



Board of Governors Rule

Finance and Administration
Regulation of Parking, Transportation, & Fleet
Responsible Unit: Transportation and Parking
Adopted: June 21, 2019
Effective: July 15, 2019
Revision History: Prior BOG Policy 28
(Originally effective August 31, 2007)
Review Date: April 2024

BOG FINANCE AND ADMINISTRATION RULE 5.7 REGULATION OF PARKING, TRANSPORTATION, & FLEET

SECTION 1: PURPOSE & SCOPE.

- 1.1 West Virginia University shall provide safe, efficient, and orderly parking, transportation, and fleet management for all students, employees, and other Members of the University Community.
- 1.2 This Rule applies to West Virginia University, including West Virginia University Institute of Technology and West Virginia University Potomac State College (collectively the “University”).

SECTION 2: PARKING MANAGEMENT.

- 2.1 The President is responsible for the oversight, management, and enforcement of parking at the University.
- 2.2 ***Parking Management.***
 - 2.2.1 The President shall establish guidelines, policies, and procedures for the management, issuance, use, and revocation of parking permits for Members of the University Community.
 - 2.2.2 Parking lots shall be numbered or otherwise named. If a parking area’s use is restricted to only certain permitted vehicles, any restrictions shall be clearly posted at the ingress of each parking area.
 - 2.2.3 The President shall establish and make available to Members of the University Community guidelines, policies, and procedures for the establishment, management, and enforcement of Americans with Disabilities Act (“ADA”) accessible parking, which shall comply with the ADA and all other applicable laws and regulations.

2.2.4 Appropriate charges may be levied for parking in certain designated parking facilities as determined by the President. Parking charges may vary by location and parking facility type (e.g., permit, short-term, surface lot, or garage).

2.3 ***Parking Enforcement.***

2.3.1 Stealing, altering, or manufacturing parking permits for the purpose of obtaining parking services under false pretenses is prohibited.

2.3.2 The University shall be authorized to issue citations and assess and collect fines for violations of parking regulations created under this Rule and under applicable law. The rates of such fines shall be set by the President. The President shall establish an appeal process to contest citations and fines.

2.3.2.1 A citation shall serve as the first and only notification of a parking violation. The individual associated with the relevant parking permit of the cited vehicle or the registered owner of the cited vehicle is responsible for resolving all aspects of the violation.

2.3.2.2 Parking violations shall include the date in which a response, whether by payment or appeal, is due. Failure to pay outstanding fines may result in penalties as established by the President in accordance with applicable law.

2.3.2.3 University funds may not be used for the payment of parking violations.

2.3.3 The University shall have the authority to tow and impound vehicles. The President shall establish and make available to Members of the University Community guidelines, policies, and procedures for towing and impounding vehicles. These guidelines, policies, and procedures shall comply with W. Va. Code 38-11-1, *et seq.* and provide for authorized reasons to tow, methods for identifying vehicles subject to towing, proper storage of towed vehicles, and collection of payment to satisfy issued liens.

2.4 ***Information Publicly Available.*** The University shall establish a publicly available website that includes the following information:

2.4.1 Maps of its parking facility locations, including information regarding parking facility type, parking rates, hours and restrictions;

2.4.2 Procedures for obtaining parking permits, including permits to utilize ADA compliant parking spaces on campus;

2.4.3 Parking regulations and enforcement of same;

2.4.4 Instructions to pay or appeal a parking citation;

- 2.4.5 Guidance regarding refunds for permits that are surrendered before they have expired; and
 - 2.4.6 Information regarding towing and claiming an impounded vehicle.
- 2.5 The University assumes no responsibility for vehicles or their contents for damage, theft, or loss of property at any time while the vehicle is parked, legally or illegally, on University property. The owner of a vehicle parked on University property, legally or illegally, assumes all risk and responsibility for damage, theft, or loss of property to the vehicle, or the contents of the vehicle, while the vehicle is parked on University property.
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SECTION 3: TRANSPORTATION.

- 3.1. The President is responsible for the oversight and management of University provided transportation.
 - 3.2. The President shall establish and make available to Members of the University Community guidelines, policies, and procedures for the use of the PRT and the University bus system by Members of the University Community. Violations of those guidelines, policies, and procedures shall be treated as a violation of this Rule.
 - 3.3. The University shall make available transportation services for Members of the University Community that have a qualified disability as defined in the ADA. The President shall establish guidelines, policies, and procedures for the operation of these transportation services, which shall comply with the ADA and all other applicable laws.
 - 3.4. The President shall work in conjunction with the Mountain Line Transit Authority to establish all necessary guidelines, policies, and procedures for the use of the Mountain Line Transit Authority bus system by Members of the University Community.
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SECTION 4: FLEET MANAGEMENT.

