

ACT NO. 8548

BILL NO. 34-0087

THIRTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2022

An Act amending title 20 Virgin Islands Code, chapter 3 by adding subchapter II providing for a Complete Streets Policy and creating a Complete Streets Task Force within the Department of Public Works to aid in the development and implementation of strategies to increase the usability of all streets for all modes of travel for citizens of all ages and abilities in the Virgin Islands; making a \$100,000 appropriation from the Community Facilities Trust Account to the Department of Public Works to implement the Complete Streets Policy and for other purposes relating to the Complete Streets Policy; appropriating \$150,000 from the General Fund to the Virgin Islands to Island Green Building Association, Incorporated for its Ocean-Bound Plastics Recycling Program; and appropriating \$3,500,000 to the Virgin Islands Port Authority from ARPA funds and other federal or general funding for the design of terminal improvements for the expansion of the Henry E. Rohlsen Airport's departure lounge space to a new second floor of the terminal to accommodate up to three boarding bridges and restrooms in Phase 2A and for the conceptual design of an additional bridge and lounge space in phase 2B for expansion in the future; and amending Act No. 8474, section 1, subsection D, relating to the 2022 Executive Budget, to reprogram the \$20,000 granted to ARTBLOCK VI to Elevate Wi

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WHEREAS, the Legislature recognizes that Virgin Islands streets are antiquated and in serious disrepair, and that its transportation system is outdated, rendering both inadequate to meet the needs of all of its residents or all modes of travel;

WHEREAS, the condition of the streets and roadways in the Virgin Islands suffered severe damage as a result of the 2017 hurricane season and the massive influx of heavy equipment and increased traffic during the ongoing recovery process. As part of the recovery process the Virgin Islands has a unique opportunity to make use of recovery dollars to incorporate the repair, upgrade and enhancement of its streets and roadways;

WHEREAS, the results of the Virgin Islands Department of Health's 2016 EPI-Aid study confirm the need to revamp our streets and roadways. Its findings demonstrate that in the Territory, 88.6% of street length has no sidewalks; 46.7% of street length has no lighting; 78.2% of streets have no walkable destinations, such as shops, restaurants, or parks and only 3.1% having a mixed use of residential and commercial properties, and a mere 4.8% having public transit stops;

WHEREAS, the Virgin Islands has historically spent a disproportionate amount of its transportation funds to accommodate streets designed only for vehicular traffic. This practice disenfranchised a significant number of residents, especially the most vulnerable, who cannot afford vehicles, are physically unable, or choose not to drive, and must rely on a combination of walking and public transportation;

WHEREAS, to effectuate significant change and embrace the needs of all of its residents, the Legislature recognizes that it must consider the needs of diverse modes of transport, including but not limited to walking, biking, driving, wheeling, rolling, riding public transit, car sharing, paratransit, taxis, freight carriers, and emergency response vehicles;

WHEREAS, the Virgin Islands, by implementing a Complete Streets Act will ensure a safe, convenient, and context-sensitive transportation system for all modes of travel and for users of all ages and abilities;

WHEREAS, the Legislature also recognizes that developing a Complete Streets transportation policy that upgrades the design and build out of streets will maximize the accessible safe use of its streets and roadways as a desirable and attainable goal that will enhance the quality of life for all Virgin Islanders in a myriad of ways;

WHEREAS, Department of Health statistics indicate that the Virgin Islands population has a high incidence of chronic diseases, including diabetes, obesity, hypertension, and cardiac disease. More accessible streets can help spur greater physical activity, reducing the risks of these chronic diseases, increasing quality of life while minimizing the associated economic burdens of car ownership and maintenance;

WHEREAS, Complete Streets will also provide multiple benefits, including but not limited to improvement in overall public health, expansion of the opportunity for more people to bike and walk safely, better access to all transit modes, improvement of air quality by decreasing vehicular use and resultant emissions, and improved access to and choice of other safe modes of travel for those who have physical or economical impediments to driving motor vehicles;

WHEREAS, pedestrian deaths from vehicular accidents are on the rise nationally and implementing Complete Streets will mitigate this danger by providing safe, adequately marked routes with adequate pedestrian signals and crosswalks with appropriate signage for all pedestrians, including children walking to school, which is of particular concern with the influx of new residents and the resulting increase in vehicular traffic;

WHEREAS, Complete Streets will enhance the public realm through human-scaled designs, including tree-lined streets and landscaped sidewalks, pedestrian lighting, signage, public art, and street furniture;

WHEREAS, healthful design principles lead to more economically robust and vibrant retail and mixed-use districts by shortening the distance people have to travel for goods, services, work, and recreation;

