

Senate Bill No. 407

(By Senator Plymale)

[Introduced February 4, 2015; referred to the Committee on Transportation and Infrastructure;

and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-16E-1, §17-16E-2, §17-16E-3, §17-16E-4 and §17-16E-5, all relating to implementation of a state safety oversight program pursuant to a mandate per 49 U. S. C. §5329.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated as §17-16E-1, §17-16E-2, §17-16E-3, §17-16E-4 and §17-16E-5, all to read as follows:

ARTICLE 16E. STATE SAFETY OVERSIGHT PROGRAM.

§17-16E-1. Purpose.

The purpose of this article is to establish authority for a State Safety Oversight Agency to

1 oversee the safety for fixed guideway public transportation systems in West Virginia not regulated
2 by the Federal Railroad Administration pursuant to 49 U.S.C. §5329, and any reauthorization of or
3 amendments to those sections as required by the provisions of 49 U.S.C. 5329.

4 **§17-16E-2. Designated oversight agency.**

5 The Division of Public Transit created by article sixteen-c of this chapter is hereby designated
6 the State Safety Oversight Agency.

7 **§17-16E-3. Authority.**

8 The State Safety Oversight Agency has the authority to:

9 (a) Review, approve, oversee and enforce implementation of the rail fixed guideway public
10 transportation system's implementation of the public transportation system safety plan required
11 pursuant to 49 U.S.C. §5329 and any reauthorization of or amendments to those sections;

12 (b) Inspect property, books, records, and interview and observe employees in the performance
13 of their work;

14 (c) Conduct announced or unannounced inspections or investigations;

15 (d) Issue directive or emergency orders;

16 (e) Conduct hearings;

17 (f) Suspend service;

18 (g) Withhold state financial assistance;

19 (h) Impose civil or criminal charges or penalties;

20 (I) Remove specific vehicles or equipment from service when deficiencies are not addressed;

21 (j) Review camera footage, audio recordings and data downloaded from electronic devices

1 and recorders;

2 (k) Take measurements and independently inspect equipment and facilities;

3 (l) Conduct independent assessments and evaluations, including laboratory tests and
4 modeling;

5 (m) Withhold funding for noncompliance; and

6 (n) Require any fixed guideway public transportation system involved in an accident meeting
7 the reporting thresholds defined by the State Safety Oversight Agency to report the accident to the
8 State Safety Oversight Agency.

9 **§17-16E-4. Duties.**

10 The State Safety Oversight Agency under the Division of Public Transit has the following
11 duties and responsibilities:

12 (a) Oversee all safety aspects of the rail fixed guideway public transportation system pursuant
13 to 49 U.S.C. §5329 and any reauthorizations of or amendments to those sections;

14 (b) Provide an annual status report on the rail fixed guideway public transportation system
15 to the Federal Transit Administration, the Governor, the Legislature and the governing body of the
16 rail fixed guideway public transportation system;

17 (c) Develop an appropriate staffing level;

18 (d) Comply with the Federal Transit Administration's public transportation safety training
19 program; and

20 (e) Conduct an audit, at least once triennially, of the rail fixed guideway public transportation
21 system's compliance with the public transportation safety plan required pursuant to 49 U.S.C. §5329.

1 **§17-16E-5. Rules.**

2 The State Safety Oversight Agency shall adopt rules in conformance with 49 U.S.C. §5329
3 and any reauthorizations of or amendments to those sections concerning its oversight of the safety
4 of fixed guideway public transportation systems and may promulgate rules consistent with their
5 duties and responsibilities.

NOTE: The purpose of this bill is to implement a State Safety Oversight Program pursuant to a mandate per 49 U.S.C. 5329.

§17-16E-1, §17-16E-2, §17-16E-3, §17-16E-4 and §17-16E-5 are new; therefore, strike-throughs and underscoring have been omitted.