

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 456**

By Senators Clements, Plymale, and Smith

[Introduced January 24, 2023; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17-4-8 of the Code of West Virginia, 1931, as amended, relating to  
 2 railways crossing state roads; and authorizing the Commissioner of Highways to prescribe  
 3 restrictions, conditions, and regulations.

*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 be constructed or maintained upon the roadbed  
 2 of any state road, except to cross the ~~same nor~~ road and under such restrictions, conditions, and  
 3 regulations as may be prescribed by the Commissioner of Highways. ~~Nor~~ shall any person, firm or  
 4 corporation enter upon or construct any works in or upon ~~such~~ a state road, or lay or maintain  
 5 thereon or thereunder any drainage, sewer, or water pipes, gas pipes, electric conduits, or other  
 6 pipes, nor shall any telephone, telegraph, or electric line or power pole, or any other structure  
 7 whatsoever, be erected upon, in or over any portion of a state road, except under such restrictions,  
 8 conditions, and regulations as may be prescribed by the ~~state road commissioner~~ Commissioner  
 9 of Highways. Whenever any railroad or electric or other railway, heretofore or hereafter  
 10 constructed, ~~shall cross~~ crosses any state road, it shall be required to keep its own roadbed, and  
 11 the bed of the road or highway at ~~such~~ the crossing, in proper repair, or else to construct and  
 12 maintain an overhead or undergrade crossing, subject to the approval of the ~~state road~~  
 13 ~~commissioner; and~~ Commissioner of Highways. The tracks of ~~such~~ a railroad or railway at grade  
 14 crossings shall be ~~so~~ constructed as to give a safe and easy approach to and across the ~~same~~  
 15 tracks. ~~and when~~ When the construction of such approaches is made necessary by a change in  
 16 the railroad grade at the grade crossing, the cost shall be upon the railway company.

NOTE: The purpose of this bill is to ensure that rail companies cooperate with and receive permission from the Commissioner of Highways before closing state roads in order to prevent the unnecessary inconvenience or endangerment of the public 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.