

277.195 Railroad company to destroy or remove vegetation upon its right-of-way at each public railroad-highway grade crossing. (Effective July 15, 2026)

- (1) Every railroad company shall destroy or remove obstructive vegetation upon its right-of-way at each public railroad-highway grade crossing, for a distance of two hundred fifty (250) feet in each direction, that is:
 - (a) More than thirty (30) inches and less than twenty (20) feet above the height of the crossing;
 - (b) Within twenty (20) feet from the nearest rail or, if the railroad's right-of-way is less than twenty (20) feet from the nearest rail, the entire width of the right-of-way, except for vegetation within five (5) feet of private property; and
 - (c) Within two hundred fifty (250) feet of the centerline of the roadway where it intersects the centerline of the nearest track at the crossing.
- (2) A railroad company shall not be authorized or required to enter private property to remove vegetation located on private property to comply with subsection (1) of this section.
- (3) If terrain, elevation, track or road curvature, rolling stock, structures, or other objects or conditions at or near the public railroad-highway grade crossing make compliance with subsection (1) of this section impossible, impractical, or unnecessary, the railroad company may petition the Transportation Cabinet to waive or modify the requirements of subsection (1) of this section by providing written notice describing the proposed waiver or modifications. The waiver or modifications proposed by the railroad company shall replace and satisfy the requirements of subsection (1) of this section unless the Transportation Cabinet denies or modifies the written notice within sixty (60) days of receipt.
- (4) If a railroad company fails to destroy or remove obstructive vegetation in compliance with subsection (1) of this section, the Transportation Cabinet, or the local government maintaining the public road or highway, may send a written notice to the railroad company's registered agent requiring the obstructive vegetation to be removed within thirty (30) days of receiving the written notice.
- (5)
 - (a) If a railroad company fails to remove the obstructive vegetation after receiving a written notice under subsection (4) of this section, the Transportation Cabinet or local government shall:
 1. Remove the obstructive vegetation by coordinating a mutually agreeable time and date with the railroad company to access the railroad right-of-way pursuant to the railroad's applicable safety processes; and
 2. Recover the necessary and reasonable costs of the vegetation removal from the responsible railroad company.
 - (b) The Transportation Cabinet or local government shall notify the responsible railroad company of the amount due for vegetation removal by certified mail.
 - (c) If the railroad company fails to pay the amount demanded within thirty (30) days, the Transportation Cabinet or local government may take appropriate legal action to collect the amount owed.
- (6) A railroad company shall be and remain in compliance with subsection (1) of this

section by January 1, 2029.

- (7) This section shall not alter the duties of a motor vehicle operator at public railroad-highway grade crossings.
- (8) The requirements in this section constitute the sole standards with respect to vegetation, obstructions, and sight distance at public railroad-highway grade crossings unless superseded by federal law or regulation.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 195, sec. 1, effective July 15, 2026.