

1 H.459

2 Introduced by Representatives Kupersmith of South Burlington, Lenes of

3 Shelburne, and Webb of Shelburne

4 Referred to Committee on

5 Date:

6 Subject: Railroads; grade crossings

7 Statement of purpose of bill as introduced: This bill proposes to require the

8 Secretary of Transportation:

9 (1) to work with the Chittenden County Regional Planning Commission
10 to collect data and produce a map of all railroad grade crossings in Chittenden
11 County;

12 (2) to grant an easement to cross state-owned railroad property to a
13 person who uses the crossing to access property owned by the person; and

14 (3) not to object to a municipality laying out a public highway that
15 crosses state-owned railroad property at grade.

16 An act relating to highway-rail grade crossings

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. RAILROAD CROSSINGS; CHITTENDEN COUNTY DATA AND
3 MAPPING PROJECT

4 The Secretary of Transportation shall work with the Chittenden County
5 Regional Planning Commission to develop a scope of work for, and to
6 complete no later than December 15, 2013, a project to collect data identifying
7 all crossings within Chittenden County of state-owned railroad property at
8 grade by public highways, private roads or driveways, trails, or farm crossings.
9 The project shall include production of a map showing the location of all such
10 crossings overlaid with applicable zoning districts, as well as the locations of
11 properties accessible only by a private road or driveway crossing or a farm
12 crossing.

13 Sec. 2. 5 V.S.A. § 3406 is amended to read:

14 § 3406. SALE OR LEASE OF STATE-OWNED RAILROAD PROPERTY
15 FOR OTHER PURPOSES

16 (a) In connection with state-owned railroad property, the ~~secretary~~
17 Secretary shall have authority to enter into licenses, leases, easements, and
18 sales of personal property, including tracks, structures, and buildings which are
19 to be removed by the purchaser.

1 (b) The ~~secretary~~ Secretary shall have authority, with the approval of the
2 ~~governor~~ Governor, to sell state-owned railroad property subject to the
3 following conditions:

4 (1) the property is located more than 33 feet from the centerline of main
5 line track (or former main line track), and the ~~secretary~~ Secretary determines
6 that the property no longer is needed for railroad operating purposes or for
7 railbanking under section 3408 of this title; and

8 (2)(A) if the appraised value of the property is \$100,000.00 or above,
9 with the prior approval of the ~~general assembly~~ General Assembly of the sale
10 and its terms, or, in the event that the ~~general assembly~~ General Assembly is
11 not in session, with the prior approval of the ~~joint transportation oversight~~
12 ~~committee~~ Joint Transportation Oversight Committee; or

13 (B) if the appraised value of the property is below \$100,000.00,
14 without further approval.

15 (c)(1) Upon request, the Secretary shall:

16 (A) grant an easement conferring a right to cross state-owned rail
17 property to a person who uses the crossing to access property owned by the
18 person. A crossing easement granted under this subdivision shall confer
19 crossing rights to the owner's invitees.

1 (B) not object under 5 V.S.A. § 3566 to the laying out by a
2 municipality of a public highway that crosses state-owned railroad property at
3 grade.

4 (2) The Secretary shall not impose any fees or other charges, whether
5 one-time or periodic, in connection with a request under this subsection; shall
6 not require a property owner or municipality to obtain insurance naming the
7 State or an agency thereof as an additional insured; and shall not require the
8 property owner or municipality to indemnify the State or an agency thereof in
9 connection with claims against the State unless the claim arises from the
10 owner's or municipality's intentional or reckless conduct.

11 (3) The Agency shall be responsible for the following costs associated
12 with crossings under this subsection:

13 (A) installing and maintaining crossing surfaces;

14 (B) construction and maintenance activities required to accommodate
15 the railroad right-of-way; and

16 (C) installing and maintaining any passive or active warning devices.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2013.