

SB 652 -- RAILROAD RIGHT OF WAYS

SPONSOR: Lager (Funderburk)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Utilities by a vote of 18 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 submitted to binding arbitration. Either party may give written notice to the other party of the commencement of a binding arbitration in accordance with the commercial rules of arbitration in the American Arbitration Association or as agreed to by the parties.

The provisions will not 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 will prevent land management companies from engaging in extortion by requiring huge fees to allow cable placement along railroad right-of-ways.

Testifying for the bill were AT&T; Century Link; Google; Missouri Telecommunications Industry Association; Missouri Cable Telecommunications Association; and Verizon.

OPPONENTS: There was no opposition voiced to the committee.