

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2501**

As Agreed to April 1, 2024

Brief*

HB 2501 would require a railroad to maintain a minimum distance of 250 feet between a near-edge railroad crossing and railroad rolling stock stored on sidings if the railroad crossing does not have electronic warning signals. The bill would authorize the Kansas Department of Transportation (KDOT) to determine a greater or lesser distance at a particular location and permit or order a railroad to maintain the greater or lesser distance.

If physical conditions require use of a track temporarily or minimum distances cannot be obtained, the minimum distance provisions of the bill would not apply to:

- Cars placed for or awaiting removal after loading or unloading;
- Bad order cars set out from trains; or
- Rolling stock stored on yard tracks unless otherwise ordered by KDOT.

For purposes of the bill, the term “rolling stock” would include rolling stock not used for the pickup or delivery of freight and where placement on the railroad-owned siding by a railroad is for the sole convenience of the railroad.

Conference Committee Action

The Conference Committee agreed to remove the contents of HB 2501 and replace them with the provisions described above.

Background

The provisions of the bill are substantially similar to certain provisions of SB 271, as amended by the Senate Committee on Transportation. [Note: The provisions of SB 271, as amended by the Senate Committee on Transportation, were replaced with provisions of HB 2820 pertaining to drone technology in House Sub. for SB 271.]

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background on SB 271, as amended by the Senate Committee on Transportation, is provided below.

SB 271

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Petersen.

Senate Committee on Transportation

In the Senate Committee hearing, **proponent** testimony was presented by Senator Petersen; Senator McGinn; a representative of the Kansas State Legislative Board of the International Association of Sheet Metal, Air, Rail, and Transportation Workers; a county commissioner from Marshall County; and three private citizens, one of them self-identified as a railroad employee. Written-only proponent testimony was provided by representatives of the Chicago Rock Island & Pacific Railroad and Working Kansas Alliance and by three private citizens, one of them self-identified as a railroad employee. The proponents stated trains have significantly increased in length in recent years, to as long as three miles, which has resulted in blocked crossings that prevent emergency and routine access to schools, agricultural fields, homes, and other destinations for prolonged periods. [Note: As introduced, the bill would have limited the length of a train in Kansas to 8,500 feet.] Examples were provided of harm caused when a motorist's sight of an oncoming train traveling a second track was obstructed by a stopped train. According to proponent testimony, the Federal Railroad Safety Act leaves certain types of safety regulation to states.

A representative of the KDOT provided neutral testimony, discussing KDOT's current role as it relates to railroads.

Opponent testimony was provided by representatives of the BNSF Railway Company and the Kansas Railroad Association. The opponents described a focus on safety by the railroads, reductions in safety related incidents, and benefits of moving freight by train. Also described was the role of the federal Surface Transportation Board and its authority to regulate the rail industry under the Interstate Commerce Commission Termination Act, which the opponents state grants exclusive jurisdiction over transportation by rail and operation of rail networks to the Surface Transportation Board.

The Senate Committee amended the bill to:

- Add a July 1, 2027, sunset date to the provisions regarding train length;
- Specify the requirement for a minimum distance between a railroad crossing and rolling stock stored on sidings would apply only if the railroad crossing does not have electronic warning signals; and
- Remove KDOT from provisions authorizing entry to railroad property and certain inspections.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 271, as introduced in 2023, KDOT stated the bill could require KDOT staff to inspect railroad premises and participate in court proceedings. [Note: The Senate Committee on Transportation amended the bill to remove KDOT from this inspection process.] KDOT also states it is unable to estimate revenues that could be credited to the State Highway Fund from fines and civil penalties.

The Office of Judicial Administration states enactment of the bill could increase the number of cases filed in district courts and collection of related docket fees and fines, but a fiscal effect cannot be estimated.

The Office of the Attorney General notes litigation at the state and federal level regarding the authority of states to regulate railroad safety and railroad traffic, and states it is possible the bill could result in additional legal challenges. The Office is unable to estimate a fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Railroad; safety; train; sidings; rolling stock

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