

SUBJECT: Amending the fund wherein rail fees are deposited

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Canales, Raney, Davis, Gamez, Harris, Lozano, Lujan, Ordaz,  
Patterson, Perez, Romero

0 nays

2 absent — Ashby, Landgraf

WITNESSES: For — (*Registered, but did not testify*: Steven Albright, Associated General Contractors of Texas- Highway Heavy Utility and Industrial Branch; Lindsay Mullins, BNSF Railway; Gary Pedigo, Brotherhood of Locomotive Engineers and Trainmen; Myra Leo, Kansas City Southern; Kamron Saunders, SMART-TD; Mackenna Wehmeyer, Texas Rail Advocates; Dennis Kearns, Texas Railroad Association; Matt Matthews, Texas Short Line and Regional Railway Association; Richard Zientek, Union Pacific)

Against — (*Registered, but did not testify*: Bill Kelly, Mayor's Office, City of Houston)

On — (*Registered, but did not testify*: Stephen Stewart, TxDOT)

BACKGROUND: Transportation Code Sec 111.101 requires the Department of Transportation (TxDOT) to adopt fees against railroads operating within the state. Any fees collected under this statute are required to be deposited into the general revenue fund to be used for the rail safety program.

DIGEST: HB 4015 would require any fee collected under Transportation Code Sec. 111.101 to be deposited into the state highway fund and be used only for the rail safety program.

The bill would take effect September 1, 2023

**SUPPORTERS  
SAY:**

HB 4015 would ensure fees collected by TxDOT were used for rail safety. Currently, fees that TxDOT collects from Texas railroads are deposited into the general revenue fund, often making them difficult to access as the fund is competitive and has certain statutory, constitutional, and policy limits. Because most of TxDOT's general revenue funds consist of these rail fees, agency budget cuts often cause funds intended to be used for rail safety to be diverted away from the program. Putting these fees in a separate account and clarifying that they may only be used for the purpose of rail safety would help to ensure that the rail safety program stayed funded and state railroads stayed safe and operable.

**CRITICS  
SAY:**

No concerns identified.