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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2608.

(By Mr. *Speaker, Mr. Chambers, + Del. Muresky*)

— ● —

Passed *April 4,* 1989

In Effect *Ninety Days From* Passage

ENROLLED
H. B. 2608

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE MURENSKY)

[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.

- 1 (a) As used in this article:
- 2 (1) "Head end device" means a device located on the
- 3 lead locomotive of a railroad train designed to receive
- 4 information from the rear end device. It may also be
- 5 used to transmit information to the rear end device;
- 6 (2) "Mainline" means a railroad track extending

7 through railroad yards and between stations which must
8 not be occupied without authority or protection;

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

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

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

22 (ii) Rear car movement;

23 (iii) Whether the rear marker light is operating;

24 (iv) Remaining battery life powering the system;

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

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

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

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

40 (d) The rear marker light required by this article
41 shall be flashing during the period from one hour before
42 sunset until one hour after sunrise.

43 (e) Beginning the first day of July, one thousand nine
44 hundred ninety-one, all telemetry devices shall be
45 equipped so that an emergency application of the brakes
46 of the train can be initiated at the rear car of the train
47 either by the engineer in the lead or controlling
48 locomotive or by a crew member riding on the rear car.

49 It is unlawful to institute any disciplinary action or
50 other adverse administrative or employment action
51 against any person who reports a violation or acts to
52 enforce the provisions of this article. Such person's
53 remedies under this chapter shall be in addition to any
54 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.

Jedd C. Madala
Clerk of the Senate

Donald S. Keys
Clerk of the House of Delegates

Lawrence T. Tucker
President of the Senate

Robert M. Bell
Speaker of the House of Delegates

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

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 4/11/89

Time 11:45