WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 787

(By Senator Unger, et al)

PASSED March 10, 2004

In Effect 90 days from Passage
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Senate Bill No. 787

(By Senators Unger, Jenkins, Deem, Fanning, Love, McKenzie, Oliverio and White)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to repeal §17-16C-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §17-16D-1, §17-16D-2, §17-16D-3 and §17-16D-4, all relating to the coordination of transportation needs of the transportation disadvantaged; creating a Transportation Coordinating Council within the Department of Transportation; establishing its membership, responsibilities and reporting requirements; and continuation of the Transportation Coordinating Council.

Be it enacted by the Legislature of West Virginia:

That §17-16C-4 of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new article, designated §17-16D-1, §17-16D-2, §17-16D-3 and §17-16D-4, all to read as follows:

ARTICLE 16D. TRANSPORTATION COORDINATION.
§17-16D-1. Findings.

1 The Legislature finds that:
2 (1) The continuing development of infrastructure to
3 support all transportation needs is essential to the state's
4 economic development growth and to the benefit and
5 well-being of all its citizens;
6 (2) Enhancing access to transportation will improve the
7 mobility, employment opportunities and availability of
8 community services to citizens who are transportation
9 disadvantaged;
10 (3) Both state and federal government have allocated
11 millions of dollars to fund transportation infrastructure
12 within this state; and
13 (4) The state's monetary resources earmarked for this
14 purpose may be used more efficiently and effectively
15 through the creation of strategies to increase current
16 resources, eliminate duplicated agency efforts and central-
17 ize the management of resources.

§17-16D-2. Transportation Coordinating Council created.

1 (a) The Transportation Coordinating Council is created
2 within the Department of Transportation.
3 (b) The following serve as ex officio members of the
4 council, with full voting privileges:
5 (1) The State Americans with Disabilities Coordinator;
6 (2) The Commissioner of the Bureau of Senior Services
7 or a designee appointed by the commissioner;
8 (3) The Superintendent of the Department of Education
9 or a designee appointed by the superintendent;
10 (4) The Executive Director of the West Virginia
11 Workforce Development Division or a designee appointed
12 by the executive director;
(5) The Secretary of the Department of Transportation or a designee appointed by the secretary;

(6) The Commissioner of the Bureau for Public Health, Department of Health and Human Resources, or a designee appointed by the commissioner;

(7) The Commissioner of the Bureau for Medical Services or a designee appointed by the commissioner;

(8) The Commissioner of the Bureau for Children and Families or a designee appointed by the commissioner;

(9) The Director of the Division of Rehabilitation Services or a designee appointed by the director;

(10) The Commissioner of the Bureau for Behavioral Health or a designee appointed by the commissioner; and

(11) The Chair of the Emergency Medical Services Advisory Council or his or her designee.

(c) The Governor, with the advice and consent of the Senate, shall appoint members as follows:

(1) A member representing private transportation providers;

(2) Two members representing the public transportation community;

(3) A member representing the transportation providers’ community;

(4) Two members representing senior citizens; and

(5) Two members representing people with disabilities.

(d) The Governor, with the advice and consent of the Senate, shall appoint a chair of the Transportation Coordinating Council.

(e) The members appointed by the Governor serve terms of three years, except of the members initially appointed,
two serve terms of one year, three serve terms of two years
and three serve terms of three years, as designated by the
Governor.

(f) Citizen members of the council shall receive no
compensation, but shall be reimbursed for reasonable and
necessary expenses actually incurred in the performance
of their official duties.


(a) The council shall study issues pertaining to the
effective and efficient use of transportation resources,
including, but not limited to, the following:

(1) Coordination of transportation services;

(2) Elimination of waste and overlap caused by dupli-
cated agency efforts; and

(3) Elimination of service gaps to enhance citizen access
to all available transportation and resources.

(b) The council shall coordinate its efforts with the
United States Department of Transportation.

(c) The council shall participate in and apply for grants
through the federal United We Ride Initiative and other
funding sources available.

(d) The council shall consult with outside experts and
receive the testimony of the public during its regularly
scheduled meetings.

(e) The council shall propose rules for legislative ap-
proval, in accordance with the provisions of article three,
chapter twenty-nine-a of this code, designed to implement
a statewide transportation plan and pilot projects.

(f) The council, in conjunction with the Department of
Health and Human Resources and the Division of Public
Transit of the Department of Transportation, shall prepare
and develop a statewide transportation plan. The plan
shall include, without limitation, an operational framework for coordinated statewide transportation, recommendations for the implementation of the plan using funds available for this purpose, the identification and discussion of additional funds for this purpose, a discussion about goals, viability, location and need for pilot projects, and recommended time frames for implementing the plan. The council shall hold public hearings and meetings with notice to receive public input regarding the plan. The plan shall be a multiyear plan setting forth the state's goals and initiatives for coordinating and providing transportation services, but may not include those services provided by agencies licensed pursuant to the provisions of article four-c, chapter sixteen of this code.

(g) The council is authorized to propose and develop pilot projects, in conjunction with the Department of Health and Human Resources, the Division of Public Transit and the United We Ride Initiative, implementing cost-effective transportation services. The council may not utilize transportation brokers in any pilot projects developed pursuant to this subsection.

(h) The council may rely upon internal staff reports or the advice of outside advisors or consultants and may procure the services with the consent of the Secretary of Department of Transportation. The council may also involve national, state and local government leadership and other experts.

(i) The council shall report annually, on or before the first day of December, to the Governor and the Joint Committee on Government and Finance. The annual report shall include an operating report, review of any pilot projects and a progress report on the multiyear statewide transportation plan, together with drafts of any legislation necessary for the implementation of its plan.

§17-16D-4. Continuation of the Transportation Coordinating Council.
Pursuant to the provisions of article ten, chapter four of this code, the Transportation Coordinating Council shall continue to exist until the first day of July, two thousand nine, unless sooner terminated, continued or reestablished.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ... Day of April, .... 2006.

Governor