

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2558

**FISCAL
NOTE**

By Delegates Linville, Flanigan, Funkhouser, and
Holstein

[Introduced February 18, 2025; referred to the
Committee on Energy and Public Works 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, nor~~ road except under such restrictions,
 3 conditions and regulations as may be prescribed by the Commissioner of the Division of
 4 Highways. ~~nor~~ Nor ~~shall~~ may any person, firm, or corporation enter upon or construct any works in
 5 or 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.
 10 Whenever any railroad or electric or other railway, heretofore or hereafter constructed, ~~shall cross~~
 11 crosses any state road, it shall ~~be required to~~ keep its own roadbed, and the bed of the road or
 12 highway at such the crossing, in proper repair, or else to construct and maintain an overhead or
 13 undergrade crossing, subject to the approval of the ~~State Road Commissioner; and the~~
 14 Commissioner of the Division of Highways. The tracks of such a railroad or railway at grade
 15 crossings shall be ~~so~~ constructed as to give a safe and easy approach to and across the ~~same,~~
 16 ~~and when~~ tracks. When the construction of such these approaches is made necessary by a
 17 change in the railroad grade at the grade crossing, the cost shall be upon the railway company.

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.