WEST VIRGINIA CODE CHAPTER 17 ARTICLE 16E

WV Legislature

§17-16E-1. Purpose.

The purpose of this article is to establish authority for a State Safety Oversight Agency to oversee the safety for fixed guideway public transportation systems in West Virginia not regulated by the Federal Railroad Administration and to accomplish compliance with 49 U. S. C. §5329.

WV Legislature

§17-16E-2. Designated oversight agency; prohibitions.

(a) The Division of Public Transit created by article sixteen-c of this chapter is hereby designated the State Safety Oversight Agency. The Division of Public Transit shall have the powers and duties assigned to the State Safety Oversight Agency.

(b) The State Safety Oversight Agency shall be financially and legally independent from any public transportation entity that the agency oversees. Any public transportation agency is prohibited from providing funds to the State Safety Oversight Agency. The agency may not employ any individual who is also responsible for the administration of rail fixed guideway public transportation programs.

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§17-16E-3. Powers and duties; rules.

(a) The State Safety Oversight Agency has the following powers and duties:

(1) Oversee all safety aspects of the rail fixed guideway public transportation system pursuant to 49 U. S. C. §5329, including:

(A) The development, implementation and application of the public transportation system safety plan;

(B) Inspection, investigations or hearings involving all aspects of the facility and its operations including infrastructure, documentation, including electronic data, and personnel and may conduct or cause to be conducted such inspections, investigations or hearings; and

(C) Respond to information obtained through inspection, investigations, hearings, other incidents or occurrences of significance to the State Safety Oversight Agency by the issuance of directives, appropriate suspension of service, withholding of funding or the imposition of civil or criminal penalties;

(2) Enforce federal and state laws on rail fixed guideway public transportation safety;

(3) Determine, in consultation with the Federal Transit Administration, an appropriate staffing level for the State Safety Oversight Agency that is commensurate with the number, size and complexity of the rail fixed guideway transit systems in the state;

(4) Require that its employees and other designated personnel who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under 49 U. S. C. §5329(c);

(5) Coordinate all enforcement responsibilities with other governmental authorities as needed;

(6) Review, revise, approve, oversee and enforce the public transportation agency safety plan required under 49 U. S. C. §5329(d), including the implementation by the rail fixed guideway public transportation agency of such plan;

(7) Investigate and enforce the safety of rail fixed guideway public transportation systems;

(8) Audit, at least once every three years, the compliance of the rail fixed guideway public transportation systems in the state with the public transportation agency safety plan required under 49 U. S. C. §5329(d);

(9) Provide an annual status report on the safety of the state's rail fixed guideway public transportation systems to the Federal Transit Administration, the Governor, the Legislature and the governing body of the rail fixed guideway public transportation system;

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(10) Prepare and provide to the Governor and Legislature drafts of proposed legislation that may be necessary for the state to remain compliant with the requirements of 49 U. S. C. §5329.

(b) The State Safety Oversight Agency shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to accomplish the purpose of this article, including rules concerning the implementation of the duties set forth in subsection (a) of this section and the inspection and enforcement powers that are reasonably necessary to ensure compliance with 49 U. S. C. §5329.

WV Legislature