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H. B. 2609

(By Delegates Faircloth, Blair, Folk, Householder and Butler)
[Introduced February 4, 2015; referred to the
Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating
to prohibiting railroads from blocking crossings on privately owned streets.

Be it enacted by the Legislature of West Virginia:

That §31-2A-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 2A. RAILROAD CROSSING.

§31-2A-2. Blocking of crossing prohibited; time limit.

(a) It is unlawful for any railroad company, except in an emergency, to order, allow or permit
the operation of or to operate or to so operate its system so that a train blocks the passage of
vehicular traffic over the railroad crossing of any public street, privately owned street, road or
highway of this state for a period longer than ten minutes. This section does not apply to an
obstruction of any such street, road or highway caused by a continuously moving train or caused by
circumstances wholly beyond the control of the railroad, but does apply to all other obstructions as

1 aforesaid, including, but not limited to, those caused by a stopped train or a train engaged in
2 switching, loading or unloading operations: *Provided*, That if any such train is within the
3 jurisdictional limits of any municipality which now has or hereafter ~~shall have~~ has in force and effect
4 an ordinance limiting the time a railroad crossing may be blocked by a train, ~~such~~ the ordinance shall
5 govern, and the provisions of this article ~~shall~~ are not be applicable.

6 (b) Upon receiving notification from a law-enforcement officer, member of a fire department,
7 operator of an emergency medical vehicle, or a member of an emergency services provider that
8 emergency circumstances require the immediate clearing of a public highway railroad grade crossing,
9 the members of the train crew of the train, railroad car or equipment, or engine blocking ~~such~~ the
10 crossing shall immediately notify the appropriate railroad dispatcher of the pending emergency
11 situation. Upon receipt of notice of such emergency circumstances by the train crew or dispatcher,
12 the railroad shall immediately clear the crossing, consistent with the safe operation of the train.

NOTE: The purpose of this bill is to prohibit railroads from blocking crossings on privately owned streets.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.