

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2609**

**2015 Carryover**

(BY DELEGATES FAIRCLOTH, BLAIR, FOLK, HOUSEHOLDER  
AND BUTLER)

[Introduced January 13, 2016; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

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

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 2A. RAILROAD CROSSING.**

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

1 (a) It is unlawful for any railroad company, except in an emergency, to order, allow or  
2 permit the operation of or to operate or to so operate its system so that a train blocks the passage  
3 of vehicular traffic over the railroad crossing of any public street, privately owned street, road or  
4 highway of this state for a period longer than ten minutes. This section does not apply to an  
5 obstruction of any such street, road or highway caused by a continuously moving train or caused  
6 by circumstances wholly beyond the control of the railroad, but does apply to all other obstructions  
7 as aforesaid, including, but not limited to, those caused by a stopped train or a train engaged in  
8 switching, loading or unloading operations: *Provided*, That if any such train is within the  
9 jurisdictional limits of any municipality which now has or hereafter ~~shall have~~ has in force and  
10 effect an ordinance limiting the time a railroad crossing may be blocked by a train, ~~such~~ the  
11 ordinance shall govern, and the provisions of this article ~~shall~~ are not be applicable.

12 (b) Upon receiving notification from a law-enforcement officer, member of a fire  
13 department, operator of an emergency medical vehicle, or a member of an emergency services  
14 provider that emergency circumstances require the immediate clearing of a public highway  
15 railroad grade crossing, the members of the train crew of the train, railroad car or equipment, or  
16 engine blocking ~~such~~ the crossing shall immediately notify the appropriate railroad dispatcher of  
17 the pending emergency situation. Upon receipt of notice of such emergency circumstances by

- 18 the train crew or dispatcher, the railroad shall immediately clear the crossing, consistent with the  
19 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.