated based on the Tiered processes established in section VII of this document. If the project is a priority for the WVDOT then the WVDOT will consider providing the local match. If the project is not a priority for the WVDOT then the MPO will be responsible for finding a local sponsor to provide the required matching funds. **Each MPO policy board must adopt an internal process for selection of the projects that will be proposed for each of the Tiers noted in section VII.** The WVDOT will reserve the right to obligate any necessary funds to prevent lapse of federal dollars.



VII. WVDOT – MPO Cooperative Project Initiation Process

Tier 1 (MPO LRTP or Regionally Significant Projects)

Tier 1 includes projects with conceptual planning and cost estimates prepared as part of an MPO LRTP or are regionally significant. These projects tend to have large capital costs, and require significant development for environmental, right of way and other engineering issues. The WVDOT can only realistically support a handful of such initiatives statewide at any one time and remain fiscally constrained, especially as these types of projects move from pre-engineering and engineering phases to the much more costly right of way and construction phases.

To make the process of determining which, if any, new initiatives should be moved into the development pipeline more transparent, a review will be conducted at a minimum every two years. MPO's will be provided the opportunity to present candidate projects from their MTP/LRTP's to the WVDOT for consideration. The analysis and evaluation during the development of the MPO MTP/LRTP establishes the need for the projects being proposed.

WVDOT will then evaluate the projects under consideration. This evaluation will include items such as: funding, performance measures, safety, prior commitments, geographic distribution, statewide needs, etc. The evaluation process would enable WVDOT Management to decide on which, if any, of the proposals should be programmed for further development.

Tier 2 (Operational & Safety projects)

MPOs frequently conduct detailed operational and safety studies for improvements typically for intersections throughout the metropolitan planning areas. Like their Tier 1 counterparts, the needs associated with modifying intersections far exceeds the funding available for projects of this nature. In urbanized areas, these projects can become highly complex and expensive due to right of way, access, and colocation of utilities. Furthermore, the WVDOT must consider and evaluate intersection needs and improvements from a statewide perspective. MPOs should identify and provide a list containing no more than 5 priority traffic operational and safety projects (typically intersections) for consideration annually to Planning Division by June 30th. As part of the project submission, it is requested that the MPOs attach any relevant supporting analysis, studies, or plans. Once all lists have been received and compiled by the Planning Division, the traffic operational and safety candidate project lists will be further evaluated for eligibility and prioritization in federal-aid programs and used as a reference document. As placeholder allocation projects in the STIP are replaced with actual programmed projects, WVDOT can reference/review the list in MPO areas for consistency. The results of the evaluation criteria for safety and operational projects will be provided to the MPO.

Tier 3 (Annual Pavement Program Projects-Federal-Aid or State Funded)

The identification of which roads should be paved at the statewide or district level is of perennial interest to the citizens and elected officials of the State. As such, public perception and feedback are welcome components to the continual improvement of pavement management. The WVDOT recommends roadway surfacing concerns be compiled, evaluated, and submitted by each MPO with a reasonable documented methodology. If it is the MPO's desire to utilize roadway condition assessment data from the WVDOT Pavement Management System (PMS) to establish local priorities an export of that pavement data will be provided.

An annual list of proposed pavement projects generated by the Districts will be submitted to the MPOs through Planning Division by May 30th for the following year's pavement program. Any MPO recommendations must be returned to Planning Division by June 30th. The Planning Division will coordinate the evaluation process with the respective Districts. Furthermore, MPO's will be provided a copy of the annual federal aid resurfacing allocation memos.



VIII. Other Requirements of the STIP or TIP

Conformity

In nonattainment and maintenance areas (see Appendix A for locations), the FHWA and the FTA must jointly find that the TIP conforms with the adopted air quality Statewide Implementation Plan (SIP) and that priority has been given to the timely implementation of transportation control measures contained in the SIP in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. As per the FHWA WV Division/FTA Region III Memorandum of Understanding (MOU) (see attached-attach document), FHWA is the lead Federal agency for air conformity determinations.

