

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 160

(By Mr. Hensberger Mr. Ballais.)



PASSED February 28 1947

In Effect from Passage

160

ENROLLED

House Bill No. 160

(By MR. HANSEARGER and MR. BALLARD)

[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-

2 ing plans, specifications and estimates, of the necessary
3 property including damages to property not taken, of
4 securing bids, and of the work, in grade separations,
5 shall be borne by the railroad company or companies
6 and the state: *Provided, however,* That unless otherwise
7 agreed upon, said railroad company or companies in-
8 volved shall be liable for ten per cent of such total cost:
9 *Provided, further,* That all rights-of-way, owned by the
10 state or the railroad company or companies and needed
11 and used for such grade separations, shall be donated
12 for that purpose and shall not be considered as a part
13 of such total cost to be pro rated between the parties
14 involved.

·Sec. 17. *Maintenance of Work.*—After the construc-
2 tion of a grade separation under this article, where the
3 highway is carried over the railroad the state shall main-
4 tain the state highway and the structures supporting it
5 and the drainage thereof, and the railroad company shall
6 maintain its tracks; and where the state highway is
7 passed under the railroad then the state shall maintain
8 the highway and the drainage thereof, and the railroad

9 company shall maintain its road bed and the tracks and
10 the structures supporting the same: *Provided, however,*
11 That the state, at its sole expense, shall bear the cost of
12 repairing or replacing any part of such supporting struc-
13 ture which may be damaged or destroyed by highway
14 traffic; and the railroad company, at its own sole expense,
15 shall bear the cost of repairing or replacing any part of
16 such supporting structure which may be damaged or
17 destroyed by railroad traffic: *Provided, further,* That the
18 provisions of this section shall not be applicable to grade
19 separations constructed prior to the effective date of
20 this act.

Sec. 17-a. *Relocation or Reconstruction of Existing*
2 *Grade Separation Structures.*—The state road commis-
3 sioner shall have the same authority and follow the same
4 procedure and the cost and maintenance provision shall
5 be the same, in the relocation and reconstruction of exist-
6 ing grade separation structures, where the tracks of any
7 railroad and any state road cross, as is provided in sec-
8 tions nine to seventeen, inclusive, of this article.

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

Just L. McKeen

Chairman Senate Committee

C. L. Maestrows

Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

Howard Myers
Clerk of the Senate

J. Phillip
Clerk of the House of Delegates

Arnold M. Dickens
President of the Senate

John E. Amos
Speaker House of Delegates

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

Clarence Medsger
Governor.



Filed in the Office of the Secretary of State of West Virginia. **MAR 5 1947**
W. G. C. ... SECRETARY OF STATE