- 4.1. The President is responsible for the oversight and management of all University Owned Vehicles.
- 4.2. The President shall establish guidelines, policies, and procedures for the oversight, management, and use of all University Owned Vehicles. The President shall appoint a University Fleet Manager and shall establish guidelines, policies, and procedures that comply with W. Va. Code § 5A-1-1, *et seq.* and W. Va. Code of State Rules § 148-3-1, *et seq.*

- 4.3. University Owned Vehicles shall be used solely for official state business and operated only by authorized Employees. The use must reasonably accomplish the business objectives of the University. The use of a University Owned Vehicle is reasonable if the offsetting advantage or value to the University will surpass the actual costs for providing and operating the University Owned Vehicle. Each University Owned Vehicle shall be assigned to a specific University department
- 4.4. Where appropriate and consistent with BOG Rule 5.9 – Travel, Privately Owned Vehicles may be used for University business by Employees, subject to approval by that Employee’s supervisor.
- 4.5. Each University department is responsible for managing and tracking the use of their assigned University Owned Vehicles. The department must track mileage, gas usage, and maintenance costs and report that information to the Fleet Manager monthly.
- 4.6. Departments must prioritize the use of University resources when its University Owned Vehicles require refueling or maintenance. Unless impractical given the circumstances, University Owned Vehicles must be refueled at University owned refueling stations and all maintenance should be provided by University Employees at University maintenance facilities. Departments are required to obtain yearly inspections at University owned maintenance facilities.
- 4.7. The President, in conjunction with the Procurement, Contracting and Payment Systems Department, shall develop guidelines, policies, and procedures for the management and use of state issued Fleet Cards in University Owned Vehicles. Use of Fleet Cards for refueling of Privately Owned Vehicles or rented vehicles is expressly prohibited.
- 4.8. The President reserves the right to remove any Employee’s authorization to use University Owned Vehicles.

SECTION 5: CORRECTIVE ACTIONS FOR VIOLATIONS OF THIS RULE.

- 5.1. Any Member of the University Community who fails to abide by the requirements within this Rule shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.
- 5.2. Furthermore, although conduct may not violate this Rule, it may still be prohibited by the University under a different rule, policy, or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

SECTION 6: DEFINITIONS.

- 6.1 “Employee” means any Faculty and Staff.

- 6.2 “Faculty” is defined in BOG Faculty Rule 4.2 – Appointment, Promotion, Tenure, and Dismissal for Cause.
- 6.3 “Fleet Card” means any purchase card that has its use limited, by the University or State of West Virginia, to purchasing fuel, maintenance, and other services solely for the benefit of University Owned Vehicles.
- 6.4 “Member of the University Community” means (i) an individual engaged in any University activity or program, whether on or off campus; (ii) any individual lawfully on University property; (iii) any individual that is a University Student, Faculty, Staff, University official, University volunteer, or a University visitor; and (iv) any vendor or contractor, including that vendor’s or contractor’s employees and independent contractors, who are working on campus.
- 6.5 “President” means the President or their designee.
- 6.6 “Privately Owned Vehicle” means a vehicle owned by an Employee that is used as a personal vehicle by that Employee.
- 6.7 “PRT” means the Personal Rapid Transit system.
- 6.8 “Staff” means Classified and Non-Classified Staff as defined in Talent & Culture Rule 3.1 – Administration and Employment Practices.
- 6.9 “Student” is defined in BOG Student Life Rule 6.1 – Student Rights and Responsibilities; Student Conduct.
- 6.10 “University Owned Vehicle” means a vehicle owned by the University and used to conduct state business or otherwise accomplish the University’s goals.

SECTION 7: DELEGATION.

- 7.1. The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 8: AUTHORITY.

- 8.1 W. Va. Code § 18B-4-6; W. Va. Code § 18B-10-15
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SECTION 9: SUPERSEDING PROVISIONS.

- 9.1 This Rule supersedes and replaces former Board of Governors Policy 28, which was originally adopted on August 31, 2007. It also supersedes and replaces any Higher Education Policy Commission rule which relates to the subject matter contained within this Rule.