

HOUSE BILL No. 2045

AN ACT relating to railroads; concerning railroad crossings; amending K.S.A. 66-227 and 66-229 and repealing the existing sections.

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

Section 1. K.S.A. 66-227 is hereby amended to read as follows: 66-227. It is hereby made the duty of every person or corporation owning or operating any railroad crossed by a public highway, *county highway or township road* to make, and keep in good repair, good and sufficient crossings for such *highway, road or street* over their tracks, including all the grading, bridges, ditches, and culverts *within their right-of-way* that may be necessary to make a safe crossing as hereinafter provided. ~~Said crossings shall not be less than twenty four feet in width on county roads or twenty feet in width on township roads, and shall be on the same grade as the track for thirty feet on each side of the center of said track, unless the board of county commissioners shall find the same to be unnecessary, and the approaches thereto shall not exceed a six percent grade and shall be solidly constructed of the same material throughout, except that next to the rail any suitable material may be used that will prevent the settling against the rails of any material used in said crossing, with no openings or filled spaces therein, except such as is necessary for the rails; and, for railroad crossings, such material shall be wood, gravel, crushed rock, concrete, burned clay or slag at the discretion of said company and of a permanent thickness equal to the height of the railroad rails. The vertical profile or alignment of the centerline of the highway, road or street through the crossing shall comply with the American association of state highway and transportation officials (AASHTO) design manual titled, "a policy on geometric design of highways and streets" as published and in effect on January 1, 2001.~~

~~That~~ When the highway crossing the track is improved by the construction of a hard-surfaced road, the railroad company shall pave the space between the rails and for a distance of two feet on each side thereof with a pavement of the same or a better type for the full width of the pavement on the highway. On other crossings where the highway has not been improved, the planking or other material used between and for a distance of one foot outside of the rails shall be of ~~sufficient length to provide for a 16 foot~~ *a length to equal the roadway width* measured perpendicular to the axis of the highway; ~~Provided further, That~~. Nothing in this act shall be construed to repeal any provision of law relating to railroad crossings on streets in cities of the first and second class.

Sec. 2. K.S.A. 66-229 is hereby amended to read as follows: 66-229. *Upon complaint*, it is hereby made the duty of every county engineer and road ~~overseer~~ *supervisor* in this state to see that this act is complied with in ~~his such person's~~ jurisdiction; and to report to the county attorney of ~~his such person's~~ county every failure on the part of any person or corporation to comply with this act, ~~and~~. It is hereby made the duty of the county attorney of each county in the state to enforce this act.

Sec. 3. K.S.A. 66-227 and 66-229 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.