Self-Certification

The State and the MPO shall annually certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted according to the 3C planning process (Comprehensive, Cooperative, & Continuous) and is carried out cooperatively by the WVDOT, MPO, and the Transit operator. Annual certification for the state will be conducted as part of the federally required annual submittal of the state's Statewide Planning and Research Work Program and Budget. MPO certification will be conducted as part of the federally required annual submittal and approval of each MPOs UPWP to which Planning Division facilitates.

One of the MPO's primary planning documents, which follows the 3C process is their MTP. MTPs must be updated every four or five years depending upon air quality status. Since projects contained in an MPO TIP must be consistent with their MTP, any lapse in an MPO plan will have an ancillary impact on their TIP and in turn the state's STIP. If an MPO plan lapses, unless deemed an emergency, only those projects that were contained in an approved TIP prior to the MTP lapse will be moved forward for federal obligation until a new federally compliant MTP is completed and approved by the MPOs Policy Board. In addition, not only must any changes to the existing projects contained in the TIP in the interim be conducted by Amendment and cannot be done by Administrative Modification, but also the MPO is precluded from using groupable projects. These requirements will in turn require the state to prepare STIP Amendments to reflect any addition or modification of a TIP project in the MPO area until a new MTP is in place.

Public Involvement

The Public Involvement process for development of the STIP and amendments to the STIP are defined in the currently approved version of the WVDOT Public Involvement Process and the WVDOT Procedures for Consultation with Local Officials with Responsibility for Transportation. These procedures are outlined in WVDOT Design Directive 201 (DD201) found in Attachment A. The public involvement policies and procedures defined in DD201 will work in concert with 23 C.F.R 450.210(2) which states:

“The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.”

Individual public involvement procedures for each MPO shall apply for amendments to the TIP and meet public involvement requirements for STIP amendments.



***Appendix A: Location of Non-Attainment and Maintenance
Areas for Air Quality***



Particulate Matter (PM 2.5) Locations in West Virginia (as of 2/25/2021)



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PM2.5 Maintenance Areas

These areas are considered attainment with approved Maintenance Plans. Transportation planning organizations responsible for these areas should consult with DAQ prior to revising Long Range Transportation Plans and/or Transportation Improvement Programs.



1997 PM_{2.5} Maintenance Areas

- Charleston (Kanawha and Putname Counties)
- Huntington (Cabell and Wayne Counties, Graham Tax District in Mason County)
- Parkersburg (Wood County, Grant Tax District in Pleasants County)
- Martinsburg (Berkeley County)
- Weirton (Brooke and Hancock Counties)
- Wheeling (Marshall and Ohio Counties)

2006 PM_{2.5} Maintenance Areas

- Charleston (Kanawha and Putnam Counties)
- Weirton (Brooke and Hancock Counties)



Ozone Locations in West Virginia (as of 2/25/2021)



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Ozone Maintenance Areas

1997 8-hour Ozone Maintenance Areas

These areas are considered attainment with approved Maintenance Plans. Transportation planning organizations responsible for these areas should consult with DAQ prior to revising Long Range Transportation Plans and/or Transportation Improvement Programs.

- Charleston (Kanawha and Putnam counties)
- Huntington (Cabell and Wayne counties)
- Parkersburg (Wood County)
- Weirton (Brooke and Hancock counties)
- Wheeling (Marshall and Ohio counties)

Sulphur Dioxide Locations in West Virginia (as of 2/25/2021)



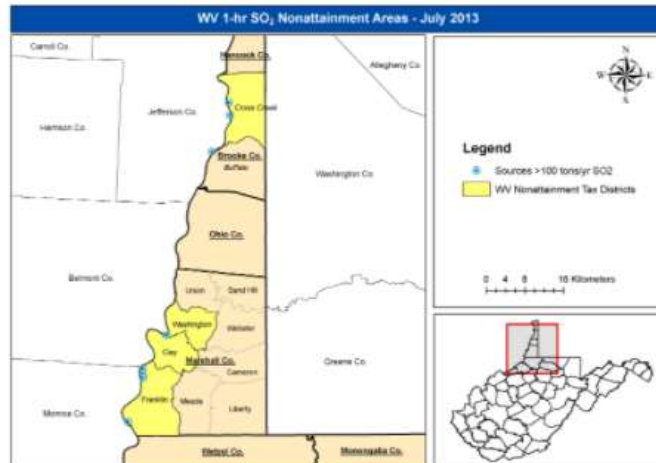
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Sulfur Dioxide Nonattainment Areas



1-Hour SO₂ Nonattainment Areas

- Cross Creek Tax District of Brooke County
- Clay, Franklin and Washington Tax Districts of Marshall County



Appendix B: Exempt Projects for Air Quality Conformity



§93.126 Exempt projects.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in table 2 of this section is not exempt if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation. Table 2 follows:

TABLE 2—EXEMPT PROJECTS

Safety

Railroad/highway crossing.

