

# Bill as Introduced

HB 162 - AS INTRODUCED

2013 SESSION

13-0584

06/04

HOUSE BILL           **162**

AN ACT               relative to the scope of the New Hampshire rail transit authority.

SPONSORS:          Rep. Suzanne Smith, Graf 8; Rep. Cooney, Graf 8

COMMITTEE:         Transportation

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ANALYSIS

This bill expands the scope of the New Hampshire rail transit authority to include freight.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears [~~in brackets and struck through~~].  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to the scope of the New Hampshire rail transit authority.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1       1 New Hampshire Rail Transit Authority; Definitions; "Railroad." Amend RSA 238-A:1, VII to  
2 read as follows:
- 3           VII. "Railroad" means any person, railroad corporation, or other legal entity in the business  
4 of providing rail transportation which contracts with the authority for the provision of passenger  
5 **and freight** rail services.
- 6       2 Authority Established. Amend RSA 238-A:2 to read as follows:
- 7       238-A:2 Authority Established. There is hereby established the New Hampshire rail transit  
8 authority for the general purpose of developing and providing commuter rail or other similar forms of  
9 passenger **and freight** rail service. The authority shall be an administratively attached agency,  
10 pursuant to RSA 21-G:10, to the department of transportation.
- 11       3 Duties of the Authority. Amend the introductory paragraph of RSA 238-A:3 to read as follows:
- 12       238-A:3 Duties. The authority and the department of transportation shall allocate their  
13 respective responsibilities for passenger **and freight** rail service in a memorandum of  
14 understanding. The authority shall take all actions that are reasonably necessary to establish  
15 regularly scheduled commuter rail or other similar forms of passenger **and freight** rail service  
16 between points within the state of New Hampshire and points within and adjacent to the state of  
17 New Hampshire. These actions may include, but are not limited to:
- 18       4 Service Area for the Authority. Amend RSA 238-A:5, I and II to read as follows:
- 19       238-A:5 Service Area of the Authority.
- 20           I. The service area of the authority shall include any town or city in the state of  
21 New Hampshire through which commuter rail or other similar forms of passenger **and freight** rail  
22 service operates or may operate.
- 23           II. The board of directors shall determine when to expand the service area of the authority.  
24 Upon approval of a resolution to expand the service area of the authority, after a properly noticed  
25 public hearing, the board of directors shall notify eligible cities, towns, or regional planning  
26 commissions of the determination to expand the service area of the authority. A city, town, or regional  
27 planning commission may petition the authority to support the development and establishment of  
28 commuter rail and related public transportation **and freight** services within its jurisdiction. The  
29 board of directors shall have sole discretion to accept or reject any such petition. When considering an  
30 expansion of the service area of the authority the board of directors shall consider support for the  
31 proposed passenger **and freight** or commuter rail project by affected towns, cities, and regional  
32 planning commissions, and the completion of an alternatives analysis or major investment study.

1           5 Powers of the Authority. Amend RSA 238-A:8, X to read as follows:

2           X. Lease the passenger *and freight* rail system or part thereof, or contract for the use of the  
3 passenger *and freight* rail system or any part thereof with any operator as may be required for  
4 operation of the passenger *and freight* rail service.

5           6 Powers of the Authority. Amend RSA 238-A:8, XII(c) to read as follows:

6           (c) From general revenues of the authority. Any such bond may be additionally secured  
7 by mortgage of the passenger *and freight* rail system or any part thereof constituting real or  
8 personal property of the authority.

9           7 Powers of the Authority. Amend RSA 238-A:8, XIV and XV to read as follows:

10           XIV. Enter into agreements, contracts, and compacts with any government agency, Pan Am  
11 Railways, Massachusetts Bay Transportation Authority, and any other person or entity, public or  
12 private, as may be required to develop, establish, and provide passenger *and freight* rail  
13 transportation services, including but not limited to property owners and developers of property  
14 adjacent to or incidental to the railroad lines and related facilities.

15           XV. In conjunction with the Massachusetts Bay Transportation Authority or any other  
16 government agency with a vested interest in such matters, fix equitable fares or charges and other  
17 rules and regulations for passenger *and freight* rail services developed or established in whole or in  
18 part by the authority.

