

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4224**

By Delegate Statler

[Introduced January 10, 2024; 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 section,  
2 designated §17-2A-26, relating to performance metrics for the West Virginia Division of  
3 Highways; requiring the division to develop performance standards and criteria to measure  
4 agency performance in all essential operations; requiring the division to employ a  
5 management information system that will track the division's past and current progress  
6 toward meeting performance standards; and requiring the division to report to the Joint  
7 Committee on Infrastructure.

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

**ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

**§17-2A-26. Performance metric requirements.**

1 (a) Findings. —

2 (1) According to an independent audit report submitted to the Joint Committee on  
3 Government and Finance on January 10, 2016, the West Virginia Division of Highways does not  
4 have a mechanism in place to develop performance standards or to measure the agency's  
5 progress toward reaching acceptable levels of performance.

6 (2) The same report recommends that the division should develop a wide performance  
7 monitoring platform to capture Headquarters and District management sourced data for internal  
8 use and the general public to view.

9 (3) The Legislature finds that a system for developing and measuring progress toward  
10 achieving objectively measured improvements to performance is necessary for efficient and  
11 effective management of all Department of Transportation operations.

12 (b) Definitions. —

13 (1) The "Commissioner" means the Commissioner of the West Virginia Division of  
14 Highways or his or her designee.

15 (2) A "management information system" is a real-time user interface, showing a graphical  
16 presentation of the current status of an organization's key performance indicators and historical  
17 performance trends, based on the organization's performance standards and criteria.

18 (c) Requirements. —

19 (1) On or before October 1, 2024, the commissioner must develop performance standards  
20 and criteria to measure all essential agency operations. The standards and criteria, must include,  
21 but are not limited to, the following objectives:

22 (A) Successful completion of programmed projects on time and within budget from initial  
23 project programming to completion of construction;

24 (B) Responsiveness to public comments from initial comment to the response by the  
25 Division of Highways; and

26 (C) Infrastructure health, meaning a performance metric that identifies the ongoing  
27 condition of the state's pavement, bridges, and associated infrastructure.

28 (2) On or before January 1, 2025, the commissioner will implement a management  
29 information system to track the division's past and present progress toward performance  
30 standards developed pursuant to subdivision (1). The management information system must meet  
31 the following criteria:

32 (A) The management system should be anticipated to be appropriate for meeting federal  
33 requirements for performance measurement: *Provided*, That in no instance shall the development  
34 of these standards be delayed because of uncertainty about federal performance management  
35 standards;

36 (B) To the greatest extent possible the standards will rely on existing data sources; and

37 (C) The findings of the management system will be readily available to the public in an  
38 ongoing basis and must, at a minimum, be updated once a year by a report on the department's  
39 performance, detailing the overall metrics and the conditions underlying the metrics being  
40 provided to the Legislature.

41 (d) Reporting Requirements. —

42 (1) The division must report annually to the Joint Committee on Infrastructure, regarding  
43 the division's compliance with the requirements of this section, at the committee's first interim  
44 meeting occurring after October 1, of each year.

45 (2) The Joint Committee on Infrastructure may require the division to report to the  
46 committee as often as the committee determines is necessary to ensure compliance with this  
47 section.

NOTE: The purpose of this bill is to require the West Virginia Division of Highways to develop performance standards and criteria to measure agency performance in all essential operations and to require the division to employ a management information system that will track the division's past and current progress toward meeting performance standards.

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