

**TESTIMONY BEFORE THE
SENATE COMMITTEE ON TRANSPORTATION**

**REGARDING SENATE BILL 271
RELATING TO BRANCH AND MAINLINE LENGTH**

March 7, 2023

Mr. Chairman and Committee Members:

Good morning, Mr. Chairman and members of the committee. I am Cory Davis, and I am the Director of Multimodal Transportation and Innovation for the Kansas Department of Transportation (KDOT). I am here today to provide neutral testimony on Senate Bill 271. I would like to thank you for the opportunity to meet with you and to provide comments.

KDOT's current role as it relates to railroads and KDOT operations involve us working with railroads primarily through the administration of grant programs and coordination of joint projects:

KDOT administration of three key rail funding programs:

- The Rail Service Improvement fund and the Short Line Improvement Fund provide short line railroads and the shippers located along short line railroads funds to improve, rehabilitate, modernize, and expand rail infrastructure.
- Section 130 Federal Funds provide funds to improve crossing safety in coordination with the involved railroad. This includes improved signage, gates, lights, etc.

KDOT/Railroad Project Coordination:

- KDOT currently partners with the railroads and FRA to maintain an accurate railroad crossing inventory for all at grade crossings.
- KDOT also must work with the railroads on a regular basis tied to highway projects at railroad highway crossings. Our highway projects that cross railroad right-of-way require coordination and communication between the two entities.

Senate Bill 271 authorizes both law enforcement and the Secretary of Transportation or their designee to enter railroad property and inspect railroad equipment, facilities, rolling stock, operations, and relevant records at reasonable times and in a reasonable way. However, it only authorizes a law enforcement officer to prepare and deliver a notice of a violation. Given this, it is unclear what KDOT's role in this part of the process would be.

KDOT is supportive of rail crossing safety and those aspects of this bill. KDOT's current staffing levels and expertise in this space is tied to the three project funding programs and coordination efforts with the railroads. KDOT does not currently have staff with the expertise or skillset to perform the inspections listed in the bill. To properly inspect railroad operations, KDOT would have to hire, educate, and train new employees statewide to properly provide oversight and perform inspections.

To address any uncertainty, KDOT respectfully suggests removing the language listing the Secretary of Transportation or their designee to address any uncertainty and allowing law enforcement to be the sole entity with authority to enforce the contents of the bill.

I am happy to stand for any questions you may have.