WEST VIRGINIA CODE CHAPTER 17 ARTICLE 2

WV Legislature

§17-2-1. Definitions.

(a) As used in this article, unless the context clearly requires a different meaning:

(1) “Administrator” means any person who fills a statutorily created position in an agency within the Department of Transportation and who is designated by statute as commissioner, executive director, or other administrative title, however designated;

(2) “Agency” means any division, authority, board, commission, or other entity of state government, however designated, transferred to and incorporated in and administered as part of the Department of Transportation and includes agencies incorporated in the department pursuant to this code, including, but not limited to, §5F-2-1 of this code;

(3) “Code” means the Code of West Virginia, 1931, as amended by the Legislature;

(4) “Department of Transportation” and “department” means the executive department created pursuant to Chapter 5F of this code as the Department of Transportation; and

(5) “Secretary” and “Secretary of Transportation” means the Secretary of the Department of Transportation, who is appointed by the Governor with advice and consent of the Senate pursuant to §5F-1-2 of this code.

(b) All words defined shall be construed to include both the plural and the singular.

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§17-2-2. Powers and duties of the Secretary of Transportation.

(a) The secretary is the administrative head of the department, controls and supervises the department, and is responsible for the work of all department employees.

(b) The secretary has the power and authority set forth in this article or elsewhere in code, including, but not limited to, the power and authority specified in §5F-2-2 of this code.

(c) The secretary may employ professional staff, including, but not limited to, certified public accountants, engineers, attorneys, deputies, assistants, hearing officers, and other employees as necessary for the efficient operation of the department, may prescribe their powers and duties, and may fix their compensation within the amounts appropriated and in accordance with the department's merit-based system authorized in §5F-2-8 of this code.

(d) The secretary may designate any administrator or employee of the department as the secretary's designee on any board, authority, or commission on which the secretary serves. An administrator or employee thus designated may take the secretary's place in any hearings, appeals, meetings, or other activities, and such designee shall have the same powers, duties, authority, and responsibility as the secretary.

(e) The secretary may arrange for any of the department's agencies to utilize the services of the department or any other agency within the department, on an as-needed or ongoing basis, for the cost-effective and efficient administration of the department. Interagency agreements may be executed among the department's agencies, or between one or more agencies and the department, if, in the secretary's discretion, such agreement is desired or necessary for the cost-effective and efficient administration of the department.

(f) The secretary shall ensure that the department and its agencies carry out functions in a manner that supplements, complements, and complies with policies, programs, and funding requirements of the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration, as applicable. The secretary may require that administrators and employees of the department or its agencies consult with appropriate federal, state, and local governmental units to ensure that the department is aware of and in compliance with policies, programs, laws, and regulations affecting the department.

(g) The secretary may, on behalf of the department, sign in the name of the state any contract or agreement with any division, agency, or other unit of federal, state, or local government, any legal entity, or any individual: *Provided*, That the powers granted to the secretary under this subsection may not exceed, or be interpreted as authority to exceed, the powers granted by the Legislature to the department or the various agencies of the department.

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