

Amend CSHB 3588 by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES appropriately:

ARTICLE __. TRANSFER OF POWER AND AUTHORITY OVER RAILROADS

SECTION __.01. Article 6445, Revised Statutes, is amended to read as follows:

Art. 6445. POWER AND AUTHORITY. (a) Power and authority are hereby conferred upon the Texas Department of Transportation [~~Railroad Commission of Texas~~] over all railroads, and suburban, belt and terminal railroads, and over all public wharves, docks, piers, elevators, warehouses, sheds, tracks and other property used in connection therewith in this State, and over all persons, associations and corporations, private or municipal, owning or operating such railroad, wharf, dock, pier, elevator, warehouse, shed, track or other property to fix, and it is hereby made the duty of the said department [~~Commission~~] to adopt all necessary rates, charges and regulations, to govern and regulate such railroads, persons, associations and corporations, and to correct abuses and prevent unjust discrimination in the rates, charges and tolls of such railroads, persons, associations and corporations, and to fix division of rates, charges and regulations between railroads and other utilities and common carriers where a division is proper and correct, and to prevent any and all other abuses in the conduct of their business and to do and perform such other duties and details in connection therewith as may be provided by law.

(b) All powers and duties of the Railroad Commission of Texas that relate to railroads are transferred to the Texas Department of Transportation.

(c) All personnel, property, assets, contracts, and obligations of the Railroad Commission of Texas, including funds appropriated by the legislature, that relate to railroads are transferred to the Texas Department of Transportation. The validity of a prior action of the commission that relates to railroads is not affected by the transfer.

(d) All rules and forms of the Railroad Commission of Texas that relate to railroads remain in effect as rules or forms of the Texas Department of Transportation until amended or repealed by the

department.

(e) A reference in law to the Railroad Commission of Texas that relates to railroads means the Texas Department of Transportation.

(f) A complaint, investigation, or contested case pending before the Railroad Commission of Texas that is related to railroads is transferred without change in status to the Texas Department of Transportation.

SECTION __.02. (a) On September 1, 2003, the Texas Department of Transportation replaces the Railroad Commission of Texas as the governmental entity with power and authority over railroads.

(b) Before September 1, 2003, the Texas Department of Transportation shall determine:

(1) which actions of the Railroad Commission of Texas relate to the commission's power and authority over railroads;

(2) which property of the Railroad Commission of Texas relates to the commission's power and authority over railroads;

(3) which employees of the Railroad Commission of Texas primarily perform duties that relate to railroads and whether an employee who performs duties that relate to railroads:

(A) shall become an employee of the Texas Department of Transportation;

(B) must reapply with the Texas Department of Transportation for a comparable employment position; or

(C) shall be terminated; and

(4) which funds and obligations of the Railroad Commission of Texas relate to the commission's power and authority over railroads.