



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1318		DATE: 3/25/2025	
COMMITTEE: Transportation			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C."HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/25/2025 11:59 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			
I am in Support of this Bill			



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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: STEVEN E. WEIBLE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: atnhayseed@outlook.com	ATTENDANCE: Written		SUBMIT DATE: 3/21/2025 2:38 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Ladies and Gentlemen of the Committee – Thank you for this opportunity to offer written testimony on HB 1318. I oppose this bill. (1) First of all, is it appropriate for a state agency to use public funds to survey private property for the benefit of private persons or entities? Railroads are private entities and their rights-of-way are privately held. When a railroad right-of-way is abandoned, the property interest is either eliminated, as would be the case with an easement, or sold, when the original acquisition was in fee simple, or perhaps simply abandoned for someone else to claim. Thus, an abandonment results in the transfer of the property interest from one private owner to another private owner, unless the property interest is acquired by a government entity. How is it appropriate to require a state agency to survey private property for the benefit of a private owner? (2) Next, the additional duties proposed by HB 1318 are an unfunded mandate. The State Land Survey is funded by a \$1 user fee, established in 1969 and collected by recorders of deeds (Section 59.319-3(1)). This fee has not changed since 1969, while costs have risen considerably since then and continue to rise. There were 25 staff members in 2000 (not counting the three positions funded by state parks), but that number has diminished to 12 in 2025. More duties were added in 2012, as well, but no additional funding was provided then either. How can an already underfunded agency with diminishing staff levels be expected to do more and more work without additional funding? You can add the extra duties, but if funding is inadequate to address the current work load, it is unlikely that the extra duties will receive much attention. (3) Further, HB 1318 does nothing toward providing the documentation to perform the additional duties. To do this work, it is absolutely necessary to have access to the right-of-way plans and other documentation that define the geometry and alignment of the right-of-way. Assuming this proposal is intended to be forward looking as well as backward looking, there needs to be some requirement to provide the needed documentation to the State Land Survey so that the work can be done. (4) Also, it would appear that this proposal is directed at railroad rights-of-way that have already been abandoned. That means all of those abandoned rights-of-way will have to be identified and records tracked down. This is a tremendous undertaking. If you want it done, provide the resources to do it! I estimate that dedicating one professional land surveyor and one technician full time to restoring and monumenting the centerline geometry of all railroad rights-of-way that have been abandoned in the state of Missouri will cost more than \$250,000 per year for many years with appropriate upward adjustments to this cost each year. (5) Please, note that railroad rights-of-way that have been converted to “interim trail use” are not regarded as having been abandoned. Since this proposal only mentions abandoned rights-of-way, it would not apply to any rights-of-way that have been converted to “interim trail use.” Besides, rights-of-way converted to “interim trail use” are transferred to the trail sponsor, who should be responsible for any surveys needed on the property they hold. How is it appropriate to require a state agency to survey what belongs to some other entity? (6) Please, also note that, as worded, HB 1318 technically won’t apply to any rights-of-way within the state of Missouri, because neither the Surface

Transportation Board nor the Interstate Commerce Commission abandon railroad rights-of-way. Railroad rights-of-way are abandoned by the railroad operators and not by the agencies that regulate them. The Interstate Commerce Commission (ICC) was created in 1887 and had a wide range of regulatory authority over railroads and other forms of interstate transportation. It was abolished in December 1995. The Surface Transportation Board (STB) is the federal agency that is charged with the economic regulation of various modes of surface transportation, primarily freight rail. The agency has jurisdiction over railroad rate, practice, and service issues and rail restructuring transactions, including mergers, line sales, line construction, and line abandonments. The STB also has jurisdiction over certain passenger rail matters, the intercity bus industry, non-energy pipelines, household goods carriers' tariffs, and rate regulation of non-contiguous domestic water transportation. The STB was created on January 1, 1996. The ICC was and the STB is a regulatory agency. Neither own or operate railroads and, therefore, do not abandon railroad rights-of-way. In an abandonment proceeding the STB ensures that proper notice to rail users has been given, that any opposition to abandonment is addressed, that any offers of financial assistance have been considered, and that environmental, historic preservation or any other concerns are appropriately addressed before abandonment is consummated by the railroad operator. *** I oppose HB 1318, believing it to be entirely inappropriate. I, therefore, urge this Committee to kill HB 1318.