

By: West

H.B. No. 1816

A BILL TO BE ENTITLED

AN ACT

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relating to the transfer of powers and duties over railroads from the Railroad Commission of Texas to the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective October 1, 2005, 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

1 their business and to do and perform such other duties and details
2 in connection therewith as may be provided by law.

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

6 (c) A reference in law to the Railroad Commission of Texas
7 that relates to railroads and the regulation of railroads means the
8 Texas Department of Transportation.

9 SECTION 2. (a) On October 1, 2005:

10 (1) all powers, duties, obligations, rights,
11 contracts, leases, records, assets, property, funds, and
12 appropriations of the Railroad Commission of Texas that relate
13 primarily to railroads and the regulation of railroads are
14 transferred to the Texas Department of Transportation;

15 (2) all rules, policies, forms, procedures, and
16 decisions of the Railroad Commission of Texas that relate primarily
17 to railroads and the regulation of railroads are continued in
18 effect as rules, policies, forms, procedures, and decisions of the
19 Texas Department of Transportation, until superseded by a rule or
20 other appropriate action of the Texas Department of Transportation;
21 and

22 (3) any investigation, complaint, action, contested
23 case, or other proceeding involving the Railroad Commission of
24 Texas that relates primarily to railroads and the regulation of
25 railroads is transferred without change in status to the Texas
26 Department of Transportation, and the Texas Department of
27 Transportation assumes, without a change in status, the position of

1 the Railroad Commission of Texas in any investigation, complaint,
2 action, contested case, or other proceeding that relates primarily
3 to railroads and the regulation of railroads involving the Railroad
4 Commission of Texas.

5 (b) The transfer of the powers and duties of the Railroad
6 Commission of Texas that relate primarily to railroads and the
7 regulation of railroads to the Texas Department of Transportation
8 does not affect the validity of a right, privilege, or obligation
9 accrued, a contract or acquisition made, any liability incurred, a
10 permit or license issued, a penalty, forfeiture, or punishment
11 assessed, a rule adopted, a proceeding, investigation, or remedy
12 begun, a decision made, or other action taken by or in connection
13 with the Railroad Commission of Texas.

14 SECTION 3. (a) As soon as possible after the effective date
15 of this Act but before October 1, 2005, the Railroad Commission of
16 Texas shall determine and report to the Texas Department of
17 Transportation on:

18 (1) which obligations, contracts, records, assets,
19 and property of the Railroad Commission of Texas relate primarily
20 to railroads and the regulation of railroads; and

21 (2) which employees of the Railroad Commission of
22 Texas perform duties that relate primarily to railroads and the
23 regulation of railroads.

24 (b) After the Texas Department of Transportation receives
25 the report required under Subsection (a) of this section, the Texas
26 Department of Transportation shall determine before October 1,
27 2005, whether an employee of the Railroad Commission of Texas that

1 performs duties primarily related to railroads and the regulation
2 of railroads shall:

3 (1) become an employee of the department;

4 (2) be required to reapply for an employment position
5 with the department; or

6 (3) be terminated.

7 SECTION 4. Except as provided by Section 1 of this Act, this
8 Act takes effect immediately if it receives a vote of two-thirds of
9 all the members elected to each house, as provided by Section 39,
10 Article III, Texas Constitution. If this Act does not receive the
11 vote necessary for immediate effect, this Act takes effect
12 September 1, 2005.