

SUBJECT: Repealing obsolete statutes regulating railroads

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Haggerty, Harless, Hill, Macias, Murphy

0 nays

WITNESSES: For — Christopher, Aadnesen, HNTB Corporation; Dennis Kearns, BNSF Railway; Ron Olson, Union Pacific Railroad Texas Railroad Association

Against — None

On — Rich O’Connell, Texas Department of Transportation

BACKGROUND: Vernon’s Texas Civil Statutes (VTCS), Title 112 addresses law regulating railroads.

DIGEST: CSHB 3711 would make nonsubstantive changes to VTCS, Title 112 by repealing a series of statutes to reflect revisions to state laws and federal authority over the regulation of railroads.

A railroad incorporated under VTCS, Title 112 and before the effective date of the bill would not be affected by the repeals and would continue to be governed by the laws involving incorporation of railroads in effect immediately before the effective date.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: CSHB 3711 would clean up the civil statutes without creating any substantive changes to railroad regulation. It no longer is necessary to maintain separate state laws that address railroad corporations. The majority of statutes found in Title 112 were established in the late 19th century or early 20th century and since have been preempted by federal law. The federal Surface Transportation Board has exclusive jurisdiction over the business operations of railroads, and the Federal Railroad Administration has jurisdiction over railroad safety. Additionally, modern

state statutes affecting railroad regulation have been codified in the Transportation Code, including ch. 91 (state railroads), ch. 201 (rail relocation and improvement), ch. 227 (Trans-Texas Corridor), ch. 317 (street crossings), and ch. 471 (railroad and roadway crossings).

OPPONENTS
SAY:

No apparent opposition.