

**177.120 Department may order elimination of grade crossings or substitution -- Standards to be set by administrative regulations -- Closure of grade crossings.**

- (1) Whenever the department considers it necessary for the public safety, it may order any railroad company owning or operating a railroad in this state, to eliminate any grade crossing or change any existing overhead or underpass structure where any public road crosses the railroad tracks of the company. The department may determine whether a substitute crossing should be established and if so, the location of the crossing to be substituted, and whether it shall pass over or under the railroad tracks or intersect them at grade.
- (2) In accordance with this section, the department shall promulgate administrative regulations by December 1, 1992, that contain standards governing the closure of public grade crossings. In adopting standards, the department shall request and consider written comments from affected local governments and shall consider that the number of redundant and inherently dangerous grade crossings in this state should be reduced and that public safety will be enhanced by reducing the number of redundant and inherently dangerous grade crossings.
- (3) On or before July 1, 1993, and on or before July 1 of each of the next four (4) years, and as necessary thereafter, the department shall compose a list of grade crossings proposed to be closed. The list shall be developed by applying the standards set forth in the administrative regulations adopted under subsection (2) of this section. Grade crossings that are part of an abandonment, closing, or removal shall not be included in the list. The department shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed closures. Either affected party may request a public hearing, and if requested, the department shall hold a public hearing and apply in its determination the information gained at the public hearing and administrative regulations developed under subsection (2) of this section. If after the hearing the department determines that closure is warranted, it may order the crossing closed.
- (4) If a request for a hearing on a particular crossing is not received within thirty (30) days of notice of the opportunity for a public hearing advertised pursuant to the requirements of KRS Chapter 424, the department shall order the crossing closed.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 195, sec. 2, effective July 15, 1994. <sup>â€</sup> Amended 1992 Ky. Acts ch. 229, sec. 6, effective July 14, 1992. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4356z-1, 4356z-10.