WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 4430

(By Delegates L. Smith, Hall, Warner Mattaliano, Douglas, Staton and Boggs)

Passed March 11, 2000

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections two and six, article two-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to blocking emergency medical vehicles at railroad crossings; and penalties.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article two-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted all to read as follows:

ARTICLE 2A. RAILROAD CROSSING.


(a) It is unlawful for any railroad company, except in an emergency, to order, allow or permit the operation of or to...
operate or to so operate its system so that a train blocks the
passage of vehicular traffic over the railroad crossing of any
public street, road or highway of this state for a period longer
than ten minutes. This section does not apply to an obstruction
of any such street, road or highway caused by a continuously
moving train or caused by circumstances wholly beyond the
control of the railroad, but does apply to all other obstructions
as aforesaid, including, but not limited to, those caused by a
stopped train or a train engaged in switching, loading or
unloading operations: Provided, That if any such train is within
the jurisdictional limits of any municipality which now has or
hereafter shall have in force and effect an ordinance limiting the
time a railroad crossing may be blocked by a train, such
ordinance shall govern, and the provisions of this article shall
not be applicable.

(b) Upon receiving notification from a law-enforcement
officer, member of a fire department, operator of an emergency
medical vehicle, or a member of an emergency services
provider that emergency circumstances require the immediate
clearing of a public highway railroad grade crossing, the
members of the train crew of the train, railroad car or equip-
ment, or engine blocking such crossing shall immediately notify
the appropriate railroad dispatcher of the pending emergency
situation. Upon receipt of notice of such emergency circum-
stances by the train crew or dispatcher, the railroad shall
immediately clear the crossing, consistent with the safe
operation of the train.

§31-2A-6. Fines and penalties.

(a) Any railroad company, carrier or railroad violating the
provisions of subsection (a), section two of this article is guilty
of a misdemeanor and, upon conviction thereof, shall be fined
not less than one hundred fifty dollars; upon a second convic-
tion occurring at the same crossing within one year thereafter,
shall be fined not less than two hundred fifty dollars; and upon a third or subsequent conviction occurring at the same crossing within one year after the first conviction, shall be fined not less than three hundred fifty dollars.

(b) Any railroad company, carrier or railroad violating the provisions of subsection (b), section two of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one thousand dollars; upon a second conviction occurring at the same crossing within one year thereafter, shall be fined not less than two thousand five hundred dollars; and upon a third or subsequent conviction occurring at the same crossing within one year after the first conviction, shall be fined not less than five thousand dollars.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ______________________ approved this the ______ day of ______, 2009.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/19/00
Time 12:50 PM