

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 395

By Senator Taylor

[Introduced January 15, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating
2 to relieving a railroad company of any liability for injury to any person using a crossing
3 during a parade by a school or any municipality, county, or other public entity that has
4 permission for a parade, provided the railroad company is notified of the time of the parade
5 and a train is stopped during the time of the parade.

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.

20 (c) Notwithstanding any provision of this code to the contrary, a railroad company is not
21 liable for injury to any person using a crossing at a street, road, or highway during the period of
22 time of a parade by a school or any municipality, county, or other public entity: *Provided*, That
23 notice is given to the railroad and a train is stopped during the time of the parade.

NOTE: The purpose of this bill is to relieve a railroad company of any liability from injury to any person using a crossing during a parade by a school or any municipality, county, or other public entity; the railroad company is notified of the time of the parade, and a train is stopped during the time of the parade.

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