



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

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)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 60

Section 64-8-3 Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 1, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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. -- April 12, 2024

1.4. Effective Date. -- August 1, 2024

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§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 \$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 persons qualified by knowledge, training, skill, or experience in the railroad industry shall be selected by the Commissioner for assignment to inspect the proposed rolling stock and equipment for use in operations of the Division of Multimodal Transportation Facilities. These persons 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.