

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 792

By Senator Maynard

[Introduced March 17, 2025; referred
to the Committee on Transportation and
Infrastructure; and then to the Committee on the
Judiciary]

1 A BILL to amend and reenact §17C-12-1 of the Code of West Virginia, 1931, as amended, relating
2 to requiring motor vehicle drivers to observe the same safety requirements when
3 approaching a railroad crossing when on-track railroad equipment is present or
4 approaching as is required when a railroad train is present or approaching; providing that
5 violation thereof is a misdemeanor; and providing criminal penalties for violation thereof.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. SPECIAL STOPS REQUIRED.

**§17C-12-1. ~~Obedience to signal indicating approach of train~~ Stopping requirements for
motor vehicle drivers when approaching a railroad crossing.**

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

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

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

9 (3) A railroad train approaching within approximately 1,500 feet of the highway crossing
10 emits a signal audible from such distance and such railroad train or moving on-track equipment, by
11 reason of its speed or nearness to such crossing, is an immediate hazard;

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

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

16 (c) Any person failing to comply with the requirements of this section is guilty of a
17 misdemeanor, and, upon conviction thereof, shall be fined \$100 or imprisoned for not more than

18 10 days. The commissioner shall promulgate rules to further penalize those convicted of violating
19 this section by levying three points against the violator's driver's license record: *Provided*, That if
20 the electric or mechanical signal device is malfunctioning, this subsection shall not apply.

NOTE: The purpose of this bill is to require motor vehicle drivers to observe the same safety requirements when approaching a railroad crossing when on-track railroad equipment is present or approaching as is required when a railroad train is present or approaching; providing that violation thereof is a misdemeanor; and providing criminal penalties for violation thereof.

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