



**WEST VIRGINIA  
DEPARTMENT OF TRANSPORTATION**

1900 Kanawha Boulevard East • Building Five • Room 109  
Charleston, West Virginia 25305-0440 • (304) 558-0444

**Thomas J. Smith, P. E.**  
Cabinet Secretary

**October 29, 2018**

**The Honorable Jim Justice  
Governor  
State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305**

**The Honorable Zack Maynard  
West Virginia House of Delegates  
Room 218 E, Building 1  
State Capitol Complex  
Charleston, West Virginia 25305**

**The Honorable Kelli Sobonya  
West Virginia House of Delegates  
Room 207E, Building 1  
State Capitol Complex  
Charleston, West Virginia 25305**

**Dear Governor Justice, Chairman Maynard, and Chairwoman Sobonya:**

**Pursuant to Executive Order No. 3-18, enclosed are the Regulatory Review Reports for the following agencies, boards, commissions, and divisions of the Department of Transportation:**

**West Virginia Aeronautics Commission: 1 rule; needs to be amended.**

**Division of Highways: 11 rules; 3 need to be amended.**

**Division of Motor Vehicles: 17 rules; 4 need to be repealed and 11 need to be amended.**

**Office of Administrative Hearings: 1 rule; needs to be amendment.**

**West Virginia Parkways Authority: 5 rules; 2 need to be repealed and 1 is being amended.**

**West Virginia Public Port Authority: 1 rule; no amendment necessary.**

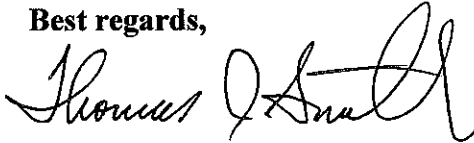
**Division of Public Transit: 1 rule; no amendment necessary.**

**State Rail Authority: 2 rules; no amendment necessary.**

**The Honorable Jim Justice  
The Honorable Zack Maynard  
The Honorable Kelli Sobonya  
October 29, 2018  
Page Two**

**Should you have any questions, please do not hesitate to contact our office.**

**Best regards,**

A handwritten signature in black ink, appearing to read "Thomas J. Smith". The signature is fluid and cursive, with a large, stylized "S" at the end.

**Thomas J. Smith, P.E.  
Secretary of Transportation/  
Commissioner of Highways**

**TJS:Pd**

**AERONAUTICS COMMISSION**  
**REGULATORY REVIEW REPORT**

**171CSR2, West Virginia Rules of Practice and Procedure State Aeronautics Commission**, is an active procedural rule. It provides general information about Commission, provides for recordkeeping, conduct of hearings and appeals from Commission decisions. The earliest version of the rule on the Secretary of State's web site in 1964; the last revision of the rule was in 1982. This rule needs to be amended to reflect the practices of the Commission. It is not a burden to business.

Approved by: \_\_\_\_\_

Sean Hill, Acting Director Aeronautics Commission

Date: 10-11-18

Prepared by: \_\_\_\_\_

Rita A. Pauley, Special Assistant

## **DIVISION OF HIGHWAYS**

### **2018 REGULATORY REVIEW REPORT**

**157CSR1** is an **Active Procedural Rule** promulgated on October 14, 1966, as Regulations Pertaining to Particular Functions of the Commissioner of Highways. The title was changed on September 29, 2018, to **Rules Relating Generally to the Various Functions of the Commissioner of Highways**. The rule was also modified 10/3/2016, 10/25/2007, 9/6/1999, 5/21/1995, 10/1/1994, 12/20/1992, 1/1/1983, and 3/31/1982. The rule: 1) establishes a system for permanently maintaining orders of the Commissioner of Highways; 2) sets the procedures for formal and informal hearings by and before the Commissioner of Highways; 3) allows Commissioner of Highways to grant college scholarships and sets eligibility; 4) establishes the procedures for location, relocation, classification, reclassification, abandonment, and discontinuance of State Roads; and 5) sets the procurement procedures for negotiated contracts. This rule should be **continued without change**. It does not impose a burden on business.

