

# **Kansas Administrative Regulations**

## **Kansas Corporation Commission**

### **Article 5.—Railroad Safety**

#### **82-5-17. Special provisions.**

(a) Exemptions from any of the requirements contained in these rules shall be considered by the commission upon proper application from a carrier, industry or other interested person. A request for such exemption shall be accompanied by a full statement of the conditions existing, and the reasons for requesting the exemption. Any exemption shall be limited to the particular case covered by the application.

(b) No restricted clearance set out in this article shall apply to false works, shoofly tracks or other temporary emergency conditions caused by derailments, washouts, slides, or other unavoidable disasters.

(c) None of the restricted clearances set out shall apply to ballast, track material, or construction material unloaded on or adjacent to tracks for contemplated use thereon or in the immediate vicinity, nor shall they apply to falseworks or temporary construction necessary on any construction project.

(d) All existing structures, operating appurtenances, pole lines, service facilities, and track arrangements shall be exempt from these regulations except as specifically provided.

(e) No change in track location or elevation shall be made which will reduce existing vertical or horizontal structural clearance below the minimum allowed by these rules, except where tracks are constructed as part of the existing facility, and in such cases the clearance shall conform to existing conditions.

(f) No repair or maintenance work shall be done on structures, facilities or appurtenances adjacent to tracks which will reduce existing vertical or horizontal structural clearance below the minimum allowed by these rules.

(g) Where an existing structure does not provide clearance equal to the minimum set out in K.A.R. 82-5-13 or such other minimum herein specified, the portion of the structure producing the impaired clearance may be repaired and maintained by partial

replacements, which shall in no case reduce the clearance available at the time this order takes effect.

(h) When the owner shall replace in its entirety the portion of a structure which has not previously provided standard clearance, the rebuilt portion must, when complete, provide the full standard clearance unless otherwise ordered by the commission.

(i) Existing tracks of all kinds may be maintained by reballasting, resurfacing and replacing rails and ties subject to the limitations of these rules. Where existing yards are completely replaced or are partially replaced as a unit or section of a master plan, the arrangement must meet the provisions of the rules both as to track centers and clearances to structures and other facilities being built in connection with and as a part of such plan. Existing structures which are to remain and which do not provide the minimum clearance with respect to the proposed new track must be approved by the commission for exemption from the requirements of these rules. Existing tracks having less vertical clearance than that specified by these rules may be maintained but the top of the rail may not be raised without a corresponding raise of the overhead structure to maintain the existing available clearance. Existing tracks having less horizontal clearance between them than is specified for new construction or having less horizontal clearance to structures than is specified by these rules may be maintained but they may not be shifted horizontally to reduce either the existing track centers or the existing structural clearance.

(Authorized by K.S.A. 66-141; effective, E-82-2, Jan. 21, 1981; effective May 1, 1981.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*