

1998 SESSION

INTRODUCED

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HOUSE BILL NO. 746

Offered January 23, 1998

A BILL to amend the Code of Virginia by adding a section numbered 56-408.1, relating to certain railroad grade crossings.

Patrons—Bennett, Abbitt, Armstrong, Baker, Clement, Cranwell, DeBoer, Jackson, McEachin, Stump and Tate; Senator: Hawkins

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-408.1 as follows:

§ 56-408.1. Access across railroad property for owners of certain property.

In the case of any private railroad grade crossing that provides the only means of ingress and egress for a parcel of land, the owner of such parcel of land shall have unimpeded access across railroad property, by way of such crossing, between his property and the nearest public road if he can demonstrate that he has been using or his predecessors in title have been using such crossing for more than twenty years. Upon such proof or demonstration, the crossing shall not be closed unless the prior written consent of the landowner is first obtained. Landowners granted access across railroad property under this section shall, in the exercise of such right of access, yield the right-of-way to all traffic on the railroad and shall refrain from any interference with traffic on the railroad. If and when such access is threatened to be closed prior to or after proof of continued use as contemplated in this section, an injunction may lie to stay such closing, pending resolution of the landowner's claim to access across railroad property.

For the purpose of this section, a "private railroad grade crossing" is a railroad grade crossing where the road crossing the railroad is not a public road and is not part of any public highway system.

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