

## WEST VIRGINIA CODE: §17-16F-10

### **§17-16F-10. Construction and operation of facilities by private enterprise; leasing of facilities by division.**

(a) The division shall foster and encourage the participation of private enterprise in the development of railroad, waterway, transit, and airway facilities to the fullest extent it deems practicable in the interest of limiting the necessity of construction and operation of such facilities by the division. In this respect, the division shall advertise and solicit for the construction, operation, maintenance, or a combination thereof for any facility included in the development plan in accordance to plans, specifications, policies, or guidance prepared by the division.

(b) When the division considers it advisable and practicable, it may include certain facilities in the development plan to be installed by private enterprise and leased back to the division on an installment contract or option to purchase: Provided, That any such lease back arrangement must be financially feasible, and any bonds or loans utilized to enter into such lease back arrangement shall be repayable in full from the expected rentals to be generated by such facility.