

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

FILED

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Form #4

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Transportation, State Rail Authority TITLE NUMBER: 172

CITE AUTHORITY §29-18-6-11(B)(i)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

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

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Fred VanKirk, P.E.
Secretary/Commissioner of Highways

TITLE 172
LEGISLATIVE RULE
DEPARTMENT OF TRANSPORTATION
STATE RAIL AUTHORITY

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SERIES 2
VALUATION OF USED ROLLING STOCK AND EQUIPMENT

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§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 ~~used~~ rolling stock and equipment with a value of one hundred thousand dollars 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 ~~said equipment~~/rolling stock and equipment is as follows:

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

2.2.b. The Executive Director ~~will~~ shall verify the current market value with railroad equipment dealers, brokers or other railroads. Where practicable, the Executive Director ~~will~~ shall obtain a verification of current market value from at least two dealers, brokers or other railroads. The ~~third party dealers, brokers or railroads~~ contacted by the Executive Director ~~will~~ shall submit a written verification of the current market value of ~~like~~ similar equipment. ~~This verification is to be submitted to the Executive Director in writing.~~ The Executive Director ~~will~~ shall document these findings and ~~have authority to~~ may purchase ~~said~~ the equipment if the Executive Director determines that the ~~equipment~~/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 ~~third parties~~ dealers, brokers or railroads ~~will be~~ on file at the office of the State Rail Authority.