

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 154

(By Mr. *Galperin, original sponsor*)



PASSED March 11 1978

In Effect ninety days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 154**  
(MR. GALPERIN, *original sponsor*)

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[Passed March 11, 1978; in effect ninety days from passage.]

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AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-b, relating to installation of illuminating devices on certain railway cabooses for protection of workmen and property when such cars are being pushed at night; exemptions; penalty.

*Be it enacted by the Legislature of West Virginia:*

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-b, to read as follows:

**ARTICLE 2B. ILLUMINATION EQUIPMENT FOR RAILROAD CABOOSES.**

**§31-2B-1. Legislative findings and purposes.**

1     The Legislature hereby finds that for the purpose of  
2     protecting the lives of workmen and railroad equipment,  
3     certain railroad cabooses shall be equipped with rear  
4     illumination when they are being pushed during hours of  
5     darkness.

**§31-2B-2. Illumination requirements; time period for implementation; application of requirements.**

1     (a) From the effective date of this article, electric  
2     backup lights with sufficient candlepower to illuminate  
3     the track for a distance of at least two hundred fifty feet  
4     to the rear of the caboose under clear atmospheric condi-

5 tions during the hours of darkness shall be installed on the  
6 rear of those local and mine run railroad cabooses as the  
7 public service commission determines by rule or regula-  
8 tion, within thirty days of the effective date of this article,  
9 to be appropriate.

10 (b) Every railroad company operating within this  
11 state shall be required to comply with the provisions of  
12 this article, but shall have two years from the effective  
13 date hereof to comply with such requirements.

14 (c) The provisions of this article shall apply to all  
15 local and mine run cabooses as the public service commis-  
16 sion determines by rule or regulation, within thirty days  
17 of the effective date of this article, to be appropriate.

**§31-2B-3. Repair and maintenance exemptions.**

1 (a) Any railroad company operating a caboose to which  
2 the illumination requirements of section two of this article  
3 apply shall not be in violation of said article if the failure  
4 of lighting equipment required under the provisions of  
5 this article is corrected at the first point maintenance  
6 supplies are available, or in the case of repairs, the first  
7 point at which materials and repair facilities are available  
8 and repairs can reasonably be made.

9 (b) If, in any particular use, exemption from any  
10 requirements of this article is considered necessary by  
11 a railroad company, the public service commission may  
12 consider the application of that company for an exemp-  
13 tion and may grant the exemption when such appli-  
14 cation is accompanied by a full statement of the condition  
15 requiring it and the reason for the proposed exemption.

**§31-2B-3a. Runs originating from out of state.**

1 Runs originating from without the state of West Vir-  
2 ginia shall be exempt from the requirements of this  
3 article.

**§31-2B-4. Penalty.**

1 If any railroad company shall violate the provisions of  
2 this article, it shall be guilty of a misdemeanor, and, upon  
3 conviction thereof, shall be fined not more than five hun-  
4 dred dollars.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Chuska  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Dillon, Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Bratherton, Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is disapproved this the 24  
day of March 1978.

John R. Reagan  
Governor



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