

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4063**

BY DELEGATES CRISS AND BOOTH

BY REQUEST OF THE DIVISION OF HIGHWAYS

[Introduced January 13, 2022; Referred to the  
Committee on Technology and Infrastructure then  
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §17-2-1; relating to setting forth the duties, powers, and responsibilities of the  
3 Secretary of the Department of Transportation.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. DEPARTMENT OF TRANSPORTATION.**

### **§17-2-1. Powers and duties of the Secretary.**

1 (a) The secretary, as the chief executive officer, controls and supervises the Department  
2 of Transportation and is responsible for the work of each department employee.

3 (b) The secretary has the power and authority specified in this article, in §5F-2-1 et seq.  
4 of this code, and as otherwise specified in this code.

5 (c) The secretary has the power and the authority to delegate, assign, transfer, or combine  
6 functions, responsibilities, or duties among employees in the department in order to operate the  
7 department effectively, efficiently, and economically.

8 (d) The secretary has the authority to develop goals, objectives, policies, and plans that  
9 are necessary or desirable for the effective, efficient, and economical operation of the department.

10 (e) The secretary has the authority to, and may, designate supervisory officers or other  
11 employees of the department as his or her designee on any board, authority, or commission  
12 established under this code or to sit in his or her place in any hearings, appeals, meetings or other  
13 activities with such designee shall have the same powers, duties, authority, and responsibility as  
14 the secretary.

15 (f) The secretary has the responsibility for the conduct of the intergovernmental relations  
16 of the department to assure:

17 (1) That the department carries out its functions in a manner which supplements and  
18 complements the Federal Highway Administration, the Federal Aviation Administration, and the  
19 Federal Railroad Administration policies, programs, and funding requirements; and

20 (2) That the appropriate officers and employees of the department consult with

21 governmental agencies responsible for policy relating to the various functions of the department  
22 to assure that the state is aware of and in compliance with policy, programs, laws, and regulations  
23 affecting the department.

24 (g) The Secretary may sign in the name of the state by the Department of Transportation  
25 any contract or agreement with the federal government or its departments or agencies,  
26 subdivisions or the state, corporations, associations, partnerships, or individuals: *Provided*, That  
27 the powers granted to the secretary to enter into agreements or contracts and to make  
28 expenditures and obligations of public funds under this subsection may not exceed or be  
29 interpreted as authority to exceed the powers granted by the Legislature to the various  
30 commissioners, directors, or board members of the various agencies, commissions, boards or  
31 authorities that comprise and are incorporated into the secretary's department pursuant to the  
32 provisions of chapter 5F of this code.

33 (h) The secretary is authorized and empowered to arrange for any of the Department of  
34 Transportation's constituent agencies to utilize the services of any other constituent agency, on  
35 an as-needed or ongoing basis, for the effective, efficient, economic, and cost-effective  
36 administration of the Department of Transportation. An interagency agreement may be executed  
37 among the department's agencies, if, in the Secretary's discretion, the same is desired or  
38 necessary. No exercise of the power and authority granted in this section may be deemed a  
39 violation of §17-3-1 *et seq.* of this code.

40 (i) The secretary may employ professional staff, including, but not limited to, certified public  
41 accountants, engineers, attorneys, deputies, assistants, hearing officers, and other employees as  
42 necessary for the efficient operation of the department and may prescribe their powers and duties  
43 and fix their compensation in accordance with the department's merit-based system and within  
44 the amounts appropriated.

NOTE: The purpose of this bill is to specify the duties, authority, and responsibility of the

Secretary of the Department of Transportation in much the same way the other department secretaries have been specified.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.