**157CSR2** is an **Active Legislative Rule** promulgated on October 14, 1966, as Acquisition, Disposal, Lease, and Management of Real Property And Procurement Structures And Relocation Assistance. The title was changed to **Disposal, Lease, and Management of Real Property And Appurtenant Structures And Relocation Assistance**. The title was changed on 4/6/2018 and the rule was also modified on 4/20/1995, 6/1/1990, and 1/1/1983. The rule sets prioritization, methods, and procedures for the sale, lease, and exchange of excess real property, interests therein, and structures thereon by the Division of Highways for various purposes under a multiplicity of circumstances, including lease by the Division of office space from an outside party, addresses recourse for damage to Highways' property, and identifies persons ineligible for such transactions. The rule also establishes protocol for relocation assistance owed to persons displaced because of Highways' work. It is predominantly mandated by federal regulations and the statutory requirements of other agencies. This rule should be **continued without change**. It does not impose a burden on business

**157CSR3** is an **Active Legislative Rule** promulgated on October 14, 1966, as **Construction and Reconstruction Of State Roads**. The rule was modified on 4/17/2012; 7/16/2008; 4/17/2000; 4/3/1990; 4/22/1988; 6/12/1985; 1/1/1983. It sets forth specifications for construction and reconstruction of State Roads including: creation, review, and handling of plans, bidding requirements and conditions for contractors such as estimates, qualifications, forms, delivery, conditions prerequisite to and obligations upon award of a work contract, details scope and control of work, sets standards for materials and measurements in detail, provides legal and other recourse upon non-compliance, including disqualification and suspension, requires compliance with all applicable laws, governs public relations and environmental duties, and delineates payment schedule. This rule should be **continued without change**. It does not impose a burden on business. The rule concurs with engineering standards, federal law and regulations, and numerous existing West Virginia statutes.

**157CSR4** is an **Active Procedural Rule** promulgated on October 14, 1966, as **Purchase And Disposal Of Materials, Equipment, And Supplies**. The rule was modified on 9/22/2007 and 1/1/1983. It adopts the Handbook of Purchasing Procedures, compiled by the Purchasing Division

of Department of Finance and Administration as applicable to the Department of Highways. The rule prescribes the methods for purchase of materials, equipment, and supplies in different circumstances and process for the registration of vendors. It also sets forth the manner of disposition of obsolete equipment, surplus supplies, unneeded materials, and requires a mode of reporting inventory. This rule should be **continued mostly without change**. It will need **modified** in the 2020 rulemaking cycle to update West Virginia Code citations and associated language. It does not impose a burden on business.

**157CSR5** is an **Active Legislative Rule** promulgated on October 14, 1966, as **Traffic And Safety Rules**. The rule was modified 4/2/2008, 5/27/2005, 4/1/2003, 4/17/2000, 5/1/1994, 4/23/1991, 4/22/1988, and 1/1/1983. The rule establishes traffic and safety standards as to signs, content, traffic control devices, and speed limits comply with the federal standards adopted by the State, partly in the form of the manual on uniform traffic control devices. It also provides a method of approval for local jurisdictions to modify speed limits on State Roads. The rule further specifies the procedures for approving lighting devices, safety glass, and seat belts by the Commissioner of Highways, and for the revocation of the Certificate of Approval when prescribed standards are not met. The rule also sets forth the procedure, requirements, and limitations on the issuance of special permits authorizing movement upon, along, over, or across the highways of the State exceeding the maximums specified by law. The rule also regulates use of studded tires. This rule should be **continued mostly without change**. It will need **modified** in the 2020 rulemaking cycle to concur with recent changes to federal regulations. It does not impose a burden on business.

