

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

## **House Bill 4410**

By Delegates Heckert and Hillenbrand

[Introduced January 16, 2026; 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-1-72, 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-1-72.            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~~ that vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and ~~shall~~ may 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 1,500 feet of the highway crossing emits a signal audible from ~~such~~ that distance and ~~such~~ the railroad train or other on-track equipment, by reason of its speed or nearness to ~~such~~ the 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~~ the crossing.

15           (b) No person ~~shall~~ may drive any vehicle through, around or under any crossing gate or  
16 barrier at a railroad crossing while ~~such~~ the 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~~ may not apply.