WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2698.

(By Mr. Speaker, Mr. Chambers, & Del. Murdaugh)

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Passed .................................... April 4, 1989

In Effect .................................. Ninety Days From Passage
AN ACT to amend article three, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to telemetry systems on railroads; providing definitions; requiring telemetry systems on certain railroad trains in lieu of cabooses; prohibiting retaliation for reporting violations; and requiring the telemetry system to be capable of emergency braking, beginning the first day of July, one thousand nine hundred ninety-one.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-1a. Definitions; telemetry systems required.

(a) As used in this article:

(1) “Head end device” means a device located on the lead locomotive of a railroad train designed to receive information from the rear end device. It may also be used to transmit information to the rear end device;

(2) “Mainline” means a railroad track extending
through railroad yards and between stations which must
not be occupied without authority or protection;

(3) "Rear end device" means a device located on the
rear car of a railroad train designed to transmit
information to the head end device and equipped with
a rear marker light, red in color, and at least one
hundred, but not more than one thousand, candela. It
may also be used to receive information from the head
end device;

(4) "Telemetry system" means a radio transmitter
and receiver system between a front end device and a
rear end device which indicates through a display at the
head end device the following:

(i) Brake pipe pressure at the rear of the train,
displayed in increments of one pound per square inch;

(ii) Rear car movement;

(iii) Whether the rear marker light is operating;

(iv) Remaining battery life powering the system;

(v) Any interruption in radio transmission as estab-
lished by a distance measuring device at the rear end
device; and

(vi) The location of the rear of the train as established
by a distance measuring device at the rear end device.

(b) It is unlawful to operate a railroad train over one
thousand five hundred feet in length on any mainline
track within any railroad yard, without an occupied
caboose as the rear car of such train unless it is
equipped with an operable telemetry system.

(c) No train may depart any crew change point or its
point of origin unless the train is equipped with
telemetry system as required by this article. Any
inoperable system shall be repaired or replaced before
leaving the point of origin or at crew change point.

(d) The rear marker light required by this article
shall be flashing during the period from one hour before
sunset until one hour after sunrise.
(e) Beginning the first day of July, one thousand nine hundred ninety-one, all telemetry devices shall be equipped so that an emergency application of the brakes of the train can be initiated at the rear car of the train either by the engineer in the lead or controlling locomotive or by a crew member riding on the rear car.

It is unlawful to institute any disciplinary action or other adverse administrative or employment action against any person who reports a violation or acts to enforce the provisions of this article. Such person's remedies under this chapter shall be in addition to any other remedies that might be available to such person.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker  
Chairman Senate Committee

Bernard V. Kelly  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph C. McDaniels  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Larry A. Tucker  
President of the Senate

Robert C. Ariel  
Speaker of the House of Delegates

The within is approved this the 27th day of April, 1989.

Jim N.ether  
Governor
PRESENTED TO THE
GOVERNOR
Date 4/4/49
Time 11:45