Projects that correct, improve, or eliminate a hazardous location or feature.

Safer non-Federal-aid system roads.

Shoulder improvements.

Increasing sight distance.

Highway Safety Improvement Program implementation.

Traffic control devices and operating assistance other than signalization projects.

Railroad/highway crossing warning devices.

Guardrails, median barriers, crash cushions.

Pavement resurfacing and/or rehabilitation.

Pavement marking.

Emergency relief (23 U.S.C. 125).

Fencing.

Skid treatments.

Safety roadside rest areas.

Adding medians.

Truck climbing lanes outside the urbanized area.

Lighting improvements.

Widening narrow pavements or reconstructing bridges (no additional travel lanes).

Emergency truck pullovers.



Mass Transit

- Operating assistance to transit agencies.
- Purchase of support vehicles.
- Rehabilitation of transit vehicles¹.
- Purchase of office, shop, and operating equipment for existing facilities.
- Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
- Construction or renovation of power, signal, and communications systems.
- Construction of small passenger shelters and information kiosks.
- Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
- Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
- Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet¹.
- Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

Air Quality

- Continuation of ride-sharing and van-pooling promotion activities at current levels.
- Bicycle and pedestrian facilities.

Other

- Specific activities which do not involve or lead directly to construction, such as:
- Planning and technical studies.
 - Grants for training and research programs.
 - Planning activities conducted pursuant to titles 23 and 49 U.S.C.
 - Federal-aid systems revisions.
- Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
- Noise attenuation.
- Emergency or hardship advance land acquisitions (23 CFR 710.503).
- Acquisition of scenic easements.
- Plantings, landscaping, etc.
- Sign removal.



Directional and informational signs.

Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).

Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

NOTE: ¹In PM₁₀ and PM_{2.5} nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

[62 FR 43801, Aug. 15, 1997, as amended at 69 FR 40081, July 1, 2004; 71 FR 12510, Mar. 10, 2006; 73 FR 4441, Jan. 24, 2008]

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§93.127 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. The local effects of projects with respect to PM₁₀ and PM_{2.5} concentrations must be considered and a hot-spot analysis performed prior to making a project-level conformity determination, if a project in Table 3 also meets the criteria in §93.123(b)(1). These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows:

TABLE 3—PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES

Intersection channelization projects.

Intersection signalization projects at individual intersections.

Interchange reconfiguration projects.

Changes in vertical and horizontal alignment.

Truck size and weight inspection stations.

Bus terminals and transfer points.

[58 FR 62235, Nov. 24, 1993, as amended at 71 FR 12511, Mar. 10, 2006]

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§93.128 Traffic signal synchronization projects.

Traffic signal synchronization projects may be approved, funded, and implemented without satisfying the requirements of this subpart. However, all subsequent regional emissions analyses required by §§93.118 and 93.119 for transportation plans, TIPs, or projects not from a conforming plan and TIP must include such regionally significant traffic signal synchronization projects.



Appendix C: Listing of Categorical Exclusions (CEs)



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aid credit or reimbursement for the acquisition. Any State-funded early acquisition for a Federal-aid highway project where there will not be Federal-aid highway credit or reimbursement for the early acquisition is subject to the limitations described in the CEQ regulations at 40 CFR 1506.1 and other applicable Federal requirements.

(5) A limited exception for rolling stock is provided in 49 U.S.C. 5309(h)(6).

[52 FR 32660, Aug. 28, 1987; 53 FR 11066, Apr. 5, 1988, as amended at 70 FR 24469, May 9, 2005; 74 FR 12528, Mar. 24, 2009]

§ 771.115 Classes of actions.

