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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

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## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 572

(By Senators *Burdette, Mr. President, and Spuler,*  
*By Request of the Executive*)

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PASSED March 6, 1992  
In Effect 90 days from Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 512**

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,  
BY REQUEST OF THE EXECUTIVE)

[Passed March 6, 1992; in effect ninety 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 transpor-  
3 tation pursuant to the provisions of chapter five-f of  
4 this code.

**§17-16C-2. Designation of department.**

1 The department of transportation through the  
2 division of public transit is hereby designated as the  
3 agency of this state responsible for administering all  
4 federal and state programs relating to public  
5 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  
3 transportation facilities, services, equipment, tech-  
4 niques and methods, with the cooperation of transpor-  
5 tation carriers, both public and private;

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

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

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

21 (e) Maintain a cooperative working relationship with  
22 public and private transportation providers, private  
23 nonprofit organizations, local planning and develop-  
24 ment councils, other state agencies and the federal  
25 government;

26 (f) Coordinate and assist various public and private  
27 transportation entities in strengthening their develop-  
28 ment and operation of public transportation facilities  
29 and services;

30 (g) Coordinate with other states and the federal

31 government the planning, construction, operation and  
32 maintenance of public transportation facilities in the  
33 state having an interstate impact;

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

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

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

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

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

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

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

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

1 There is hereby created the West Virginia public  
2 transit advisory council which shall consist of eleven  
3 members, selected by the governor, who shall serve  
4 for two-year terms commencing on the first day of  
5 April, one thousand nine hundred ninety-two, and  
6 who shall serve at the will and pleasure of the

7 governor. The membership of the council shall be  
8 broadly representative of those groups affected by the  
9 implementation of this article: *Provided*, That no more  
10 than four of the members of the council shall reside in  
11 the same congressional district. No more than six  
12 members may be of the same political party. The  
13 members of the council shall serve without compensa-  
14 tion and without provision for their expenses related  
15 to the work of the council. The council shall provide  
16 consultation, on an advisory basis, to the division of  
17 public transit on matters related to the implementa-  
18 tion of the pilot program or programs referred to in  
19 subdivision (d), section three of this article.

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

1 Notwithstanding any other provision of this code to  
2 the contrary, at the division's request and as mutually  
3 agreed upon, other state departments, divisions or  
4 agencies may enter into agreements with the division  
5 to assist or undertake projects that are beneficial to  
6 public transportation. All expenses and other require-  
7 ments connected with the projects remain the respon-  
8 sibility of the division of public transit.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Somer Heck*  
.....  
Chairman Senate Committee

.....  
*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Samuel R. Baker*  
.....  
Clerk of the Senate

*Donald L. Kopp*  
.....  
Clerk of the House of Delegates

*Paul Gardner*  
.....  
President of the Senate

*Robert*  
.....  
Speaker House of Delegates

The within *is* approved this the *27<sup>th</sup>* .....  
day of *March* ....., 1992.

*Walter* .....  
*Capel*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/20/92

Time 3:35 PM