**157CSR6** is an **Active Legislative Rule** promulgated on October 14, 1966, as Regulations Relating To Use of State Road Rights Of Way And Areas Adjacent Thereto. The title was changed to **Use of State Road Rights Of Way And Adjacent Areas** on 6/11/2004. The rule was modified on 4/6/2011, 4/19/2010, 5/21/2009, 7/1/2008, 7/1/2006, 7/1/2005, 6/11/2004, 5/4/2001, 4/3/1990, and 1/1/1983. The purpose of the rule is that it generally governs the use of rights-of-way in the State. Specifically, it establishes rules, requirements, and procedures governing overpasses, underpasses, railroad crossings, residential entrances, bus shelters, subsurface mining, seismic surveys, and utility installations in, along, over, under and across state roads and the issuance of permits for these purposes. The rule also sets standards for the erection and maintenance of outdoor advertising signs, outdoor salvage yards, and roadside memorials memorializing persons who have died because of vehicle related accidents. This rule should be **continued without change**. It does not impose a burden on business.

**157CSR7** is an **Active Legislative Rule** promulgated on January 1, 1983, as **Transportation Of Hazardous Wastes Upon The Roads And Highways**. This rule was modified on 4/28/2014, 5/17/2013, 4/17/2012, 4/6/2011, 4/19/2010, 5/21/2009, 7/1/2008, 7/1/2007, 7/1/2006, 7/1/2005, 7/1/2004, 7/1/2003, 7/1/2002, 7/1/2001, 4/17/2000, 4/22/1988, 4/7/1986, 6/12/1985, and 11/21/1983. The rule governs the offer and transportation of hazardous wastes on the roadways of the State, implements a uniform hazardous waste manifest system, sets recordkeeping standards, and prescribes obligations and duties in the event of discharge, all in accordance with federal law. It is predominantly mandated by federal regulations and the statutory requirements of other agencies. This rule should be **continued mostly without change**. It will need **modified** in the 2020 rulemaking cycle to concur with recent changes to federal regulations and its companion Department of Environmental Protection Rule, 33CSR20. It does not impose a burden on business.

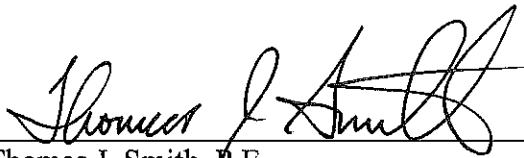
**157CSR9** is an **Active Legislative Rule** promulgated on April 14, 2006, as **Special Crossing Permits**. The rule establishes the procedures and standards for issuance, suspension, and revocation of special crossing permits authorizing certain vehicles to operate or move a vehicle or combination of vehicles, which exceed the maximum weight allowance, applicable only for vehicles hauling coal or coal by-products in the Coal Resource Transportation Road System. This rule should be **continued without change**. It does not impose a burden on business.

**157CSR10** is an **Active Legislative Rule** promulgated on April 11, 2011, as **Community Empowerment Transportation Act Program**. The rule coordinates and integrates the planning of transportation projects among local jurisdictions, governing bodies, units of government, municipal utilities, and public service districts within the affected local jurisdiction, and requires that each must cooperate, participate, share information, and give input when a project sponsor prepares a transportation project plan. The rule also sets parameters for agreements, shared payments, and bond issuances. This rule should be **continued without change**. It does not impose a burden on business.

**157CSR11** is an **Active Legislative Rule** promulgated on April 4, 2016, as **State Transportation Infrastructure Fund Program**. The rule establishes general framework pertaining to the West Virginia Division of Highways entering into a cooperative agreement with the United States Secretary of Transportation to establish an infrastructure revolving fund to be known as the State Transportation Infrastructure Fund and creates an Advisory Board for this purpose. This rule should be **continued without change**. It does not impose a burden on business.