19           8 Funding. Amend RSA 238-A:9, II through IV to read as follows:

20           II. The authority shall seek and use funds to extend regularly scheduled commuter rail or  
21 other similar forms of passenger *and freight* rail service, to the extent practicable, to other points  
22 within the state of New Hampshire.

23           III. The authority shall seek and expend funds as necessary to coordinate with other  
24 government agencies providing public transportation services that support or complement regularly  
25 scheduled commuter or other form of passenger *and freight* rail service identified in paragraphs I  
26 and II.

27           IV. The authority shall use any revenues it receives from the operation of the passenger *and*  
28 *freight* rail service and any ancillary support facilities and services established under this chapter,  
29 including fares, fees, rents, royalties, and other revenues, to pay the operational expenses of that  
30 service. The authority shall seek and use funds necessary to pay all operational expenses of its  
31 passenger *and freight* rail service that are not met by fares and other authority funds or revenues.  
32 For the purposes of this section, "operational expenses" include, but are not limited to, all ongoing  
33 capital expenses necessary to maintain the passenger *and freight* rail service.

34           9 Funding. Amend RSA 238-A:9, VII and VIII to read as follows:

35           VII. The authority shall use its best efforts to ensure that fares *and charges* for passenger  
36 *and freight* rail service established under this chapter be set at reasonable levels to encourage use  
37 of this service.

1 VIII. The authority shall obtain all additional funds, through borrowing, revenues, or other  
2 means, necessary to satisfy operating deficits arising from expenses, including capital expenditures,  
3 necessary to ensure the continuation of passenger *and freight* rail service established pursuant to  
4 this chapter.

5 10 Liability Policy for Passenger Service. Amend the introductory paragraph of RSA 238-A:18, I  
6 and II to read as follows:

7 I. Agreements for the provision of passenger *and freight* rail service shall provide for  
8 securing and maintaining a liability insurance policy covering the liability of the railroad for  
9 property damage, personal injury, bodily injury, and death arising out of such rail service. Such  
10 policy shall:

11 II. In no event shall the railroad be liable in excess of the coverage limits of such insurance  
12 policy for any claim for damage, whether compensatory or punitive, for property damage, personal  
13 injury, and death arising out of such passenger *and freight* rail service.

14 11 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 162

**BILL TITLE:** relative to the scope of the New Hampshire rail transit authority.

**DATE:** January 22, 2013

**LOB ROOM:** 203      **Time Public Hearing Called to Order:** 1:15 p.m.

**Time Adjourned:** 1:21 p.m.

(please circle if present)

**Committee Members:** Reps. Bouchard, M. O'Brien, Rhodes, Johnson, Patten, Soucy, C. Williams, LaPlante, Burtis, O'Flaherty, Sykes, Packard, Crawford, Hike, Hinck, Straight, T. Walsh, Steven Smith, Chirichiello and Hodgdon

**Bill Sponsors:** Rep. Suzanne Smith, Graf. 8; Rep. Cooney, Graf. 8

TESTIMONY

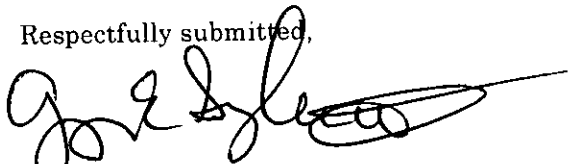
\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Suzanne Smith**, as prime sponsor of the bill. She is suggesting that the timing is not the best possible timing, and she suggests that the Committee vote to ITL the bill.

**Mr. Thomas Mahon**, NH Rail Transportation Authority - There are portions of the bill which are covered under Federal Authority, some concerns, and therefore they suggest the bill is not ready, and that the bill is untimely.

**Mr. Rob Clifford**, Pan Am - Did not speak, but indicated by card that he is opposed to the bill.

Respectfully submitted,



Rep. George E. Sykes, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 162

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**Time Adjourned:**

(please circle if present)

Committee Members: Reps. Bouchard, M. O'Brien, Rhodes, Johnsen, Patten, Soucy, C. Williams, LaPlante, Burtis, O'Flaherty, Sykes, Packard, Crawford, Hikel, Hinch, Straight, T. Walsh, Steven Smith, Chirichiello and Hodgdon.