WHEREAS, increased walkability in mixed-use districts has demonstrably proven to spur greater economic activity by providing more revenue per retail square foot than more dispersed lower density districts;

WHEREAS, walkability in our communities ensures easier access to goods and services, which is critically important following severe weather events, which have become more intense and frequent in the Territory in recent years;

WHEREAS, several cities throughout the United States have implemented Complete Streets policies to ensure that their communities have optimal use of their streets and complete access to their transportation systems, despite their residents' age, physical abilities, or financial status;

WHEREAS, the Legislature recognizes that Complete Streets is not a revolutionary planning concept, but a long-term, sustainable process based on guiding design principles that must be incorporated and implemented in all phases of construction or reconstruction through coordinated, comprehensive, and contextual planning that must include an opportunity for public hearings, input, and comment;

WHEREAS, Complete Streets have been adopted in over 27 states and can be applied in a variety of jurisdictions, including large cities as well as suburban and rural areas. Over 37 percent of cities with existing, vibrant Complete Streets policies have populations of less than 30,000;

WHEREAS, Congress has consistently encouraged the development of more comprehensive transportation systems that are equitable for all users;

WHEREAS, Congress presently has Complete Streets legislation pending in both houses, mandating that states set aside a percentage of their annual transportation funds to comply with Complete Streets policies;

WHEREAS, the concept and principles of Complete Streets are entirely compatible with the direction and plans embodied in the Growth Policy and the Department of Public Works Transportation Plan, including the Territorial Transportation Improvement Plan updates. Existing funds can be utilized and applied to both pending and future transportation projects;

WHEREAS, Complete Streets has proven to be a sound financial investment, as it has generated economic growth and has demonstrated long-term cost savings through improved community health and environmental stewardship; and

WHEREAS, the Legislature recognizes it must formally adopt Complete Streets legislation to ensure that the policy is implemented in all levels of the Territory's transportation planning and decision-making processes, as it has been repeatedly demonstrated that where such initiatives are non-binding policies, they are often ignored; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Sections 1 through 4 of this act may be cited as “The Virgin Islands Complete Streets Act of 2022”.

SECTION 2. Title 20 Virgin Islands Code, part 1, chapter 3 is amended by designating the existing provisions as Subchapter I and adding Subchapter II to read as follows:

“Subchapter II. The Complete Streets Act”

§ 51. Intent and purpose

(a) In adopting and implementing “The Virgin Islands Complete Streets Act of 2022” the Government of the Virgin Islands shall plan, develop, and provide a more integrated, multimodal transportation network that will enhance the quality of life of all Virgin Islanders. All modes of transportation, including walking, bicycling, using public transportation, freight traffic and emergency response vehicles must be equitably considered in every stage of planning and implementation of the policy. All residents regardless of age, physical ability or economic status must be able to choose from diverse, integrated transportation options which are safe, affordable, convenient, and efficient. It is also the intent of this subchapter that the Virgin Islands Complete Street Task Force established in section 54 shall prepare the Territory for the future of transportation being built around the transition to vehicle electrification, engaging with the private sector and leaders across all levels of federal and local government to promote best practices and advocate for public policy solutions.

(b) Although motor vehicle use will continue to serve personal needs, equitable consideration of other transportation modes must occur in every aspect of planning, construction of all new projects and the maintenance, repair or retrofit of such projects. Consideration of all users with particular emphasis on the prioritization of the needs of the most vulnerable residents and the most historically disenfranchised communities throughout all phases of development of the policy must be prioritized. To this end, adequate Americans with Disabilities Act (ADA)-compliant sidewalks must be constructed on at least one side of all streets. In the commercial area of all towns where upgrading sidewalks would prove most expensive and would significantly hamper commercial activity and limit access, innovative planning, including pedestrian-only streets in combination with more off-street parking in multi-level parking must be explored.

(c) To guarantee transparency and accountability and to identify all public concerns and assess transit needs of all users, adequate methods to provide public input through public hearings, including sufficient public notice of comment periods, must be provided.

(d) Best practice guidelines must be adopted and immediately incorporated in all projects and phases of construction from the following resources, which include but are not limited to: American Association of State Highway and Transportation Officials (AASHTO) Green Book; AASHTO Guide for the Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide to the Development of Bicycle Facilities; Federal Highway Administration’s Small Town and Rural Multimodal Networks; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context-Sensitive Approach and Policy on

Geometric Design of Highways and Streets; The National Association of City Transportation Officials (NACTO), Urban Bikeway Design Guidelines and Urban Street Design Guidelines; US Access Board Public Right-of-Way Accessibility Guidelines; Safe Routes to School; America Walks; AARP's Livable Communities; Be Active; CDC's Crime Prevention Through Environmental Design; CDC's Healthy Places; and CDC's Guidelines on Physical Activity, and Healthy Community Design of Healthy Neighborhoods .

