

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

FILED

2002 APR 26 P 2:03

Form #6

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

WEST VIRGINIA
SECRETARY OF STATE

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

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

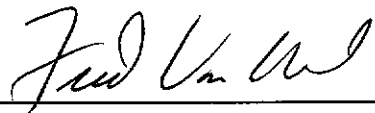
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 305

SECTION 64-8-1, PASSED ON March 7, 2002

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE

ON THE FOLLOWING DATE: May 1, 2002



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

SCANNED

PROMULGATION HISTORY

FINAL FILING OF 172CSR2
VALUATION OF USED ROLLING STOCK AND EQUIPMENT

STATE RAIL AUTHORITY

6/19/2001	NOTICE OF COMMENT PERIOD OF A PROPOSED RULE
7/22/2001	COMMENT PERIOD ENDS
7/25/2001	NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
10/22/2001	LRMRC APPROVED WITH MODIFICATIONS
10/25/2001	NOTICE OF RULE MODIFICATION OF A PROPOSED RULE
3/7/2002	PASSAGE OF AUTHORIZING BILL S.B. 305
3/21/2002	S.B. 305 SIGNED BY GOVERNOR
4/26/2002	NOTICE OF FINAL FILING
5/1/2002	EFFECTIVE DATE

TITLE 172
LEGISLATIVE RULE
DEPARTMENT OF TRANSPORTATION
STATE RAIL AUTHORITY

FILED

2002 APR 26 P 2:04

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. -- April 26, 2002

1.4. Effective Date. -- May 1, 2002

§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 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 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.