

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4258

By Delegate Holstein and Mazzocchi

[Originating in the Committee on Technology and
Infrastructure; Reported on February 23, 2024]

1 A BILL to amend and reenact §17-4-8 and §31-2A-2 of the Code of West Virginia, 1931, as
2 amended, relating to use of state road for rail crossing; requiring cooperation between the
3 rail company and the Division of Highways when construction or maintenance activities are
4 conducted by the company; and requiring railroad companies to provide alternative entry
5 and exit ways in certain circumstances.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-8. Use of roadbed by railroad, telephone company, etc.

1 No railroad or electric or other railway shall be constructed or maintained upon the roadbed
2 of any state road, except to cross the same, ~~nor~~ road except under such restrictions, conditions
3 and regulations as may be prescribed by the Commissioner of the Division of Highways. ~~nor~~ Nor
4 shall any person, firm, or corporation enter upon or construct any works in or upon a state
5 road, or lay or maintain thereon or thereunder any drainage, sewer or water pipes, gas pipes,
6 electric conduits or other pipes, nor shall any telephone, telegraph or electric line or power pole, or
7 any other structure whatsoever, be erected upon, in or over any portion of a state road, except
8 under such restrictions, conditions and regulations as may be prescribed by the ~~state~~ State
9 Commissioner of the Division of Highways. Whenever any railroad or electric or other railway,
10 heretofore or hereafter constructed, ~~shall cross~~ crosses any state road, it shall ~~be required to keep~~
11 its own roadbed, and the bed of the road or highway at ~~such~~ the crossing, in proper repair, or else
12 to construct and maintain an overhead or undergrade crossing, subject to the approval of the ~~State~~
13 ~~Road Commissioner; and the~~ Commissioner of the Division of Highways. The tracks of ~~such a~~ a
14 railroad or railway at grade crossings shall be ~~so~~ constructed as to give a safe and easy approach
15 to and across the ~~same,~~ and when tracks. When the construction of ~~such~~ these approaches is
16 made necessary by a change in the railroad grade at the grade crossing, the cost shall be upon the
17 railway company.

23 community, both as a matter of public health and to insure the safety of the train crew and other
24 railroad _____ employees.

NOTE: The purpose of this bill is to require railroad companies to provide an alternative entry and exit way to one road communities when performing maintenance, repairs, and construction as a matter of public health and safety.

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