(e) The resources listed in subsection (d) must be used as applicable, but their use does not preclude the use of other safe, innovative, or non-traditional design options that may be better suited for the Territory's needs.

§ 52. Definitions. As used in this subchapter;

(a) "AARP" means the American Association of Retired Persons.

(b) "Commissioner" means the Commissioner of Public Works.

(c) "Complete Streets" means a transportation policy that is committed to the planning, designing, operating and maintenance of streets and roadways for the safe use of all ages and abilities, including pedestrians, bicyclists, public transit and para-transit users, motorists, freight carriers and emergency vehicles.

(d) "Department" means the Department of Public Works unless otherwise specified.

(e) "Funds" means any funds available from the federal dollars, disaster recovery funds, legislative appropriations and any existing funds for pending projects and other sources that are earmarked for the construction, maintenance or repair of roads, sidewalks, and highways in the Virgin Islands.

(f) "Task Force" means the Complete Streets Task Force established in section 54.

(g) "Users" means persons of all ages and abilities whether they are pedestrians, drivers, bicyclists, or public transportation riders.

§ 53. Duties of the Commissioner

(a) The Commissioner is responsible for coordinating stakeholders to assess the needs of the Virgin Islands transit system and to plan new construction to improve the safety and accessibility of the Territory's streets and highways for all users.

(b) The Commissioner shall ensure through direction and collaboration with other departments and agencies that the Complete Streets policy is integrated into existing transportation policies, plans and decision-making processes and transportation system design for the Government overall as well as private construction.

(c) The Commissioner shall maintain a unified and coordinated approach through consistent communication with and between all stakeholders, especially the Task Force.

(d) The Commissioner shall also ensure that all plans, policies, and rules and regulations are updated where necessary to reflect the goals of this subchapter.

§ 54. Task Force established

(a) There is established within the Department the Complete Streets Task Force. In addition to the Commissioner, who serves as its chair, the Task Force is composed of ten members, four members from St. Thomas, four members from St. Croix and two members from St. John, appointed by the Governor for a term of six years, and not subject to confirmation by the Legislature.

(b) The members must be electors of the Virgin Islands. At least one member must be sixty-five years of age or older, and one member must have mobility disabilities, and to ensure that the most knowledgeable and experienced persons are appointed, the Governor shall select Task Force members in consultation with the heads of the Departments of Public Works; Property and Procurement; Planning and Natural Resources; Human Services; Health; Sports, Parks, and Recreation; Housing Finance Authority; AARP, the Virgin Islands Trail Alliance; and the Disability Rights Center.

(c) The areas of expertise that must be represented on the Task Force include civil engineering, urban planning, urban forestry, and other relevant disciplines.

(d) A quorum consists of six members, but members from all three islands must be present.

§ 55. Implementation and Procedure

(a) The Task Force shall function solely as an advisory committee in the designing and implementation of the Complete Streets policy. The Task Force shall use the best and latest design guidance, standards, and monitoring of the recommendations available to maximize design flexibility and innovation, remaining aware that design solutions should balance user and modal needs. Design criteria must not be purely prescriptive but must be based on the thoughtful application of engineering, architectural, and urban design principles. In addition to those national resources listed in section 51, the following local materials must be used and revised or updated when necessary, including, but not limited to:

- (1) Sidewalk Master Plan;
- (2) Territorial Transportation Improvement Plan;
- (3) Virgin Islands Bike Path Plan;
- (4) Virgin Islands Code;
- (5) Virgin Islands Subdivision Regulations; and
- (6) Virgin Islands Urban Forest Management Master Plan.

(b) In formulating and implementing this subchapter, the Task Force shall ensure that the transportation system is designed to enhance and maximize the safety, security, comfort, and convenience of pedestrians, bicyclists, public transit users, assistive mobility device users, motorists, emergency responders, and routine commercial service providers.

(c) When there are conflicting needs among users and modes, the Task Force shall employ the following prioritization:

(1) While safety is paramount; pedestrians must be the primary focus territory wide, with;

(A) Equitable consideration of the most vulnerable users; including but not limited to the disabled and the elderly; and

(B) Equitable balance among all modes of transportation with an emphasis on the most disenfranchised communities;

(2) All modes of transportation cannot receive the same type of accommodation and space on every street;

(3) The overall goal is that everyone, young, old, and those of varying ability, can safely, comfortably, and conveniently travel throughout the territory while utilizing their choice of transportation; and

(4) Infrastructure investments must be mapped, evaluated, and quantified to avoid creating or exacerbating pockets of disinvestment or underinvestment.

