

HOUSE BILL No. 2735

By Committee on Transportation

2-10

1 AN ACT concerning property taxation; relating to valuation of federally
2 railbanked rights-of-way.

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

5 Section 1. It shall be the duty of the county, the district appraiser or
6 the director of property valuation to value all property within a federally
7 railbanked right-of-way. The value of the land and improvements shall be
8 entered on the assessment role in a single aggregate, except as hereinafter
9 provided. All interest in and improvements upon the right-of-way shall be
10 assessed taxes as owned by the trail operator from the date of issuance of a
11 notice of interim trail use contemplated by 16 U.S.C. § 1247(d) and 49
12 C.F.R. § 1152.29. The taxing authority shall promptly assess, levy and
13 collect any and all right-of-way taxes directly from the trail operator
14 during any NITU or CITU, extensions therefrom and subsequent to
15 execution of a railbanking agreement between the railroad and the initial
16 trail operator.

17 In the event that a railbanking agreement is not consummated by the
18 railroad and the trail operator securing the NITU or a trail operator vacates
19 a NITU, the railroad shall have 60 days from the date of the expiration of
20 the NITU or CITU to file a notice of consummation of abandonment
21 pursuant to 49 C.F.R. § 1152.29(e) with the STB. If the railroad fails to
22 file the notice, the taxes shall be assessed, levied and collected directly
23 from the railroad from the date of the expiration until full abandonment of
24 the right-of-way or issuance of another NITU or CITU. The initial trail
25 operator shall remain responsible for payment of all taxes after the transfer
26 of its interest to another operator, unless the successor trail operator is
27 authorized by the STB.

28 Sec. 2. This act shall take effect and be in force from and after
29 its publication in the statute book.