

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 1158

(By Mr. SEIBERT)

PASSED MARCH 9, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN W. COCKEFELDER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

1158

ENROLLED
House Bill No. 1158
(By MR. SEIBERT)

[Passed March 9, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article one, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the right of one party having power of eminent domain to cross or alter the property and works belonging to another party with such power, and civil action related thereto.

Be it enacted by the Legislature of West Virginia:

That section nine, article one, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. RIGHT OF EMINENT DOMAIN.

§54-1-9. Crossings, connections or alteration of works; civil action.

- 1 If any entity having the power of eminent domain
- 2 under other provisions of this article including any rail-

3 road company, canal company, company organized for
4 the purpose of transporting oil or natural or manufactured
5 gas, or both, by means of pipeline, company organized
6 for the purpose of transporting coal and its derivatives
7 and all mixtures and combinations thereof with any sub-
8 stance by means of pipes or otherwise, telephone or tele-
9 graph company, company operating an electric trans-
10 mission line, private corporation or public corporation
11 operating a system of pipelines for transporting water,
12 private corporation or public corporation operating a
13 sewer system for public use, the West Virginia depart-
14 ment of highways, or any county court, deems it neces-
15 sary in the construction or relocation of its works, or any
16 part thereof, to cross any other railroad, canal, sewer line,
17 pipeline, any state or other public road at grade or other-
18 wise, telephone or telegraph line or electric transmis-
19 sion line, such crossing may be made provided said works
20 be so constructed as not to impede the passage or trans-
21 portation of persons, property, commodities or sewage
22 along, over or through the same. If any such company,
23 private corporation, public corporation, West Virginia de-

24 partment of highways or county court desire that the
25 course of any other railroad, canal, sewer line, pipeline,
26 state, or other public road, telephone or telegraph line,
27 electric transmission line, or any stream which is not a
28 public highway, be altered to avoid the necessity of any
29 crossing, or of frequent crossings, or to facilitate the cross-
30 ing thereof, or the construction of a parallel work, the
31 alteration may be made in such manner as may be agreed
32 between the said party desiring such alteration and the
33 owner of such other facility or land to be affected
34 thereby. In case the parties interested fail to agree upon
35 such crossing or alteration as is desired, said party de-
36 siring such crossing or alteration may bring a civil action,
37 and in such action the court may, in a proper case, order
38 that any proper crossing, or alteration, may be made
39 upon payment of just compensation for the property or
40 interest in property to be taken and upon payment of
41 damages, if any, to the residue thereof beyond all bene-
42 fits to be derived thereby. Following said civil action,
43 and if the court order such crossing or alteration may be
44 made, said party desiring such crossing or alteration may

45 thereupon proceed under article two of this chapter to
46 obtain the right to make such crossing or alteration and
47 to have determined the amount of compensation and
48 damages owing as a result thereof.

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

Fussell M. Bean
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

Ed Probert
President of the Senate

Ivor F. Boiesby
Speaker House of Delegates

The within approved this the 31st
day of March, 1971.

Archie Shaw, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/71

3:45 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA