WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3395

By Delegates Holstein, Rohrbach, Mazzocchi, Capito, Steele, Householder, Linville, Fast, and Hornby [Introduced February 13, 2023; Referred to the Committee on Technology and Infrastructure]

- A BILL to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating
 to requiring railroad companies to provide alternative entry and exit ways in certain
 circumstances.
 - 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 permit 2 the operation of or to operate or to so operate its system so that a train blocks the passage of 3 vehicular traffic over the railroad crossing of any public street, road or highway of this state for a 4 period longer than ten 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 provisions 11 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.

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(c) Railroad companies shall provide an alternative entry and exit way when performing

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- 21 maintenance, repairs, and construction when such maintenance, repairs, and construction are
- 22 done in communities with one road in and out of the community, as a matter of public health and
- 23 safety.

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.