

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

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Form #6

WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: WV Statewide Addressing and Mapping Board (WVSAMB) TITLE NUMBER: 169

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 RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: Standard Fees for Planimetric Data

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 299

SECTION §64-9-15, PASSED ON March 11, 2006

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: May 11, 2006

  
Authorized Signature

2003 MAY 10 A 11: 12  
WEST VIRGINIA  
SECRETARY OF STATE

**TITLE 169  
LEGISLATIVE RULES**

**WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD**

**SERIES 4  
STANDARD FEES FOR PLANIMETRIC ELEVATION DATA**

**§169-4-1. General.**

**1.1. Scope.** Pursuant to Chapter 24E, Article 1, Sections 6, 7, and 9(a) of the West Virginia Code, the West Virginia Statewide Addressing and Mapping Board does hereby adopt the following rules establishing standard fees for the license of its planimetric elevation data. These rules do not establish fees for hydrology, roads, railroads, structures or other planimetric data sets.

**1.2 Authority.** W. Va. Code §§ 24E-1-6, 7 & 9(a); 29A-3-15.

**1.3. Filing Date.**

**1.4. Effective Date.**

**1.5 Application.**

1.5.a. Planimetric Elevation Data. These rules establish standard fees for planimetric elevation data. The fees established by these rules are reasonable and, to the extent possible, are based on cost.

1.5.b. Other Planimetric Data. These rules do not establish fees for hydrology, roads, railroads, structures or other planimetric data sets created expressly for the statewide addressing and mapping project. Nothing in these rules, however, prevents the Board from entering into agreements governing the release of those data, or any portion of those data, if otherwise lawful and expressly approved by the Board.

1.5.b. Waiver. If these rules result in an unreasonable or undue hardship, application may be made to the Board for temporary exemption from these rules under the circumstances for which application is made, for unreasonable or undue hardship and good cause shown. The Board may also grant waivers upon its own motion.

**1.6 Definitions.**

1.6.a. "Board" means the West Virginia statewide addressing and mapping board.

1.6.b. "Emergency services purposes" means use for 9-1-1 or enhanced 9-1-1 ("E9-1-1") dispatch and response.

1.6.c. "Fund" means the West Virginia statewide addressing and mapping fund.

1.6.d. "Planimetric Elevation Data" means the digital mass point and breakline elevation data derived from photogrammetric interpretation of the surface terrain of West Virginia. The data are to be provided in either a Microstation or ESRI shapefile format to be used in a computer-aided drafting ("CAD") program or geographic information system ("GIS").

1.6.e. "Project" means the project for the creation of a statewide addressing and mapping system for emergency services purposes, but usable as a base for other purposes, in accordance with and consistent with Chapter 24E, Article 1 of the West Virginia Code.

1.6.f. "Project manager" means the project manager hired by the Board for the Project.

1.6.g. "Public agency" means any municipality, county, public district or public authority that provides or has the authority to provide firefighting, police, ambulance, medical rescue or other emergency services.

1.6.h. "Statewide Addressing and Mapping System" or "the System" means the system to be created as a result of the Project, with the participation of public agencies and other entities, including, without limitation, the establishment of city-style addressing and mapping systems essential to the prompt and accurate dispatch of emergency service providers. The terms "Statewide Addressing and Mapping System" and "the System" also include any local modifications that may be made to the System in order tailor it to meet specialized local concerns.

## **§169-4-2. Standard Fees for Planimetric Elevation Data.**

### **2.1. Applicable Standard Fees and Order Processing.**

2.1.a. Base Price. The base price for elevation data is five (5) cents per acre. The Board may require ordering by a standard size area (i.e., a "tile"), may specify the tile size, and may require a minimum and maximum number of tiles per order. The Board may require orders of standard sizes to be specified by the Board. In addition, the Board may impose an upper limit on the amount of data per order.

2.1.b. Order Processing Charges. The Board may impose an order processing charge of no more than one hundred twenty-five dollars (\$125.00) per order. Additional order processing charges may apply for an order requiring more than one digital versatile disk ("DVD"), in an amount not to exceed \$125.00 per additional disk.

2.1.c. E-commerce. The Board may make the elevation data available on an e-commerce website on the Internet, and may establish a separate fee structure for orders placed via the e-commerce website. E-commerce fees will not exceed the fees established for non-internet orders.

2.1.d. Payment. The Board may specify the forms of acceptable payment, such as check, cash, or credit card, etc., for orders of the data, in accordance with State statute. State law requires that payment be received in advance of service delivery. The Board may create order forms and other documents, and establish relationships with other state agencies as necessary to conduct its business transactions.

## **2.2. Exemptions.**

2.2.a. Certain Entities Exempt By Statute. Pursuant to W. Va. Code §24E-1-9(a), these rules exempt from the payment of fees any entity providing twenty-five percent or more of the funding to the Fund.

2.2.b. County Commissions. Pursuant to W. Va. Code §24E-1-9(a), these rules exempt from the payment of fees any county commissions obtaining the data for emergency services purposes.

## **§169-4-3. Ownership of Data; License Agreements; Other Contracts and Financial Arrangements.**

**3.1. Ownership of Data.** All right, title and interest in the data produced by the Project vests solely in the Board.

**3.2. Licenses.** No person may receive a copy of any data produced by the Project without first signing a license or other agreement in a form acceptable to the Board.

**3.3. Other Contracts and Financial Arrangements.** Nothing in these rules restricts the ability of the Board to enter into contracts, including financial arrangements, with public agencies or other entities, public or private, in order to accomplish the purposes of Chapter 24E, Article 1 of the West Virginia Code, pursuant to Series 2 of the Board's legislative rules.

## **§169-4-4. Termination of Fees.**

**4.1. Expiration of the Board.** This rule and any fees for the licensure of planimetric elevation data provided herein shall expire and terminate on the first day of April, two thousand seven, in accordance with the termination of the West Virginia Statewide Addressing and Mapping Board pursuant to W. Va. Code §24E-1-11, unless sooner terminated, continued or reestablished.