

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 355

*An Act to amend and reenact §§ 33.1-391.2 through 33.1-391.5 of the Code of Virginia, relating to powers and responsibilities of the Department of Rail and Public Transportation and the Department's Director.*

[S 569]

Approved April 1, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.1-391.2 through 33.1-391.5 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-391.2. Department of Rail and Public Transportation created; appointment of Director.

There is hereby created a Department of Rail and Public Transportation reporting to the Secretary of Transportation and subject to the policy oversight of the Commonwealth Transportation Board. The Department shall be headed by a Director, hereinafter referred to in this title as "Director," who shall be appointed by and serve at the pleasure of the Governor. The Director shall serve as ~~liaison to a nonvoting ex-officio member of the Commonwealth Transportation Board and participate in the deliberations of the Board~~ and any committee dealing with passenger and freight rail, *transportation demand management, ridesharing*, and public transportation issues.

§ 33.1-391.3. Powers and duties of the Director.

Except such powers as are conferred by law upon the Commonwealth Transportation Board, or such services as are performed by the Department of Transportation pursuant to law, the Director of the Department of Rail and Public Transportation shall have the power to do all acts necessary or convenient for establishing, maintaining, improving, and promoting public transportation, *transportation demand management, ridesharing*, and passenger and freight rail transportation in the Commonwealth.

§ 33.1-391.4. General powers of the Department.

The Department shall have the following general powers:

1. To accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including but not limited to, contracts with the United States government, other states, agencies and governmental subdivisions of Virginia, and other appropriate public and private entities;
3. To assist other appropriate entities, public or private, in the implementation and improvement of passenger and freight rail, *transportation demand management, ridesharing, and public transportation* services and the retention of rail corridors for public purposes;
4. To represent and promote the Commonwealth's interests in passenger and freight rail, *transportation demand management, ridesharing*, and public transportation; and
5. To acquire by any means whatsoever, lease, improve, and construct railway lines, passenger and freight rail, *transportation demand management, ridesharing*, and public transportation facilities, and passenger and freight rail, *transportation demand management, ridesharing*, and public transportation equipment determined to be for the common good of the Commonwealth or a region of the Commonwealth and to assist other appropriate entities in the implementation and improvement of passenger and freight rail, *transportation demand management, ridesharing*, and public transportation services and the retention of rail corridors for public purposes.

§ 33.1-391.5. Responsibilities of Department.

The Department shall have the following responsibilities:

1. Determine present and future needs for, and economic feasibility of providing, public transportation, *transportation demand management, and ridesharing* facilities and services and the retention, improvement, and addition of passenger and freight rail transportation in the Commonwealth;
2. Formulate and implement plans and programs for the establishment, improvement, development and coordination of public transportation, *transportation demand management, and ridesharing* facilities and services, and the retention and improvement of passenger and freight rail transportation services and corridors in the Commonwealth, and ~~the coordination of~~ *coordinate* transportation demand management and innovative technological transportation initiatives with the Department of Transportation;
3. Coordinate with the Department of Transportation in the conduct of research, policy analysis, and planning for the rail and public transportation modes as may be appropriate to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in the Commonwealth;

4. Develop uniform financial and operating data on and criteria for evaluating all public transportation activities in the Commonwealth, develop specific methodologies for the collection of such data by public transit operators, regularly and systematically verify such data by means of financial audits and periodic field reviews of operating data collection methodologies, and develop such other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations, *transportation demand management programs*, and *ridesharing* in the Commonwealth;

5. Provide training and other technical support services to transportation operators and ridesharing coordinators as may be appropriate to improve public transportation, *ridesharing*, and passenger and freight rail services;

6. Maintain liaison with state, local, district and federal agencies or other entities, private and public, having responsibilities for passenger and freight rail, *transportation demand management*, *ridesharing*, and public transportation programs;

7. Receive, administer and allocate all planning, operating, capital, and any other grant programs from the Federal Transit Administration (~~formerly the Urban Mass Transportation Administration~~), the Federal Railroad Administration, *the Federal Highway Administration*, and other agencies of the United States government for public transportation, passenger and freight rail transportation, *transportation demand management*, and ridesharing purposes with approval of the Board and to comply with all conditions attendant thereto;

8. Administer all state grants for public transportation, rail transportation, ridesharing, and transportation demand management purposes with approval of the Board;

9. Promote the use of public transportation, *transportation demand management*, *ridesharing*, and passenger and freight rail services to improve the mobility of Virginia's citizens and the transportation of goods;

10. Represent the Commonwealth on local, regional, and national agencies, industry associations, committees, task forces, and other entities, public and private, having responsibility for passenger and freight rail, *transportation demand management*, *ridesharing*, and public transportation;

11. Represent the Commonwealth's interests in passenger and freight rail, *transportation demand management*, *ridesharing*, and public transportation and coordinate with the Department of Transportation in the planning, location, design, construction, implementation, monitoring, evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail, *transportation demand management*, *ridesharing*, or public transportation;

12. Coordinate with the State Corporation Commission on all matters dealing with rail safety inspections and rail regulations which fall within its purview;

13. Prepare and review state legislation and Commonwealth recommendations on federal legislation and regulations as directed by the Secretary of Transportation; and

14. Promote public transportation, *ridesharing*, and passenger and freight rail safety.