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2006 APR -4 P 4: 54

SB 787

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 787

(By Senator Unger, et al)

PASSED March 10, 2006

In Effect 90 days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

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That §17-16C-4 of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new article, designated §17-16D-1, §17-16D-2, §17-16D-3 and §17-16D-4, all to read as follows: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

13 (5) The Secretary of the Department of Transportation
14 or a designee appointed by the secretary;

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

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

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

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

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

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

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

30 (1) A member representing private transportation
31 providers;

32 (2) Two members representing the public transportation
33 community;

34 (3) A member representing the transportation providers'
35 community;

36 (4) Two members representing senior citizens; and

37 (5) Two members representing people with disabilities.

38 (d) The Governor, with the advice and consent of the
39 Senate, shall appoint a chair of the Transportation Coordi-
40 nating Council.

41 (e) The members appointed by the Governor serve terms
42 of three years, except of the members initially appointed,

43 two serve terms of one year, three serve terms of two years
44 and three serve terms of three years, as designated by the
45 Governor.

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

§17-16D-3. Council responsibilities.

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

4 (1) Coordination of transportation services;

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

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

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

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

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

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

21 (f) The council, in conjunction with the Department of
22 Health and Human Resources and the Division of Public
23 Transit of the Department of Transportation, shall prepare
24 and develop a statewide transportation plan. The plan

25 shall include, without limitation, an operational frame-
26 work for coordinated statewide transportation, recommen-
27 dations for the implementation of the plan using funds
28 available for this purpose, the identification and discus-
29 sion of additional funds for this purpose, a discussion
30 about goals, viability, location and need for pilot projects,
31 and recommended time frames for implementing the plan.
32 The council shall hold public hearings and meetings with
33 notice to receive public input regarding the plan. The plan
34 shall be a multiyear plan setting forth the state's goals and
35 initiatives for coordinating and providing transportation
36 services, but may not include those services provided by
37 agencies licensed pursuant to the provisions of article
38 four-c, chapter sixteen of this code.

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

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

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

**§17-16D-4. Continuation of the Transportation Coordinating
Council.**

1 Pursuant to the provisions of article ten, chapter four of
2 this code, the Transportation Coordinating Council shall
3 continue to exist until the first day of July, two thousand
4 nine, unless sooner terminated, continued or reestablished.

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

Chand White
.....
Chairman Senate Committee

W. Ben
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel G. ...
.....
Clerk of the Senate

Gregg D. ...
.....
Clerk of the House of Delegates

Carl ...
.....
President of the Senate

.....
Speaker House of Delegates

The within *is disapproved* this the *4th*
Day of *April*, 2006.

Paul ...
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 03 2006

Time 2:10 pm