

1 AN ACT relating to railroad crossings.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 277 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) Every railroad company shall destroy or remove obstructive vegetation upon its*
6 *right-of-way at each public railroad-highway grade crossing, for a distance of*
7 *two hundred fifty (250) feet in each direction, that is:*
- 8 *(a) More than thirty (30) inches and less than twenty (20) feet above the height*
9 *of the crossing;*
- 10 *(b) Within twenty (20) feet from the nearest rail or, if the railroad's right-of-*
11 *way is less than twenty (20) feet from the nearest rail, the entire width of the*
12 *right-of-way, except for vegetation within five (5) feet of private property;*
13 *and*
- 14 *(c) Within two hundred fifty (250) feet of the centerline of the roadway where it*
15 *intersects the centerline of the nearest track at the crossing.*
- 16 *(2) A railroad company shall not be authorized or required to enter private property*
17 *to remove vegetation located on private property to comply with subsection (1) of*
18 *this section.*
- 19 *(3) If terrain, elevation, track or road curvature, rolling stock, structures, or other*
20 *objects or conditions at or near the public railroad-highway grade crossing make*
21 *compliance with subsection (1) of this section impossible, impractical, or*
22 *unnecessary, the railroad company may petition the Transportation Cabinet to*
23 *waive or modify the requirements of subsection (1) of this section by providing*
24 *written notice describing the proposed waiver or modifications. The waiver or*
25 *modifications proposed by the railroad company shall replace and satisfy the*
26 *requirements of subsection (1) of this section unless the Transportation Cabinet*
27 *denies or modifies the written notice within sixty (60) days of receipt.*

- 1 (4) If a railroad company fails to destroy or remove obstructive vegetation in
2 compliance with subsection (1) of this section, the Transportation Cabinet, or the
3 local government maintaining the public road or highway, may send a written
4 notice to the railroad company's registered agent requiring the obstructive
5 vegetation to be removed within thirty (30) days of receiving the written notice.
- 6 (5) (a) If a railroad company fails to remove the obstructive vegetation after
7 receiving a written notice under subsection (4) of this section, the
8 Transportation Cabinet or local government shall:
- 9 1. Remove the obstructive vegetation by coordinating a mutually
10 agreeable time and date with the railroad company to access the
11 railroad right-of-way pursuant to the railroad's applicable safety
12 processes; and
- 13 2. Recover the necessary and reasonable costs of the vegetation removal
14 from the responsible railroad company.
- 15 (b) The Transportation Cabinet or local government shall notify the responsible
16 railroad company of the amount due for vegetation removal by certified
17 mail.
- 18 (c) If the railroad company fails to pay the amount demanded within thirty (30)
19 days, the Transportation Cabinet or local government may take appropriate
20 legal action to collect the amount owed.
- 21 (6) A railroad company shall be and remain in compliance with subsection (1) of this
22 section by January 1, 2029.
- 23 (7) This section shall not alter the duties of a motor vehicle operator at public
24 railroad-highway grade crossings.
- 25 (8) The requirements in this section constitute the sole standards with respect to
26 vegetation, obstructions, and sight distance at public railroad-highway grade
27 crossings unless superseded by federal law or regulation.