

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENGROSSED

House Bill 3292

By Delegate Heckert

[Introduced March 10, 2025; referred to the
Committee on Energy and Public Works]

A BILL to amend and reenact §17C-12-1, of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §17C-1-71, relating to defining "on-track equipment"; and clarifying provisions related to obedience to signal indicating approach of train.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-71. Other on-track equipment; definitions.

For the purpose of this section, the term "on-track equipment" means any tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed upon railroad tracks, including all maintenance of way equipment used to inspect, maintain, and repair the rail system.

ARTICLE 12. SPECIAL STOPS REQUIRED.

§17C-12-1. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment; or

(3) A railroad train or other on-track equipment approaching within approximately 1500 feet of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; or

13 (4) Any approaching railroad train or other on-track equipment is plainly visible and is in
14 hazardous proximity to such crossing.

15 (b) No person shall drive any vehicle through, around or under any crossing gate or barrier
16 at a railroad crossing while such gate or barrier is closed or is being opened or closed.

17 (c) Any person failing to comply with the requirements of this section is guilty of a
18 misdemeanor, and, upon conviction thereof, shall be fined \$100 or imprisoned for not more than
19 10 days. The commissioner shall promulgate rules to further penalize those convicted of violating
20 this section by levying three points against the violator's driver's license record: *Provided*, That if
21 the electric or mechanical signal device is malfunctioning, this subsection shall not apply.