

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2594**

BY DELEGATES BUTLER, CADLE, JENNINGS, KUMP,  
HANSEN, AZINGER, SYPOLT, BATES, MALCOLM, GRAVES  
AND D. JEFFRIES

[Introduced January 22, 2019; Referred  
to the Committee on Technology and Infrastructure  
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:*

## **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 that is the  
4 only access for an area that has more than five households, and which are connected to public  
5 water service, road or highway of this state for a period longer than 10 minutes. This section does  
6 not apply to an obstruction of any such street, road or highway caused by a continuously moving  
7 train or caused by circumstances wholly beyond the control of the railroad, but does apply to all  
8 other obstructions as aforesaid, including, but not limited to, those caused by a stopped train or a  
9 train engaged in switching, loading or unloading operations: *Provided,* That if any such train is  
10 within the jurisdictional limits of any municipality which now has or hereafter ~~shall have~~ has in  
11 force and effect an ordinance limiting the time a railroad crossing may be blocked by a train, ~~such~~  
12 that ordinance shall govern, and the provisions of this article ~~shall not be~~ are not applicable.

13 (b) Upon receiving notification from a law-enforcement officer, member of a fire  
14 department, operator of an emergency medical vehicle, or a member of an emergency services  
15 provider that emergency circumstances require the immediate clearing of a public highway  
16 railroad grade crossing, the members of the train crew of the train, railroad car or equipment, or  
17 engine blocking such crossing shall immediately notify the appropriate railroad dispatcher of the  
18 pending emergency situation. Upon receipt of notice of such emergency circumstances by the  
19 train crew or dispatcher, the railroad shall immediately clear the crossing, consistent with the safe  
20 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 a heading or the present law and underscoring indicates new language that would be added.