Bill Sponsors: Rep. Suzanne Smith, Graf 8; Rep. Cooney, Graf 8

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**HOUSE COMMITTEE ON TRANSPORTATION**

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(members present)

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**Bill Sponsors:** Rep. Suzanne Smith, Graf 8 ; Rep. Cooney, Graf 8 .

**TESTIMONY**

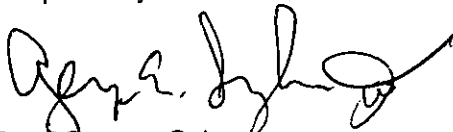
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**Rep Suzanne Smith**, prime sponsor. She is suggesting that the timing is not the best, and she suggests that the Committee vote to ITL the bill.

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**Mr. Rob Clifford**, Pan Am did not speak, but indicated by card that he is opposed to the bill.

Respectfully submitted,



Rep. George Sykes,  
Clerk

# Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 162

**BILL TITLE:** relative to the scope of the New Hampshire rail transit authority.

**DATE:** January 29, 2013

**LOB ROOM:** 203

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hikel

Seconded by Rep. Hinch

Vote: 14-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.


Vote: 14-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: Yes**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. George E. Sykes, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 162

BILL TITLE: relative to the scope of the New Hampshire rail transit authority.

DATE:

LOB ROOM: 203

Amendments:

Sponsor: Rep. *[Signature]* OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Hikel*  
Seconded by Rep. *Huckle*  
Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

*14 KB-0*

CONSENT CALENDAR VOTE: *yes*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. George E. Sykes, Clerk

Requested for consent  
no objection



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 10:53:00 AM  
Roll Call Committee Registers  
Report

2013 SESSION

TRANSPORTATION

Bill #: HB 162

Title: relative to the scope of N.H. rail  
travel authority.

PH Date: 1/10/13

Exec Session Date: 1/10/13

Motion: PTL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
O'Brien, Michael B, V Chairman	✓	
Rhodes, Brian D		
LaPlante, Roland H		
Soucy, Timothy A		
Williams, Carol A		
Johnsen, Gladys		
Patten, Dick W	✓	
Burtis, Elizabeth B	✓	
O'Flaherty, Tim		
Sykes, George E, Clerk	✓	
Packard, Sherman A,	✓	
Hikel, John A,	✓	
Hinch, Richard W,	✓	
Chirichiello, Brian K	✓	
Smith, Steven D	✓	
Crawford, Karel A	✓	
Hodgdon, Bruce E	✓	
Straight, Philip N	✓	
Walsh, Thomas C	✓	
<b>TOTAL VOTE:</b>		

14 YB



# Committee Report

# CONSENT CALENDAR

January 30, 2013

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB162,

AN ACT relative to the scope of the New Hampshire rail transit authority. Having considered the same, report the same with the following Resolution: **RESOLVED,**  
That it is **INEXPEDIENT TO LEGISLATE.**

Rep. John A Hikel

FOR THE COMMITTEE

## COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB162
Title:	relative to the scope of the New Hampshire rail transit authority.
Date:	January 30, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

The sponsor and the chair of the New Hampshire Rail Transit Authority asked the committee to ITL because it is premature at this time.

Vote 14-0.

Rep. John A Hikel  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### TRANSPORTATION

**HB162**, relative to the scope of the New Hampshire rail transit authority. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Hikel for TRANSPORTATION. The sponsor and the chair of the New Hampshire Rail Transit Authority asked the committee to ITL because it is premature at this time. **Vote 14-0.**

Original: House Clerk  
Cc: Committee Bill File

Blurb

HB 162 relative to the scope of the New Hampshire rail transit authority.

ITL 13-1 14-0 CC

The sponsor and the chair of the New Hampshire Rail Transit Authority asked the committee to ITL because it is premature at this time.

Rep. John Hikel,  
For the committee

*John Hikel*  
1/29/2013

# COMMITTEE REPORT

COMMITTEE: Transportation

BILL NUMBER: HB 122

TITLE: relative to the scope of the IAH  
and transit authority.

DATE: 1/29/2013 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

*The* Sponsor asked committee to ITR  
because it ~~was~~ is premature at  
this time

and the chair of the IAH Rail Authority <sup>Trans.</sup>

*Quinn*  
*1/29/2013*

COMMITTEE VOTE: 14-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. *John Luke*  
For the Committee