WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
SENATE BILL NO. 154

(By Mr. [Signature: original given])

PASSED ____________________________ 1978

In Effect _______ days from _______. Passage
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 CABOSES.

§31-2B-1. Legislative findings and purposes.
1 The Legislature hereby finds that for the purpose of protecting the lives of workmen and railroad equipment, certain railroad cabooses shall be equipped with rear illumination when they are being pushed during hours of darkness.

§31-2B-2. Illumination requirements; time period for implementation; application of requirements.
1 (a) From the effective date of this article, electric backup lights with sufficient candlepower to illuminate the track for a distance of at least two hundred fifty feet to the rear of the caboose under clear atmospheric condi-
tions during the hours of darkness shall be installed on the rear of those local and mine run railroad cabooses as the public service commission determines by rule or regulation, within thirty days of the effective date of this article, to be appropriate.

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

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

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

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

(b) If, in any particular use, exemption from any requirements of this article is considered necessary by a railroad company, the public service commission may consider the application of that company for an exemption and may grant the exemption when such application is accompanied by a full statement of the condition requiring it and the reason for the proposed exemption.

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

Runs originating from without the state of West Virginia shall be exempt from the requirements of this article.

§31-2B-4. Penalty.

If any railroad company shall violate the provisions of this article, it shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence E. Chastain
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

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

W.A. Blankenship
Clerk of the House of Delegates

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

Donald L. Young
Speaker House of Delegates

The within is disapproved this the 24th day of March, 1978,

John Rhoades
Governor