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# Railroad Bills, 2023 General Session

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# Railroad Bills in 2023 General Session:

- [HB 232](#), Railroad Crossing Maintenance Amendments, Rep. Cutler
- [HB 51](#), Railroad Right of Way Amendments, Rep. Snider
- [HB 63](#), Office of Rail Safety, Rep. Schultz
- [SB 61](#), Livestock Collision Amendments, Sen. Owens





# HB 232, Railroad Crossing Amendments

# HB 232, Railroad Crossing Maintenance Amendments

- Effective May 3, 2023
- Established new process for allocation of costs and dispute resolution related to highway-railroad crossings:
  - Repealed some provisions from the Public Utilities Code (Title 54) and enacted similar provisions in the Transportation Code (Title 72)
  - Established oversight of railroad-highway grade crossing construction by the Department of Transportation
  - Established a process to determine cost sharing among highway authorities and railroads
  - Maintained dispute resolution authority in the Public Service Commission





# HB 51, Railroad Right of Way Amendments, Rep. Snider

# HB 51, Railroad Right of Way Amendments, Rep. Snider

- Authorizes the state or political subdivisions of the state to assess a railroad for a portion of the costs of public infrastructure improvements related to railroad right of way
- Limits the use of the funds assessed
- Limits the amount of the assessment, so it is proportionate to the benefit provided to the railroad





HB 63, Office of Rail Safety, Rep.  
Schultz

# HB 63, Office of Rail Safety, Rep. Schultz

- Creates the Office of Rail Safety within the Department of Transportation
- Requires the Office of Rail Safety to perform inspection, compliance, and enforcement duties for:
  - Grade Crossings
  - Hazardous Materials
  - Motive Power and Equipment
  - Operating Practices
  - Signal and Train Control
  - Track





# HB 63, Office of Rail Safety, Rep. Schultz

- Requires the Office of Rail Safety to employ inspectors certified in each of the areas mentioned, and those inspectors are required to ensure each railroad is in compliance with state and federal law
- The Office of Rail Safety is also required to:
  - investigate the length of time a railroad blocks a highway-railroad grade crossing
  - examine and inspect the condition of railroad facilities and equipment



# HB 63, Office of Rail Safety, Rep. Schultz

- In instances where a railroad is found to be noncompliant, the bill provides procedures to ensure that the noncompliance or violation is remedied:
  - Notice of the noncompliance is sent to the railroad
  - The railroad has 30 days to cure
- If the railroad fails to cure, and administrative hearing is set



# HB 63, Office of Rail Safety, Rep. Schultz

- If the administrative hearing results in a determination that the railroad is still noncompliant, depending on the type of violation, the Office of Rail Safety can:
  - Request an enforcement action through the Federal Railroad Administration and the Surface Transportation Board
  - Issue an order:
    - prohibiting the unlawful practice, or a prohibition on the use of the facility in question; and
    - imposing civil penalties



# HB 63, Office of Rail Safety, Rep. Schultz

- The Office of Rail Safety will annually establish an administrative fee to be paid by each railroad on a pro rata basis
- The amount of each fee is determined based on the type of inspection or enforcement, as well as the expected volume of work necessary
- The administrative fees are then paid by each railroad, and deposited into the Office of Rail Safety Account, which is an expendable special revenue fund



# HB 63, Office of Rail Safety, Rep. Schultz

- HB 63 grants rulemaking authority to the Department of Transportation to establish safety standards related to:
  - walkways next to railroad track
  - obstructions near railroad track
  - the safety inspection personnel
  - railroad infrastructure and work spaces
  - safety signage
  - other safety standards





# SB 51, Livestock Collision Amendments, Sen. Owens

# SB 51, Livestock Collision Amendments, Sen. Owens

- Requires each railroad to erect and maintain fencing along each side of railroad right of way owned or operated by the railroad that passes through:
  - privately-owned land
  - public land upon which livestock grazing occurs
- Clarifies that a railroad is liable for damages to livestock caused by railroad operations



# SB 51, Livestock Collision Amendments, Sen. Owens

- Requires a railroad to report the strike of livestock by a railroad operation, and provides for a civil penalty for failure to report
- Provides a process, to be administered by the Department of Agriculture and Food, for a livestock owner to file a claim for damage for livestock by a railroad
  - The process includes an appeal process, if requested, to determine the fair market value of livestock





# SB 51, Livestock Collision Amendments, Sen. Owens

- Requires each railroad to pay an up-front deposit into the Railroad Livestock Damage Fund, based on the mileage of track in the state owned or operated by the railroad
- Once the fund has been capitalized, livestock owners can make a claim to the Department of Agriculture and Food for damages to livestock caused by a railroad
- The Department of Agriculture and Food will establish the estimated fair market value for livestock through rulemaking
- The Department of Agriculture and Food will pay the livestock owner from the Fund, and then require payment to the Fund from the railroad that caused the damage



# Questions?



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