

**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.

32 Sec. 3. A railroad operating within this state is required to maintain  
33 certain minimum distances from the near-edge railroad crossings to  
34 railroad rolling stock stored on sidings. The minimum distance for storage  
35 or railroad rolling stock shall be 250 feet. As used in this section, "rolling  
36 stock" includes the rolling stock not used for the pickup or delivery of

1 freights and which placement on the railroad-owned siding by a railroad is  
2 for the sole convenience of the railroad.

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

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

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

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

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

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

24 (b) The notice of violation shall contain:

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

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

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

30 (4) the offense or offenses charged;

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

32 and

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

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

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

39 Sec. 8. Any fine or civil penalty collected pursuant to section 2 or 3,  
40 and amendments thereto, shall be remitted to the state treasurer in  
41 accordance with the provisions of K.S.A. 75-4215, and amendments  
42 thereto. Upon receipt of each such remittance, the state treasurer shall  
43 deposit the entire amount in the state treasury to the credit of the state

1 highway fund.

2 Sec. 9. This act shall take effect and be in force from and after its

3 publication in the statute book.