(d) The execution of this policy must be flexible to permit context-sensitive design to the community's overall surroundings, its current and planned buildings and adjacent land uses and current and expected transportation needs of all users, which will help ensure that projects are appropriate within the context of the neighborhood, sensitive to community values, and balance social, economic, and environmental objectives.

(e) This policy is applicable to all transportation construction projects pending as well as future projects, whether public or private.

(f) The Task Force shall view Complete Streets as integral to everyday transportation decision-making practices and processes. The policy must be implemented through development services.

(g) The Department of Public Works, the Department of Sports, Parks & Recreation, and other relevant departments and agencies named in this subchapter shall incorporate Complete Streets principles into all existing plans, manuals, checklists, regulations, and programs as necessary to effectuate the goals of this subchapter.

(h) The Task Force shall review current design standards, including subdivision regulations, which apply to new roadway construction, to ensure that they reflect the best

available design standards and guidelines and allow for the effective implementation of Complete Streets.

(i) When available, the Task Force shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops and inter-agency sharing of information and ideas.

(j) The Department staff shall identify all current and potential future sources of funding for street and sidewalk construction and improvements and recommend improvements to the project selection criteria to support Complete Streets projects.

(k) The Task Force shall promote inter-departmental project coordination among agencies with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.

(l) The Task Force shall develop and promote better and more effective ways to measure performance and collect data on how well the streets are serving the needs of all users.

(m) Every Complete Streets project must include a public educational component to ensure that all users of the transportation system understand and can safely use Complete Streets project elements.

(n) The Department shall formulate and adopt regulations where necessary and educate on and enforce proper road use behavior for all users and modes of transportation.

§ 56. Inclusion and Exceptions

(a) The Task Force shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These improvements and phases include planning, programming, design, right-of-way acquisition, subdivision and land development, new construction, construction engineering, reconstruction, operation, repair, capital improvements, re-channelization projects and major maintenance, routine maintenance and rehabilitation.

(b) Any exception to this policy, including for eligible private projects, must be submitted in writing and reviewed by the Task Force, with documentation of the reasons for the exception.

(c) The following exceptions may be considered for approval, when adequately documented if:

(1) An accommodation is not necessary on corridors where specific user groups are legally prohibited;

(2) Costs of accommodation are excessively disproportionate to the need or probable use, when factoring in both current economic conditions and economic benefits as well as initial capital outlay, but do not warrant an exception in areas that have

historically not been maintained and as a result the one-time retrofit or rebuild is expensive;

(3) A documented absence of current and future needs exists;

(4) Transit accommodations are not required where there is no existing or planned transit service;

(5) Routine maintenance, such as sweeping, mowing, and spot repair which does not change the roadway geometry or operations and as such, does not trigger this policy; or

(6) A reasonable and equivalent project existing along the same corridor that is already programmed to provide facilities exempted from the specific project at hand.

(d) Accountability measures tied to performance measures must be used when granting exemptions, and impacts are estimated as needed.

§ 57. Jurisdiction and network connectivity

(a) This policy applies to The Department of Public Works transportation system in the public right-of-way, including, but not limited to, streets, alleys, sidewalks, and all other connecting pathways. The owners and operators of private streets, sidewalks, alleys, and parking lots shall also adhere to and fully support this policy through funding requirements and development review.

(b) Recognizing that many transportation users employ a combination of modes of travel, including walking, and public transport or driving and walking, network connectivity must be fluent to provide safe, efficient and convenient accessibility to all users.

§ 58. Annual reporting

(a) The Commissioner and the Task Force shall make a report to the Governor, the Legislature and the Committee on Housing Transportation and Telecommunications or successor committee bi-annually, demonstrating progress made in implementing this policy using the following performance measures:

(1) Total miles of dedicated or identified shared-use bike facilities built or striped;

(2) Linear feet of new pedestrian accommodation;

(3) Number and type of ADA accommodations built;

(4) Number of transit accessibility accommodations built;

(5) Number of new curb ramps installed along city streets;

- (6) Number and type of traffic calming devices installed;
- (7) Number of new street trees planted 30 feet from the side of the main road;
- (8) Crosswalk and intersection improvements;
- (9) Percentage of transit stops accessible via sidewalks and curb ramps;
- (10) Annual average daily traffic (AADT) data;
- (11) Bicycle and pedestrian count data;
- (12) Transit ridership data, including automated passenger counter, (APC) data;
- (13) Rate of people biking, walking, and using transit;
- (14) Rate of children walking or biking to school;
- (15) Citizen input; and
- (16) Any recommendations for revision of existing statutes, regulations or policies and procedures which will facilitate the total integration of Complete Streets into the Virgin Islands transportation system.