**157CSR12** is an **Emergency Legislative Rule** made effective on August 30, 2018 and was promulgated as a **Legislative Rule** on April 13, 2018 as **Employment Procedures**. This rule implements the provisions set forth in W. Va. Code §17-2A-24 regarding certain discretionary powers given to the Commissioner of Highways for appointments, applications, examinations, promotions, demotions, transfers, reallocations, and other matters consistent with the establishment of a merit-based employment process. The rule was modified August 30, 2018, to allow payment for hours of actual work performed that occur after the accumulation of 40 hours for the work week, despite attribution of annual or sick leave to reach the 40-hour threshold, if the employee occupies a position customarily paid by premium or straight-time for overtime hours worked. This rule should be **continued without change**. It does not impose a burden on business.

Prepared By: Brenten M. Morehead  
Brenten M. Morehead  
Attorney, Legal Division, Division of Highways

Approved By:   
Thomas J. Smith, P.E.  
Commissioner of Highways

## 2018 Division of Motor Vehicles Regulatory Review of Legislative Rules Report

**91 CSR 1, Administrative Due Process** is an active procedural rule. It provides administrative hearing procedures. It was first promulgated in 1964 as Structural Organization. The title and content were modified to Administrative Due Process in 1965. It was modified in 2000, 2004 and 2005. This rule needs to be **modified** as most of it is obsolete since the creation of the Office of Administrative Hearings in 2010. The rule is not burdensome to business.

**91 CSR 3, Motor Vehicle Titling** is an active procedural rule promulgated in 1964 as Title and Registration Division. The title and content were modified in 1984 to Regulations Relating to Compulsory Motor Vehicle Liability Insurance. The title and content were then moved to 91 CSR 13. The title and content of the current rule were promulgated as Motor Vehicle Titling in 1985. It provides information about how motor vehicles are titled. Most of the rule is obsolete due to the passage of other statutes. The rule should be **modified**. The rule is not burdensome to business.

**91 CSR 4, Examination and Issuance of Driver's Licenses** is an active procedural rule that was originally promulgated in 1964 as Operator's and Chauffeur's Division. The title and content were modified 1970 as Operator's and Chauffeur's Examination. The title and content were modified in 1976 to Motor Vehicle Operators' and Chauffeurs' Licenses. The title and content were modified in 2001 to Examination and Issuance of Driver's Licenses. It was modified in 2003, 2005, 2008 and 2015. It describes the process and requirements surrounding the issuance of and examination for driver licenses. The rule should be **modified** because portions of it are outdated and portions have become obsolete due to the passage of other statutes. The rule is not burdensome to business.

**91 CSR 5, Denial, Suspension, Revocation, Disqualification, Restriction, Nonrenewal, Cancellation, Administrative Appeals & Reinstatement of Motor Vehicle Operating Privileges** is an active procedural rule. It was originally promulgated in 1964 as Safety Responsibility Division. The title and content were modified in 1965 to Denial, Suspension, Revocation, or nonrenewal of Driving Privileges. It was modified in 1983, 1988, 1989, 1992, 1998, 2001, 2003, 2006, 2009, 2010 and 2013. It describes the reasons for and consequences of driver license denials, revocations, non-renewals, commercial driver license disqualifications, license reinstatement procedures and Interlock procedures. The rule should be **modified** because some of it is obsolete or has been replaced by other statutes. The rule is not burdensome to business.

**91 CSR 6, Motor Vehicle Dealers and Other Businesses Regulated by the Division of Motor Vehicles** is an active procedural rule. It was originally promulgated in 1964 as Driver Improvement Division-Point System. The title and content were then moved to 91 CSR 5. The current title and content were promulgated in 1973 as Motor Vehicle Dealers. The title and content were modified in 1993 to Motor Vehicle Dealers, Wreckers/Dismantler Rebuilders and License Services. The title and content were modified in 1996 to add Automobile Auctions, Vehicle Leasing Companies and Administrative Due Process. The title and content were modified in 2000 to Motor Vehicle Dealers et al. The title and content were modified in 2001 to include Daily Passenger Vehicle Rental Car Businesses. The title and content were modified in 2003 to Motor Vehicle Dealers, Wrecker/Dismantler/Rebuilders and License Ser, etc. The title and content were modified in 2006 to Motor Vehicle Dealers and Other Businesses Regulated by the Division of Motor Vehicles. The

current, active rule describes motor vehicle dealer requirements to maintain a dealership license. The rule should be **modified** because portions of it are outdated and portions of it have become obsolete due to the passage of other statutes. The rule is not burdensome to business.