There are three classes of actions which prescribe the level of documentation required in the NEPA process.

(a) *Class I (EISs)*. Actions that significantly affect the environment require an EIS (40 CFR 1508.27). The following are examples of actions that normally required an EIS:

- (1) A new controlled access freeway.
- (2) A highway project of four or more lanes on a new location.
- (3) New construction or extension of fixed rail transit facilities (e.g., rapid rail, light rail, commuter rail, automated guideway transit).

(4) New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.

(b) *Class II (CEs)*. Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an EA or EIS. A specific list of CEs normally not requiring NEPA documentation is set forth in § 771.117(c). When appropriately documented, additional projects may also qualify as CEs pursuant to § 771.117(d).

(c) *Class III (EAs)*. Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

[52 FR 32660, Aug. 28, 1987, as amended at 74 FR 12529, Mar. 24, 2009]

§ 771.117 Categorical exclusions.

(a) Categorical exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the Administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

(c) The following actions meet the criteria for CEs in the CEQ regulation (section 1508.4) and § 771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration:

- (1) Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.



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(2) Approval of utility installations along or across a transportation facility.

(3) Construction of bicycle and pedestrian lanes, paths, and facilities.

(4) Activities included in the State's *highway safety plan* under 23 U.S.C. 402.

(5) Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.

(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

(7) Landscaping.

(8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

(9) Emergency repairs under 23 U.S.C. 125.

(10) Acquisition of scenic easements.

(11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.

(12) Improvements to existing rest areas and truck weigh stations.

(13) Ridesharing activities.

(14) Bus and rail car rehabilitation.

(15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

(16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

(17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

(18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.

(19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

(20) Promulgation of rules, regulations, and directives.

(21) Deployment of electronics, photonics, communications, or infor-

mation processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

(d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).

(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.

(3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(4) Transportation corridor fringe parking facilities.

(5) Construction of new truck weigh stations or rest areas.

(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

(7) Approvals for changes in access control.

(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with



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existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.

(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

(12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not per-

mitted for the sole purpose of reducing the cost of property for a proposed project.

(13) Acquisition of pre-existing railroad right-of-way pursuant to 49 U.S.C. 5324(c). No project development on the acquired railroad right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

(e) Where a pattern emerges of granting CE status for a particular type of action, the Administration will initiate rulemaking proposing to add this type of action to the list of categorical exclusions in paragraph (c) or (d) of this section, as appropriate.

[52 FR 32660, Aug. 28, 1987; 53 FR 11666, Apr. 5, 1988, as amended at 70 FR 24469, May 9, 2005; 74 FR 12529, Mar. 24, 2009]

§771.119 Environmental assessments.

(a) An EA shall be prepared by the applicant in consultation with the Administration for each action that is not a CE and does not clearly require the preparation of an EIS, or where the Administration believes an EA would assist in determining the need for an EIS.

(b) For actions that require an EA, the applicant, in consultation with the Administration, shall, at the earliest appropriate time, begin consultation with interested agencies and others to advise them of the scope of the project and to achieve the following objectives: determine which aspects of the proposed action have potential for social, economic, or environmental impact; identify alternatives and measures which might mitigate adverse environmental impacts; and identify other environmental review and consultation requirements which should be performed concurrently with the EA. The applicant shall accomplish this through an early coordination process (i.e., procedures under §771.111) or through a scoping process. Public involvement shall be summarized and the results of agency coordination shall be included in the EA.

(c) The EA is subject to Administration approval before it is made available to the public as an Administration document.

(d) The EA need not be circulated for comment but the document must be



***Attachment A: WV's Public Involvement and Consultation
with Non-Metropolitan Officials Processes***



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.



***Attachment B: Consultation with Non-Metropolitan Local
Officials***



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**



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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 21st 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
Scope of Planning Process	Consult	Cooperate
Long-Range Plan	Consult	Cooperate
STIP Development	Consult	Cooperate
Project Selection	Cooperate	Cooperate
Regional Transportation Planning Organizations (RTPO) Designation*	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."¹

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

¹ 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). WVDOH will provide copies to RPDCs, 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.



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



**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



**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**