WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Multimodal Transportation Facilities

TITLE-SERIES: 220-01

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: VALUATION OF USED ROLLING STOCK AND EQUIPMENT

CITE STATUTORY AUTHORITY: 17-16F-5(b); 17-16F-13(f)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2023 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Stephen R. Connolly, Dep. Commissioner

ADDRESS: Bldg. 5, Rm. 132 State Capitol Complex

Charleston, WV 25305

EMAIL: stephen.r.connolly@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule sets forth the methods for determining the value of used rolling stock or equipment to be purchased by the West Virginia Division of Multimodal Transportation Facilities.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The rule provides guidelines on acquiring rolling stock for railroad operations which allows DMTF to deviate from normal procurement policies.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0		

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This rule will not have a monetary impact on the agency.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Stephen R Connolly -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 220
LEGISLATIVE RULE
DEPARTMENT OF TRANSPORTATION
DIVISION OF MULTIMODAL TRANSPORTATION FACILITIES

SERIES 1
VALUATION OF USED ROLLING STOCK AND EQUIPMENT

§220-1-1. General.

1.1. Scope. -- This rule sets forth the methods for determining the value of used rolling stock or equipment to be purchased by the West Virginia Division of Multimodal Transportation Facilities.

1.2. Authority. -- 17-16F-5(b); 17-16F-13(f).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

§220-1-2. Valuation of Used Rolling Stock and Equipment.

2.1. In accordance with W. Va. Code §17-16F-13(f), the Division of Multimodal Transportation Facilities may acquire rolling stock and equipment with a value of one million dollars ($1,000,000.00) 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.*

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

2.2.a. Two qualified Division of Multimodal Transportation Facilities employees shall inspect the proposed rolling stock and equipment. They shall report the condition of the rolling stock and equipment to the Commissioner of the Division of Multimodal Transportation Facilities.

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

2.2.c. The Division of Multimodal Transportation Facilities shall maintain a signed price quote from the vendor, the Commissioner's justification, and the statements of value from the independent dealers, brokers or railroads on file at the office of the Division of Multimodal Transportation Facilities.