**91 CSR 8, Disclosure of Information from the Files of the Division of Motor Vehicles** is an active procedural rule originally promulgated in 1984 as Compulsory Motor Vehicle Liability Insurance Regulations. The title and content were then moved to 91 CSR 13. The current title and content were modified 2007 and 2008 to the current title and content. It describes the procedures and costs for obtaining information from DMV records. This rule should be **modified** to include language from the Executive Privacy Policies and to update procedures in releasing information. The rule is not burdensome to business.

**91 CSR 9, Collection of Tax on the Sale of a Vehicle** is an active procedural rule that was originally promulgated in 1994 as Motor Vehicle Alcohol Test and Lock Program. The title and content were modified in 1996. It was repealed in 2003 and the content was moved to 91 CSR 5. The title and content of the current rule was promulgated in 2009 and modified in 2010. It provides criteria for the collection and determination of sales tax collected prior to vehicle title issuance. This rule needs to be **modified** due to the passage of other statutes. This rule is not burdensome to business.

**91 CSR 10, Handicapped Parking Permits** is an active procedural rule that was originally promulgated in 1965 as Bonding Requirements for License Service Agencies. The title and content of the original rule were moved to 91 CSR 6. The current rule was promulgated in 1996 and modified in 2000, and 2001. It establishes procedures for issuance of handicapped parking permits. This rule should be **modified** as the passage of other statutes have made portions of this rule obsolete. This rule is not burdensome to business.

**91 CSR 11, Motor Vehicle Equipment** is an active procedural rule promulgated in 1974. It describes motor vehicle, slow-moving vehicle, motorcycle safety equipment requirements and approval procedures, as well as truck cab/truck crew compartment occupancy requirements. This rule should be **modified** because parts of it are obsolete, parts of it have been assigned to other agencies and some of it has been replaced by the passage of other statutes. This rule is not burdensome to business.

**91 CSR 12, Motor Vehicle Inspection Manual** is an active procedural rule promulgated in 1965 and modified in 1986, 1997, 2002, 2003 and 2011. It describes the administration and enforcement of motor vehicle inspections. This rule should be **repealed**. The West Virginia State Police is the enforcement agency for motor vehicle inspections and in 2012 it filed legislative rule 81 CSR 4 Modified Vehicle Inspections.

**91 CSR 13, Compulsory Motor Vehicle Liability Insurance** is an active procedural rule promulgated in 1985 and modified in 1997 and 2012. It describes the guidelines and forms for issuing motor vehicle liability insurance cards, insurance cancellation consequences, traffic citation for no insurance consequences, license suspensions for lack of insurance and administrative hearing rights. This rule needs **modified** because it is outdated and because portions of it are obsolete due to the passage of other statutes. The rule is not burdensome to business.



**91 CSR 14, Waiver of Safety Belt Requirements** is an active procedural rule. It was originally promulgated in 1984 as Driving Under the Influence; Driver's License Revocation Administrative Hearings. The title and content were later moved to 91 CSR 1 and 91 CSR 5. The current title and content were promulgated in 1993. It describes certain medical requirements for approval to drive a motor vehicle without a safety belt. This rule should be **continued without change**. The rule is not burdensome to business.

**91 CSR 16, Eligibility for Reinstatement Following Suspension or Revocation of Driving Privileges** is an active procedural rule promulgated in 1986. It describes eligibility for driver license reinstatement after suspension or revocation of driving privileges. This rule should be **repealed** as it has been replaced by the passage of other statutes and by modifications to 91 CSR 5.

