

**WEST VIRGINIA  
SECRETARY OF STATE  
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ADMINISTRATIVE LAW DIVISION**

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OFFICE OF WEST VIRGINIA  
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: State Rail Authority  
WV Department of Transportation, ~~Division of Highways~~ TITLE NUMBER: 172

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Two

TITLE OF RULE BEING AMENDED: Valuation of Used Rolling Stock and Equipment

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) House Bill 2586

SECTION 64-8-3, PASSED ON March 8, 2011

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: April 6, 2011

Paul A. Mattar, Jr.  
Authorized Signature

**TITLE 172  
LEGISLATIVE RULE  
DEPARTMENT OF TRANSPORTATION  
STATE RAIL AUTHORITY**

**SERIES 2  
VALUATION OF USED ROLLING STOCK AND EQUIPMENT**

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**§172-2-1. General.**

1.1. Scope. -- This rule sets forth the methods for determining value of used rolling stock or equipment to be purchased by the West Virginia State Rail Authority

1.2. Authority. -- W. Va. Code §29-18-6-11(B)(i).

1.3. Filing Date. --

1.4. Effective Date. --

**§172-2-2. Valuation of Used Rolling Stock and Equipment.**

2.1. In accordance with W. Va. Code §29-18-6-11(B)(i), the State Rail Authority may acquire rolling stock and equipment with a value of five hundred thousand dollars (\$500,000.) or less without following the provisions of W. Va. Code §5A-3, et. seq. With the exception of used rolling stock or equipment, all other purchases will be conducted in accordance with the provisions of W. Va. Code §§5A-3 et. seq and 29-18 et. seq.

2.2. The procedure for determining the value of rolling stock and equipment is as follows:

2.2.a. Two qualified State Rail Authority employees shall inspect the proposed rolling stock and equipment. They shall report the condition of the rolling stock and equipment to the Executive Director of the State Rail Authority.

2.2.b. The Executive Director shall verify the current market value with railroad equipment dealers, brokers or other railroads. Where practicable, the Executive Director shall obtain a verification of current market value from at least two dealers, brokers or other railroads. The dealers, brokers or railroads contacted by the Executive Director shall submit a written verification of the current market value of similar equipment. The Executive Director shall document these findings and may purchase the equipment if the Executive Director determines that the rolling stock and equipment is a valuable asset at a fair price.

2.2.c. The State Rail Authority shall maintain a signed price quote from the vendor, the Executive Director's justification and the statements of value from the independent dealers, brokers or railroads on file at the office of the State Rail Authority.