

**Public Hearing Testimony**  
**Raised H.B. No. 2225**

AN ACT CONCERNING RAILROAD GRADE CROSSING SAFETY.

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Chairmen Proehl, Vice Chairman Thimesch, Ranking Member Helgerson, Committee Members and staff, thank for the opportunity to testify before you today on an important public safety issue for motorists, pedestrians and the men and women who work on our railroad tracks in Kansas and throughout the country.

We appreciate the Committee leadership raising this bill and the provision within it for a public hearing.

We are here to offer our strong support for House Bill 2225 "Adding on-track equipment to the circumstances that a vehicle driver must stop at a railroad crossing," a public safety awareness initiative.

Under current Kansas law, maintenance of way, railroad contractors and other on-track equipment are not included in the prohibition concerning a motorist's responsibilities when approaching a crossing. It is critically important that when the gates are down, or when there is a train approaching or a flagman or stop sign, etc. present, that motor vehicles stop at a safe distance from the crossing.

HB 2225 would simply update existing railroad crossing laws pertaining to motorist responsibilities at railroad crossings to reflect the development of train like on-track equipment on our Kansas' and our nation's railroads. Currently, maintenance of way on-track equipment, railroad contractors on-track equipment and other railroad on-track equipment are not included in the State statute that mandates motorist responsibilities when approaching a crossing.

The issue is that on-track maintenance equipment has been developed into "train like" machines that present the same dangers of a train engine or train engine with cars of not being able to stop within a reasonable distance. In addition, not every piece of equipment activates the crossing gates where crossing gates are utilized making it imperative that if a motorist sees the approach of on-track equipment they stop at a safe distance from the grade crossing until it is safe to proceed. In addition, mechanical crossing gates do occasionally fail to activate when a train or other on-track equipment is approaching or there may not be a mechanical gate, stop sign, or flagman.

While most of the public understands trains occupy the tracks in their respective neighborhoods and to avoid them at all costs, not everyone is aware of the on-track maintenance and construction machines that travel on the track infrastructure in Kansas and around the country.

Similar legislation has already passed in 19 states including: California, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, Montana, Oregon, Tennessee, Virginia, Wisconsin, Washington State, South Dakota, and Wyoming.

There is currently active legislation in 6 other states (Connecticut, Ohio, Minnesota, Alabama, Missouri, and Pennsylvania) plus this bill in Kansas.

The legislation is supported by rail labor, the railroads themselves, and railroad contractors. In fact I have found no public opposition to date. It will improve public safety to clarify that there are other types of equipment that travel on tracks that present the same dangers to motorists as trains and the passage of this bill will help to educate the public of this fact.

Thank you for the opportunity to testify before you today. I am happy to answer any questions you may have on this issue or railroad safety in general.

## **Nationally Recognized “On-Track Equipment” Definition**

“Other on-track equipment means any car, rolling stock, or other device that, alone or coupled to another device, is operated on stationary rails”.