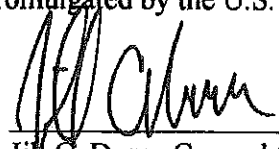
**91 CSR 19, Motor Vehicle Accident Prevention Courses** is an active interpretive rule promulgated in 1986 and modified in 2011. It describes the guidance to Motor Vehicle Accident Prevention Course providers that allows drivers age 55 and older to receive motor vehicle insurance premium reductions for completion of the course. This rule should be **continued without change**. The rule is not burdensome to business.

**91 CSR 21, Federal Safety Standards Inspection Program** is an active procedural rule promulgated in 1987. It describes the procedures for inspection and issuance of a certificate of inspection prior titling and registration of motor vehicles not manufactured in accordance with the United States Motor Vehicle Safety Standards. This rule should be **repealed** because it was based on the United States Motor Vehicle Safety Act and §17A-3A-1, both of which have been repealed and replaced by the United States Clean Air Act.

**91 CSR 22, Approval of Dealer Temporary Additional Locations** is an active procedural rule. It describes the requirements for automobile dealerships to set up additional, temporary sales locations. This rule should be **repealed** because the contents of the rule were updated and moved to 91 CSR 6.

**91 CSR 23, Regulations Governing Vessel Numbers** is an active procedural rule promulgated in 1988. It describes the procedures governing the application and issuance of motorboat certificates and placement on vessel numbers on motorboats. This rule should be **modified** because most of it is outdated and because some of the contents of the rule have been replaced by statutes found in §20-7-11 et seq. The rule in combination with other rules is burdensome to business because boating regulations are found in this rule, in rules promulgated by the Division of Natural Resources and in rules promulgated by the U.S. Coast Guard.

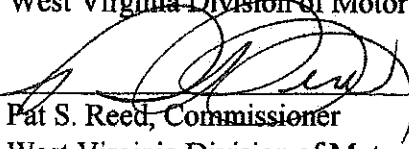
Prepared by:

  
Jill C. Dunn, General Counsel  
West Virginia Division of Motor Vehicles

Date:

9/25/18

Approved by:


  
Pat S. Reed, Commissioner  
West Virginia Division of Motor Vehicles

Date:

9-25-2018

## 2018 Office of Administrative Hearings Regulatory Review of Legislative Rules Report

**105 CSR 1, Appeal Procedures** is an active procedural rule. It provides for administrative hearing procedures. It was first promulgated in 2013. The content was modified in 2014, 2015, and 2016. This rule needs to be **MODIFIED** to reflect the physical address change of the Agency anticipated for January 1, 2019, as well as to clean up the provisions dealing with the weight given to blood evidence as well as other procedural issues. It is not burdensome to business.

Prepared by:   
Teresa D. Maynard, Director  
West Virginia Office of Administrative Hearings

Date: 10/11/18

**PARKWAYS AUTHORITY**  
**2018 REGULATORY REVIEW REPORT**

**184 CSR1, effective date, December 27, 1991.** Pertaining to Economic Development and Tourism Projects, the application therefore and the criteria for acceptance or rejection.

Parkways Authority is in the process of **repealing** this rule in view of the fact that it is no longer authorized to undertake Economic Development and Tourism Projects.

**184CSR2, effective date, May 28, 2006.** Rules Providing For Notice Of Meetings And Conduct Of Meetings. This procedural rule was promulgated under West Virginia Code 6-9a-3 and remains active. It deals with the procedure for providing notice in advance of monthly and special meetings of the Parkways Authority and the procedure for the conduct of those meetings including the portion of any meetings where the public may address the Authority. This rule is still active and essential for governing portions of the Parkways monthly meetings and any special meetings.

**184CSR3, effective date, September 1, 2006.** Rule Providing for Notice of And Conduct of Public Hearings Prior To Toll Rate Changes. While this rule is still active, it is now in the process of **being amended** for the purpose of revising the rule language to comply with 2017 legislative changes.

**184CSR4, effective date, August 11, 2010.** Rule Providing for Sign, Kiosk or Monument Placement at Turnpike Travel Plazas, Rest Areas, Welcome Centers and Tamarack. This rule is still active and is required for the normal operations of the Parkways Authority.

