



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Multimodal Transportation Facilities

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Lucinda K. Butler
Commissioner

Jimmy Wriston, P.E.
Secretary of Transportation
Commissioner of Highways

July 14, 2023

RE: Agency Comment
Legislative Rule 220 CSR 1 -
VALUATION OF USED ROLLING STOCK AND EQUIPMENT

In review of the proposed legislative rule currently in process, Subdivision 2.2.a. requires revision due to changing circumstances within the DMTF, which may impact the ability for the agency to utilize two (2) employees of DMTF qualified to inspect and report to me concerning the fair market value and condition of used equipment for use in railroad operations. This was not a condition anticipated during the drafting of the rule. However, rather than having an unworkable rule in place, and as this is the time to consider modification of the language prior to consideration by the State Legislature, I propose modifying that provision of the rule as follows:

2.2.a. Two persons qualified by knowledge, training, skill and/or experience in the railroad industry shall be selected by the Commissioner for assignment to inspect proposed rolling stock and equipment for use in railroad operations under the authority of the DMTF. These persons shall report the condition of the rolling stock and equipment to the Commissioner of the DMTF.

This change will allow the DMTF to obtain qualified individuals to conduct the initial inspection of rolling stock and equipment for suitability of use in railroad operations, and not be limited to solely using qualified employees of the State for the performance of this threshold inquiry.

Sincerely,

Cindy Butler
Commissioner