

SENATE BILL No. 271

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning trains; relating to branch and mainline length;
2 providing for minimum distance for storage of rolling stock.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. As used in sections 1 through 8, and amendments thereto:

6 (a) "Branch line" means a secondary railroad track that branches off
7 from a main line.

8 (b) "Main line" means a class I railroad as documented in current
9 timetables filed by the class I railroad with the federal railroad
10 administration under 49 C.F.R. § 217.7 that satisfies at least one of the
11 following conditions:

12 (1) The railroad has 5,000,000 or more gross tons of railroad traffic
13 transported annually; or

14 (2) the railroad is used for regularly scheduled intercity or commuter
15 rail passenger service, except that intercity or commuter passenger service
16 does not include tourist, scenic, historic or excursion operations.

17 (c) (1) "Railroad" means any form of non-highway ground
18 transportation that runs on rails or electromagnetic guideways, including:

19 (A) Commuter or other short-haul railroad passenger service in a
20 metropolitan or suburban area and commuter railroad service; and

21 (B) high-speed ground transportation systems that connect
22 metropolitan areas, whether or not those systems use new technologies not
23 associated with traditional railroads.

24 (2) "Railroad" does not include rapid transit operations in an urban
25 area that are not connected to the general railroad system of transportation.

26 (d) "Train" means one or more locomotives, coupled with or without
27 cars, that require an air brake test in accordance with 49 C.F.R. part 232 or
28 part 238.

29 Sec. 2. No railroad operating in the state of Kansas shall run or permit
30 to be ran any train that exceeds 8,500 feet in length on any main line or
31 branch line. ***The provisions of this section shall expire and have no effect***
32 ***on and after July 1, 2027.***

33 Sec. 3. A railroad operating within this state is required to maintain
34 certain minimum distances from the near-edge railroad crossings to
35 railroad rolling stock stored on sidings ***if such railroad crossing does not***
36 ***have electronic warning signals.*** The minimum distance for storage or

1 railroad rolling stock shall be 250 feet. As used in this section, "rolling
2 stock" includes the rolling stock not used for the pickup or delivery of
3 freights and which placement on the railroad-owned siding by a railroad is
4 for the sole convenience of the railroad.

5 Sec. 4. In carrying out the provisions of section 2 or 3, and
6 amendments thereto, a law enforcement officer ~~or designee of the~~
7 ~~secretary of transportation~~ may enter railroad property and inspect railroad
8 equipment, facilities, rolling stock, operations and relevant records at
9 reasonable times and in a reasonable way.

10 Sec. 5. A railroad shall be liable for the actions of its officers and
11 employees for violations of sections 2 or 3, and amendments thereto.

12 Sec. 6. (a) Each day that a violation occurs is a separate violation of
13 section 2 or 3, and amendments thereto.

14 (b) A violation of section 2 or 3, and amendments thereto, is
15 punishable by a fine of not less than \$500 but not more than more than
16 \$25,000.

17 (c) If the railroad is found to have committed a grossly negligent
18 violation, or a pattern of repeated violations, such violation shall be
19 punishable by a fine of not more than \$100,000.

20 Sec. 7. (a) A law enforcement officer may prepare and deliver a
21 written notice of a violation, either personally or by first class mail, to the
22 registered agent of the railroad if the law enforcement officer witnesses a
23 violation of section 2 or 3, and amendments thereto, or receives a
24 complaint with an accompanying affidavit containing sufficient
25 information to determine that a violation was committed.

26 (b) The notice of violation shall contain:

27 (1) A summons to appear in court that shall provide the time and
28 place that a representative of the railroad shall appear;

29 (2) the name and address of the railroad as provided by the
30 representative or agent;

31 (3) the name of the representative or agent receiving the citation;

32 (4) the offense or offenses charged;

33 (5) the potential fine provided in section 6, and amendments thereto;
34 and

35 (6) the signature of the law enforcement officer.

36 (c) The time specified in the notice to appear shall be at least five
37 days after the alleged violation unless a representative of the railroad
38 demands an earlier hearing.

39 (d) The court specified in the notice to appear shall be the district
40 court having jurisdiction where an alleged violation occurred.

41 Sec. 8. Any fine or civil penalty collected pursuant to section 2 or 3,
42 and amendments thereto, shall be remitted to the state treasurer in
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury to the credit of the state
3 highway fund.

4 Sec. 9. This act shall take effect and be in force from and after its
5 publication in the statute book.