

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 766

BY SENATORS TAYLOR AND HUNT

[Originating in the Committee on the Judiciary;

reported February 26, 2024]

1 A BILL to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating
2 to relieving a railroad company of any liability for injury to any person using a crossing
3 during a parade where the train is stopped during the parade.

Be it enacted by the Legislature of West Virginia:

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, road, or highway of this state for
4 a period longer than 10 minutes. This section does not apply to an obstruction of any such street,
5 road, or highway caused by a continuously moving train or caused by circumstances wholly
6 beyond the control of the railroad, but does apply to all other obstructions as aforesaid, including,
7 but not limited to, those caused by a stopped train or a train engaged in switching, loading or
8 unloading operations: ~~Provided, That if any such train is within the jurisdictional limits of any~~
9 ~~municipality which now has or hereafter shall have in force and effect an ordinance limiting the~~
10 ~~time a railroad crossing may be blocked by a train, such ordinance shall govern, and the~~
11 ~~provisions of this article shall 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 crossing shall immediately notify the appropriate railroad dispatcher of the
17 pending emergency situation. Upon receipt of notice of such emergency circumstances by the
18 train crew or dispatcher, the railroad shall immediately clear the crossing, consistent with the safe
19 operation of the train.

20 (c) A railroad company is not liable to any person for any injury that arises out of the person
21 using a railroad crossing at a public street, road, or highway during a lawful parade if the train is
22 stopped and is not blocking or impeding the use of the crossing for the duration of the parade.