§ 59. Additional Considerations

(a) In addition to providing safe and accessible streets in the Virgin Islands, care must be given to incorporate best management practices for addressing storm water runoff, and modern, innovative storm water infrastructure must be integrated into the construction/reconstruction or retrofitting of streets and sidewalks.

(b) When implemented, Complete Streets must ensure beautiful, interesting, vibrant, and comfortable places that will enhance the livability of the Virgin Islands territory wide. As part of the Virgin Islands public realm, streets must be held to a higher standard for urban design at a human scale. Multi-modal accommodations and all territorial projects in the right-of-way must be approached as opportunities to enhance the aesthetic qualities of the Virgin Islands and its public realm through the thoughtful creation of place. Streetscapes must protect and include street trees and native plants, incorporate landscape architecture, public art, street furniture, pedestrian amenities and wayfinding signage, sidewalk cafes and street-facing retail, places of respite, and other elements that enhance the attractiveness of the Virgin Islands and foster healthy economic development.

SECTION 3. The Complete Streets Task Force, established in 20 V.I.C. § 54 not later than 180-days after the effective date of this act, shall provide the Legislature with the first phase of its assessment and plans for implementation of this chapter. Included must be documentation of all public hearings and a detailed schedule of projects, their start date and anticipated completion, and any additional information available on the requirements for annual reporting.

SECTION 4. The sum of \$100,000 is appropriated from the Community Facilities Trust Account, in the fiscal year ending September 30, 2022, to Virgin Islands Department of Public Works, for the implementation of the Complete Streets Policy and the Complete Streets Task Force within the Department of Public Works.

SECTION 5. The sums appropriated in section 4 remain available until expended.

SECTION 6. (a) The sum of \$150,000 is appropriated in the fiscal year ending September 30, 2022, from the General Fund of the Virgin Islands to Island Green Building Association, Incorporated for its Ocean-Bound Plastics Recycling Program subject to the financial reporting requirements of title 2 section 29 of the Virgin Islands Code.

(b) The sum appropriated in subsection (a) remains available until expended.

~~**SECTION 7.** (a) The sum of \$3,500,000 is appropriated in the fiscal year ending September 30, 2022, to the Virgin Islands Port Authority from the funding allocated to the Government of the Virgin Islands in the American Rescue Plan Act of 2021, and any other available federal or general funding for the design of terminal improvements, specifically for the expansion of the Henry E. Rohlsen Airport's departure lounge space to a new second floor of the terminal to accommodate up to three boarding bridges and restrooms in Phase 2A and for the conceptual design of an additional bridge and lounge space in phase 2B for expansion in the future.~~

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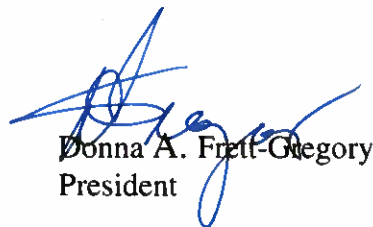
~~(b) The sum appropriated in subsection (a) remains available until expended.~~

SECTION 8. Act No. 8474, subsection D is amended by striking "SPR ARTBLOCK VI" and inserting in its place "SPR Elevate Wi".

Thus passed by the Legislature of the Virgin Islands on March 24, 2022.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 25th day of March, A.D., 2022.




Donna A. Frett-Gregory
President


Genevieve R. Whitaker
Legislative Secretary



THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

GOVERNOR'S OBJECTIONS

Bill No. 34-0087 is hereby approved with the exception of the following item(s), part or parts, portion or portions thereof, which are hereby objected to and disapproved and deleted as marked on the Bill, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954 as amended:

In **SECTION 7** by striking the section in its entirety "**SECTION 7.** (a) The sum of \$3,500,000 is appropriated in the fiscal year ending September 30, 2022, to the Virgin Islands Port Authority from the funding allocated to the Government of the Virgin Islands in the American Rescue Plan of 2021, and any other available federal funding or general funding for the design of terminal improvements, specifically for the expansion of the Henry E. Rohlsen Airport's departure lounge space to a new second floor of the terminal to accommodate up to three boarding bridges and restrooms in Phase 2A and for the conceptual design of an additional bridge and lounge space in phase 2B for expansion in the future.

(b) The sum appropriated in subsection (a) remains available until expended"

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, U.S. Virgin Islands, this 11th day of April 2022 A.D.




Albert Bryan Jr.
Governor