

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2531**

By Delegate Linville

(By Request of the Department of Transportation)

[Introduced January 13, 2023; Referred to the  
Committee on Technology and Infrastructure then the  
Judiciary]

1 A BILL to amend and reenact §17-4-8, of the Code of West Virginia, 1931, as amended; relating to  
2 use of state road for rail crossing; requiring cooperation between the rail company and the  
3 Division of Highways when construction or maintenance activities are conducted by the  
4 company.

*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.**

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

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NOTE: The purpose of this bill is to make it clear that rail companies must cooperate with and receive permission from the Commissioner of the Division of Highways before they build or conduct repairs or otherwise perform maintenance on the railroad, tracks or crossings that close state roads. This is to ensure that the traveling public has needed access to emergency services, school, work and is not unnecessarily inconvenienced 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.