WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED
Committee Substitute for
SENATE BILL NO. 572

(By Senators Brandt, Mr. Crumpton, and Miller,
By Request of the Executive)

PASSED March 6, 1992
In Effect 90 Days from Passage
AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen-c, relating to the division of public transit, its creation, its designation, its powers and duties; creation of public transit advisory council; and assistance to be provided by other state agencies.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen-c, to read as follows:

ARTICLE 16C. DIVISION OF PUBLIC TRANSIT.

§17-16C-1. Creation of division.

1 The division of public transit is hereby created and 2 is under the supervision of the secretary of transportation pursuant to the provisions of chapter five-f of this code.
§17-16C-2. Designation of department.

1 The department of transportation through the division of public transit is hereby designated as the agency of this state responsible for administering all federal and state programs relating to public transportation.

§17-16C-3. Powers and duties of the division.

1 The division has the power to:

2 (a) Assist in the development of improved public transportation facilities, services, equipment, techniques and methods, with the cooperation of transportation carriers, both public and private;

3 (b) Enhance the mobility of all residents of the state, particularly those who by age, income or physical limitation experience serious transportation disadvantages;

4 (c) Manage publicly funded transportation resources in a cost effective manner and endeavor to achieve an increased ridership with available resources;

5 (d) Establish a system to adequately coordinate and distribute publicly funded transportation services within the state, including, but not limited to, transportation services for senior citizens, for participants in head start programs, for disabled citizens and for private nonprofit organizations and to establish a pilot project or projects as an initial part of implementing a system of coordination and distribution;

6 (e) Maintain a cooperative working relationship with public and private transportation providers, private nonprofit organizations, local planning and development councils, other state agencies and the federal government;

7 (f) Coordinate and assist various public and private transportation entities in strengthening their development and operation of public transportation facilities and services;

8 (g) Coordinate with other states and the federal
government the planning, construction, operation and
maintenance of public transportation facilities in the
state having an interstate impact;

(h) Acquire, plan, hold, construct, improve, maintain
and operate, own or lease, either in the capacity of
lessee or lessee, all facilities necessary or incidental
thereto for the operation of public transportation
systems in the state;

(i) Apply for and receive from the federal govern-
ment or from any other person, corporation, associa-
tion or other entity, any grants in aid or gifts to be
used for public transportation related purposes;

(j) Provide financial assistance to local transporta-
tion agencies to the extent authorized by the Legisla-
ture and federal grants: Provided, That no county or
local government may reduce the level of funding for
transportation services in place upon the effective date
of this section and be eligible to receive financial
assistance pursuant to this section;

(k) Enter into contracts with other agencies of the
state, other public bodies, private firms or individuals
to provide technical services or public transportation
related services;

(l) Exercise or perform any power, duty, responsibil-
ity or function in carrying out public transportation
related activities which are essential to the completion
of the projects;

(m) Insure local matching funds with state or local
money, or both, for federal assistance projects; and

(n) Implement rules necessary to accomplish its
assigned duties.

§17-16C-4. Public transit advisory council.

There is hereby created the West Virginia public
transit advisory council which shall consist of eleven
members, selected by the governor, who shall serve
for two-year terms commencing on the first day of
April, one thousand nine hundred ninety-two, and
who shall serve at the will and pleasure of the
7 governor. The membership of the council shall be broadly representative of those groups affected by the implementation of this article: Provided, That no more than four of the members of the council shall reside in the same congressional district. No more than six members may be of the same political party. The members of the council shall serve without compensation and without provision for their expenses related to the work of the council. The council shall provide consultation, on an advisory basis, to the division of public transit on matters related to the implementation of the pilot program or programs referred to in subdivision (d), section three of this article.

§17-16C-5. Assistance of other state agencies.

1 Notwithstanding any other provision of this code to the contrary, at the division’s request and as mutually agreed upon, other state departments, divisions or agencies may enter into agreements with the division to assist or undertake projects that are beneficial to public transportation. All expenses and other requirements connected with the projects remain the responsibility of the division of public transit.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Prather
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

W. L. Bryan
President of the Senate

Phillip A. Coe
Speaker House of Delegates

The within is approved this the 24th day of name, 1992.

George C. Carnell
Governor