

## HOUSE BILL No. 2039

By Committee on Transportation

1-12

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AN ACT relating to railroads; concerning short-line railroads; defining; granting certain powers to the state corporation commission.

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

Section 1. (a) As used in this section:

(1) "Commission" means the state corporation commission;

(2) "person" means any natural person, partnership, firm, association, corporation or other legal entity;

(3) "short-line railroad" means any railroad with less than 100 miles of intrastate mainline track and shall not include any class I railroad as that term is used and applied in federal law.

(b) Any person seeking rail service from a short-line railroad, who is aggrieved by any unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, discriminatory or inadequate practice, act or service may file a complaint with the commission. If after investigation and hearing it is found that any practice, act or service complained of is unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, unjustly discriminatory or inadequate, the commission shall have the power to substitute therefor such other practices, acts or service, and to make such order respecting any such changes in such practices, acts or service as are just and reasonable. The commission may, if it finds that the short-line railroad has grossly neglected the public needs for transportation and such neglect has resulted in a substantially negative impact on the economy of the state of Kansas, require the short-line railroad to lease all or any part of its railroad lines to another railroad operator at lease rates and terms approved by the commission.

(c) Hearings shall be conducted in accordance with the Kansas administrative procedure act.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.