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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



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COMMITTEE SUBSTITUTE
FOR
House Bill No. 4430

(By Delegates L. Smith, Hall, Warner
Mattaliano, Douglas, Staton and Boggs)



Passed March 11, 2000

In Effect Ninety Days from Passage

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FOR

H. B. 4430

(BY DELEGATES L. SMITH, HALL, WARNER,
MATTALIANO, DOUGLAS, STATON AND BOGGS)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and six, article two-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to blocking emergency medical vehicles at railroad crossings; and penalties.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article two-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted all to read as follows:

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
- 2 emergency, to order, allow or permit the operation of or to

3 operate or to so operate its system so that a train blocks the
4 passage of vehicular traffic over the railroad crossing of any
5 public street, road or highway of this state for a period longer
6 than ten minutes. This section does not apply to an obstruction
7 of any such street, road or highway caused by a continuously
8 moving train or caused by circumstances wholly beyond the
9 control of the railroad, but does apply to all other obstructions
10 as aforesaid, including, but not limited to, those caused by a
11 stopped train or a train engaged in switching, loading or
12 unloading operations: *Provided*, That if any such train is within
13 the jurisdictional limits of any municipality which now has or
14 hereafter shall have in force and effect an ordinance limiting the
15 time a railroad crossing may be blocked by a train, such
16 ordinance shall govern, and the provisions of this article shall
17 not be applicable.

18 (b) Upon receiving notification from a law-enforcement
19 officer, member of a fire department, operator of an emergency
20 medical vehicle, or a member of an emergency services
21 provider that emergency circumstances require the immediate
22 clearing of a public highway railroad grade crossing, the
23 members of the train crew of the train, railroad car or equip-
24 ment, or engine blocking such crossing shall immediately notify
25 the appropriate railroad dispatcher of the pending emergency
26 situation. Upon receipt of notice of such emergency circum-
27 stances by the train crew or dispatcher, the railroad shall
28 immediately clear the crossing, consistent with the safe
29 operation of the train.

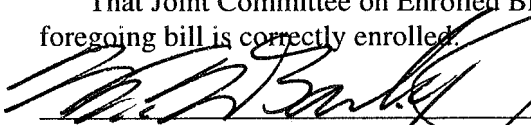
§31-2A-6. Fines and penalties.

1 (a) Any railroad company, carrier or railroad violating the
2 provisions of subsection (a), section two of this article is guilty
3 of a misdemeanor and, upon conviction thereof, shall be fined
4 not less than one hundred fifty dollars; upon a second convic-
5 tion occurring at the same crossing within one year thereafter,

6 shall be fined not less than two hundred fifty dollars; and upon
7 a third or subsequent conviction occurring at the same crossing
8 within one year after the first conviction, shall be fined not less
9 than three hundred fifty dollars.

10 (b) Any railroad company, carrier or railroad violating the
11 provisions of subsection (b), section two of this article is guilty
12 of a misdemeanor and, upon conviction thereof, shall be fined
13 not less than one thousand dollars; upon a second conviction
14 occurring at the same crossing within one year thereafter, shall
15 be fined not less than two thousand five hundred dollars; and
16 upon a third or subsequent conviction occurring at the same
17 crossing within one year after the first conviction, shall be fined
18 not less than five thousand dollars.

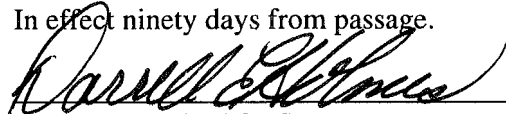
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

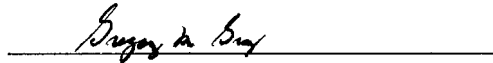

Chairman Senate Committee

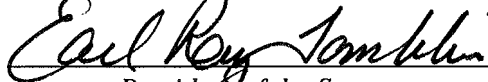

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

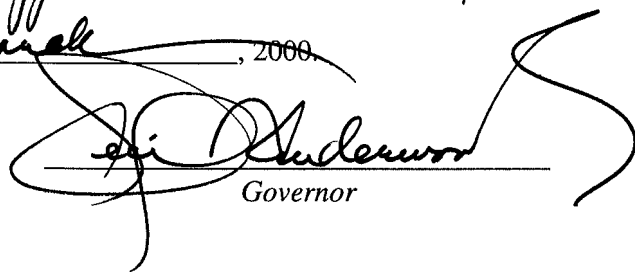

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 24th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/8/00

Time 12:50 PM