

1 AN ACT relating to railroad safety.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) The Transportation Cabinet shall establish a state rail safety inspection program.

6 The cabinet may appoint and hire state rail safety inspectors and other personnel  
7 as necessary to carry out the program.

8 (2) The cabinet shall apply to and enter into agreements with the Federal Railroad  
9 Administration to participate in the federal State Safety Participation Program to  
10 train and certify inspectors under 49 U.S.C. secs. 20103, 20105, 20106, and  
11 20113, and 49 C.F.R. pt. 212.

12 (3) A state rail safety inspector may:

13 (a) Inspect mainline track, secondary track, and yard and industry track;

14 (b) Inspect railroad right-of-way, including adjacent or intersecting drainage,  
15 culverts, bridges, overhead structures, and traffic and other public  
16 crossings;

17 (c) Inspect yards and physical plants;

18 (d) Inspect train equipment;

19 (e) Inspect railroad operations;

20 (f) Inspect railroad-highway grade crossings;

21 (g) Inspect railroad signal and train control systems;

22 (h) Review and enforce safety requirements;

23 (i) Review maintenance and repair records; and

24 (j) Review railroad security measures.

25 (4) A state rail safety inspector may perform but is not limited to the duties described  
26 in the federal State Safety Participation Program. An inspector may train, be  
27 certified, and participate in any of the federal State Safety Participation Program

1 disciplines, including:

2 (a) Track, signal, and train control;

3 (b) Motive power and equipment;

4 (c) Operating practices compliance;

5 (d) Hazardous material; and

6 (e) Highway-rail grade crossings.

7 (5) To the extent allowed by the Federal Railroad Administration and authorized by  
8 the cabinet, an inspector may issue citations for violations of administrative  
9 regulations adopted pursuant to this section to ensure railroad employees and  
10 public safety and welfare.

11 (6) The cabinet shall promulgate administrative regulations in accordance with KRS  
12 Chapter 13A to carry out the provisions of this section.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO  
14 READ AS FOLLOWS:

15 (1) The Railroad Transportation Advisory Board is established as an advisory body to  
16 the executive and legislative branches of government on matters pertaining to rail  
17 transportation.

18 (2) The Railroad Transportation Advisory Board shall be composed of seven (7)  
19 members, to be appointed as follows:

20 (a) Four (4) members representing railroads in the Commonwealth, to be  
21 appointed by the Governor from a list of nine (9) nominees, with a list of  
22 three (3) nominees each supplied by:

23 1. The Kentucky Railroad Association;

24 2. A major railroad operating in Kentucky; and

25 3. An organized rail labor organization.

26 In appointing members under subparagraph 1. of this paragraph, the  
27 Governor shall give consideration to including two (2) representatives from

1 railroad management and two (2) representatives from railroad union  
2 labor;

3 (b) Two (2) at-large members who are not employed by a railroad and who  
4 reside in a county or counties where a rail carrier operates, to be appointed  
5 by the Governor from a list of six (6) nominees, with a list of three (3)  
6 nominees each supplied by:

7 1. The Kentucky Association of Counties; and

8 2. The Kentucky League of Cities; and

9 (c) One (1) member of the Transportation Cabinet to be appointed by the  
10 secretary of the Transportation Cabinet.

11 (3) After the initial appointments, members of the Railroad Transportation Advisory  
12 Board shall serve terms of four (4) years. Members shall be eligible to succeed  
13 themselves and shall serve until their successor is appointed.

14 (4) Members of the Railroad Transportation Advisory Board shall not be paid for  
15 their services as board members and shall not be reimbursed for any expenses  
16 involved in attending board meetings.

17 (5) The Railroad Transportation Advisory Board shall elect a chair and a vice chair  
18 from its members who shall serve in those capacities until replaced. A majority of  
19 the board shall constitute a quorum for the purposes of conducting business. The  
20 board shall be subject to the provisions of the Kentucky Open Records Act, KRS  
21 61.870 to 61.884.

22 (6) The Railroad Transportation Advisory Board shall meet biennially, or when  
23 called by the chair, or at the request of the secretary of the Transportation  
24 Cabinet. The board shall receive assistance in carrying out its administrative  
25 functions from the Transportation Cabinet and shall be attached to the  
26 Transportation Cabinet for administrative purposes.

27 (7) The Railroad Transportation Advisory Board shall:

- 1        (a) Advise the Transportation Cabinet, the Governor's Office, and the General  
2            Assembly on matters relating to rail transportation;
- 3        (b) Identify initiatives and priorities to reduce the frequency of blocked  
4            highway rail crossings, improve emergency preparedness and resilience,  
5            and improve rail safety;
- 6        (c) Evaluate the use of technology to detect and address mechanical and other  
7            issues to reduce the risk of derailments, accidents, and other incidents; and
- 8        (d) Assess the Commonwealth's participation in a state rail safety inspection  
9            program.