

HOUSE BILL No. 2854

By Committee on Transportation

2-7

9 AN ACT relating to conveyance of railroad right-of-way by a railroad
10 company; amending K.S.A. 2005 Supp. 66-525 and repealing the ex-
11 isting section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 66-525 is hereby amended to read as
15 follows: 66-525. (a) For purposes of this section, a railroad right-of-way
16 shall be considered abandoned when:

17 (1) The tracks, ties, and other components necessary for operation of
18 the rail line are removed from the right-of-way following the issuance of
19 an abandonment order by the appropriate federal or state authority;

20 (2) if, within two years after the exercise of such an order, removal
21 of such components is not completed and railroad operating authority is
22 not restored or reissued by an appropriate court or other federal or state
23 authority; or

24 (3) if no rail line is placed on the right-of-way within 10 years after
25 the right-of-way is acquired. A railroad right-of-way shall not be consid-
26 ered abandoned if the railroad company or any other entity continues to
27 use the right-of-way for railroad purposes after abandonment authority
28 has been issued.

29 (b) If the grantee or assignee of record of a recorded railroad right-
30 of-way abandons such right-of-way, such grantee or assignee shall:

31 (1) Remove crossbucks and modify signal devices or install “exempt”
32 signs at all locations within 90 days of abandonment; and

33 (2) file a release of all right, title and interest in the right-of-way with
34 the register of deeds of the counties in which the property is located,
35 within 180 days after being requested by any owner of property servient
36 to the right-of-way.

37 (c) If a grantee or assignee of record of a railroad right-of-way refuses
38 or neglects to file a release when required by subsection (b), the owner
39 of the servient property may bring an action in a court of competent
40 jurisdiction to recover from the grantee or assignee of record damages in
41 the amount of \$500, together with costs and reasonable attorney fees for
42 preparing and prosecuting the action. The owner may recover such ad-
43 ditional damages as the evidence warrants, and may obtain injunctive

1 relief to quiet the title and eject any unauthorized parties from the
2 property.

3 (d) A grantee or assignee of railroad right-of-way, at any time, may
4 file a general release of all right, title and interest in the right-of-way of
5 one or more particular rail lines or portions thereof with the register of
6 deeds of the county or counties in which such property is located. If such
7 action has been taken, the grantee or assignee shall be relieved of any
8 further obligation under this section to file individual releases of any right-
9 of-way included in such a general release.

10 (e) Within 30 days after entering abandoned railroad right-of-way
11 property upon the tax rolls pursuant to K.S.A. 79-401 *et seq.*, and amend-
12 ments thereto, the county clerk of each county in which such property is
13 so entered shall forward to the most recent railroad company holder of
14 such property for right-of-way purposes, a certified list of the names and
15 addresses of all property owners so entered upon the tax rolls following
16 abandonment.

17 Within 30 days after receipt of such certified list by the railroad com-
18 pany, it shall send a notice of abandonment by first-class mail to each
19 landowner at the address provided. The grantee or assignee of record of
20 a recorded railroad right-of-way who abandons such right-of-way and pro-
21 vides the notice of such abandonment required by this subsection shall
22 incur no civil or criminal liability for failure to notify any person who
23 claims, or may claim, ownership of property servient to the abandoned
24 right-of-way, nor shall such grantee or assignee incur any civil or criminal
25 liability for notifying any person who has no legal claim to ownership of
26 property servient to the abandoned right-of-way. The notice required by
27 this subsection shall not create any legal right, be construed as a warranty
28 or guarantee, nor shall such notice impair or cloud any lawful claim, right,
29 title or interest of any person.

30 (f) *Except where a railroad company conveys its right, title and in-*
31 *terest in and to railroad right-of-way which it owns in fee simple, any*
32 *conveyance by any a railroad company of any actual or purported right,*
33 *title or interest in property acquired in strips for right-of-way to any party*
34 *other than the owner of the servient estate shall be null and void, unless*
35 *such conveyance is made with a manifestation of intent that the railroad*
36 *company's successor shall maintain railroad operations on such right-of-*
37 *way, and the railroad owns marketable title for such purpose.*

38 (g) As used in this section, "railroad company" has the meaning of
39 such term as defined in K.S.A. 2005 Supp. 66-2,123, and amendments
40 thereto.

41 Sec. 2. K.S.A. 2005 Supp. 66-525 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.