**184CSR8, effective date, March 24, 1990.** Hearing Procedure Rules. This procedural rule dealt with the public hearings that were required by West Virginia Code 17-16A-13(b) in the event that Parkways received a proposal for the development of either an economic development or tourism project (Parkway Projects are not required to undergo the same process). In view of the fact that the current enabling Legislation no longer authorizes the Parkways Authority to develop economic development and tourism projects, the necessity for this rule no longer exists. This rule is to be **repealed**.

Approved by:

Gregory C. Barr (ngs)  
Gregory C. Barr, General Manager  
West Virginia Parkways Authority

Date: Oct. 25, 2018

**PUBLIC PORT AUTHORITY**

**REGUTATORY REVIEW**

**166CSR1, Port District Application Requirements**, is an active procedural rule. It sets forth the application criteria for establishing local inland port authority districts. The rule was originally promulgated in 1995; there have been no revisions. It is not a burden to business; there is no need to amend or repeal the rule.

Approved by: \_\_\_\_\_

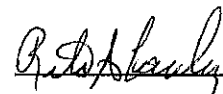


Charles Neal Vance, Director Public Port Authority

Date: \_\_\_\_\_

10-11-18


Prepared by: \_\_\_\_\_



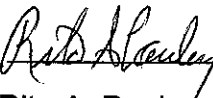
Rita A. Pauley, Special Assistant

**DIVISION OF PUBLIC TRANSIT**  
**REGULATORY REVIEW REPORT**

**225CSR1, Rail Fixed Guideway Systems State Safety Oversight**, provides safety regulation for rail fixed guideway systems. It fulfills the federal requirements of Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) to provide State Safety Oversight for fixed rail systems. This rule and the safety oversight are authorized by W. Va. Code §§17-16E-1 through 3. The law and this rule are consistent with the federal law. This rule is not burdensome to business and does not need to be amended or repealed. The rule was originally promulgated in 2016 and has not been revised.

Approved by:   
Bill Robinson, Director Public Transit

Date: 10/24/18

Prepared by:   
Rita A. Pauley, Special Assistant

**STATE RAIL AUTHORITY**  
**REGULATORY REVIEW REPORT**

**172CSR1, Organization and Meetings**, is a procedural rule that addresses the conduct of meetings, the organization, compensation and reimbursement of the officers of the West Virginia State Rail Authority and the appointment of an Executive Director. The rule does not have a federal counterpart, it is merely guidance for holding meetings and conducting the Authority's business. In 1999, this rule amended an existing rule of the former West Virginia Railroad Authority to bring it into compliance with statutory changes made in the 1999 Legislative Session. That version of the rule expired because the agency failed to final file the rule. The rule was refiled in 2001 and became effective in September 2001. The rule has not been amended since. It accomplishes its stated purposes, it is not a burden to business and does not need to be amended or repealed.

**172CSR2, Valuation of Used Rolling Stock and Equipment**, provides the methods for determining the value of used rolling stock or equipment, rail cars, engines and related rail equipment, to be purchased by the West Virginia State Rail Authority. The Authority maintains, owns and operates the South Branch Valley Railroad, the West Virginia Central Railroad and assists with establishment of short line and tourist railroad operation, and participates in the MARC commuter rails service to Washington, DC. The unique needs and equipment requirements of the Authority were recognized by the Legislature in 2001 when it was allowed to acquire rolling stock and equipment without following the provisions of W. Va. Code §5A-3-1 *et seq.* The rule was promulgated in 2002, it was amended in 2010 to comply with amendments to W.Va. Code §29-18-6. There is no federal counterpart statute or regulation for this rule. The rule is not burdensome; it is consistent with state law and does not need to be amended or repealed.

Approved by: Cindy Butler  
Cindy Butler, Director State Rail Authority

Date: 10-12-18

Prepared by: Rita A. Pauley  
Rita A. Pauley, Special Assistant