

SUBJECT: Prohibiting a railway company from obstructing traffic for a certain period

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Craddick, M. Perez, Canales, Curry, Gámez, Harris Davila, Hefner, LaHood, C. Morales, E. Morales, Patterson, Paul

0 nays

1 absent — Little

WITNESSES: For — (*Registered, but did not testify*: Ben Wright, Brotherhood of Locomotive Engineers and Trainmen; Alexa Aragonéz, City of Houston; Spencer Gutierrez, City of Sugar Land; Leonard Aguilar, Texas AFL-CIO; Monty Wynn, Texas Municipal League)

Against — Kevin Baldwin, BNSF Railway Company (*Registered, but did not testify*: Dennis Kearns, Texas Railroad Association; Steven Deline)

On — (*Registered, but did not testify*: Maya Grevet, Harris County Commissioners Court)

BACKGROUND: Concerns have been raised that obstructed railroad crossings in both rural and urban areas have caused issues, with long freight trains often stopping for extended periods, which can cause traffic congestion, delay emergency services, and hinder access to hospitals, fire stations, and schools.

DIGEST: HB 4207 would prohibit a train of a railway company from obstructing a street, railroad crossing, or public highway for 30 minutes or more. A railway company that committed a violation would be liable for a civil penalty not exceeding \$10,000 for each hour the violation continued. The bill would establish a defense to liability for a violation due to an act of God or a train breakdown.

A county in which such a violation occurred would have to issue a written notice of violation to the railway company. The bill would authorize an

appropriate district or county attorney to bring an action on behalf of the state to collect the civil penalty and deposit it in the state treasury to the credit of the general revenue fund.

A railway company that violated the bill would be liable to an individual harmed by a delay of emergency services caused by the violation. The bill would require a court to award a claimant who prevailed in an action brought under the bill actual damages, court costs, and reasonable attorney's fees incurred in bringing the action.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined because the number of violations that could occur and dollar amount of civil penalties that could be collected under the bill would be unknown.