

HB 1652 -- UTILITY ACCESS TO RAILROAD RIGHT-OF-WAYS

SPONSOR: Funderburk

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Utilities by a vote of 21 to 0.

This bill reenacts provisions of HB 331 and HB 345 that were passed in 2013 that are currently subject to a circuit court injunction regarding a public utility's access to a railroad right-of-way.

Currently, a railroad or railroad corporation can only reject a public utility's proposed crossing if special circumstances exist. If a land management company and a utility cannot agree that special circumstances exist, the dispute must be to binding arbitration in accordance with the commercial rules of arbitration in the American Arbitration Association. The bill allows the arbitration to also be conducted as agreed to by the parties.

The provisions cannot override or nullify the condemnation laws of this state or confer the power of eminent domain on any entity that has not been granted the power prior to August 28, 2014.

These provisions apply only to a crossing commenced after August 28, 2014, and to a crossing commenced before August 28, 2014, if the existing agreement has terminated or expired for the crossing.

PROPONENTS: Supporters say that the bill is needed because this portion of right-of-way management is relatively uncontroversial and agreed upon by most stakeholders.

Testifying for the bill were Representative Funderburk; Missouri Telecommunications Industry Association; Centurylink; and AT&T.

OPPONENTS: There was no opposition voiced to the committee.