WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 160

(By Mr. [Signature] Mr. Ireland)

PASSED February 28, 1947

In Effect from Passage
AN ACT to amend and reenact sections fourteen and seventeen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article by adding thereto a new section, numbered seventeen-a, all relating to the division of the costs of separating grades of railroads and state roads, the relocation or reconstruction of existing grade separation structures, and the maintenance of same.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and seventeen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article be further amended by adding thereto a new section, numbered seventeen-a, all to read as follows:

Section 14. Cost Distribution.—The total cost of prepar-
ing plans, specifications and estimates, of the necessary
property including damages to property not taken, of
securing bids, and of the work, in grade separations,
shall be borne by the railroad company or companies
and the state: Provided, however, That unless otherwise
agreed upon, said railroad company or companies in-
volved shall be liable for ten per cent of such total cost:
Provided, further, That all rights-of-way, owned by the
state or the railroad company or companies and needed
and used for such grade separations, shall be donated
for that purpose and shall not be considered as a part
of such total cost to be pro rated between the parties
involved.

Sec. 17. Maintenance of Work.—After the construc-
tion of a grade separation under this article, where the
highway is carried over the railroad the state shall main-
tain the state highway and the structures supporting it
and the drainage thereof, and the railroad company shall
maintain its tracks; and where the state highway is
passed under the railroad then the state shall maintain
the highway and the drainage thereof, and the railroad
company shall maintain its road bed and the tracks and
the structures supporting the same: Provided, however,
That the state, at its sole expense, shall bear the cost of
repairing or replacing any part of such supporting struc-
ture which may be damaged or destroyed by highway
traffic; and the railroad company, at its own sole expense,
shall bear the cost of repairing or replacing any part of
such supporting structure which may be damaged or
destroyed by railroad traffic: Provided, further, That the
provisions of this section shall not be applicable to grade
separations constructed prior to the effective date of
this act.

Sec. 17-a. Relocation or Reconstruction of Existing
Grade Separation Structures.—The state road commis-
sioner shall have the same authority and follow the same
procedure and the cost and maintenance provision shall
be the same, in the relocation and reconstruction of exist-
ing grade separation structures, where the tracks of any
railroad and any state road cross, as is provided in sec-
tions nine to seventeen, inclusive, of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 4th day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 5, 1947