WEST virginia legislature

2023 regular session

Introduced

Senate Bill 456

By Senators Clements, Plymale, and Smith

[Introduced January 24, 2023; referred  
to the Committee on Transportation and Infrastructure]

A BILL to amend and reenact §17-4-8 of the Code of West Virginia, 1931, as amended, relating to railways crossing state roads; and authorizing the Commissioner of Highways to prescribe restrictions, conditions, and regulations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. STATE ROAD SYSTEM.

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

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

NOTE: The purpose of this bill is to ensure that rail companies cooperate with and receive permission from the Commissioner of Highways before closing state roads in order to prevent the unnecessary inconvenience or endangerment of the public by road closures.

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