

SENATE BILL No. 224

By Committee on Ways and Means

2-11

1 AN ACT concerning railroads; establishing a maximum train length
2 allowed to be operated in Kansas; providing penalties for violations.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. As used in sections 1 through 3, 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. (a) No railroad operating in the state of Kansas shall run or
30 permit to be ran any train that exceeds 8,500 feet in length on any main
31 line or branch line.

32 (b) Except as provided in subsection (c), upon a finding of a violation
33 of subsection (a), the secretary of transportation shall impose a civil
34 penalty against the railroad, or the person operating the train when the
35 violation occurred, in an amount not less than \$500 per foot but not more
36 than \$1,000 per foot for a train that exceeds the limitation set forth in

1 subsection (a).

2 (c) If the secretary determines that the railroad, or the person
3 operating the train when the violation occurred, committed a grossly
4 negligent violation or a pattern of repeated violations that caused an
5 imminent threat of death or injury to individuals or has caused such death
6 or injury, the secretary may issue a one-time fine not to exceed \$250,000.

7 (d) (1) The secretary may reduce the amount of the civil penalty
8 under subsection (b). In determining the amount of the civil penalty, the
9 secretary shall consider:

10 (A) The nature, circumstances, extent and gravity of the violation;

11 (B) with respect to the violator, the degree of culpability, any history
12 of violations, the ability to pay and any effect on the violator's ability to
13 continue to do business; and

14 (C) any other matters that justice requires.

15 (2) At the request of the secretary, the attorney general may initiate a
16 civil action to collect any fine or civil penalty imposed pursuant to this
17 section. The attorney general may bring a civil action in any court of
18 competent jurisdiction.

19 (3) A civil action under this subsection shall be commenced within
20 three years after the date the violation of subsection (a) was committed.

21 (e) Any fine or civil penalty collected pursuant to this section shall be
22 remitted to the state treasurer in accordance with the provisions of K.S.A.
23 75-4215, and amendments thereto. Upon receipt of each such remittance,
24 the state treasurer shall deposit the entire amount in the state treasury to
25 the credit of the state highway fund.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.