

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

ANALYSIS

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

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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
27 regional planning commission may petition the authority to support the development and
28 establishment of commuter rail and related public transportation **and freight** services within its
29 jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition.

30 When considering an expansion of the service area of the authority the board of directors shall
31 consider support for the proposed passenger **and freight** or commuter rail project by affected towns,

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1 cities, and regional planning commissions, and the completion of an alternatives analysis or major
2 investment study.

3 5 Powers of the Authority. Amend RSA 238-A:8, X to read as follows:

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

7 6 Powers of the Authority. Amend RSA 238-A:8, XII(c) to read as follows:

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

11 7 Powers of the Authority. Amend RSA 238-A:8, XIV and XV to read as follows:

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

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

21 8 Funding. Amend RSA 238-A:9, II through IV to read as follows:

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

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

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

36 9 Funding. Amend RSA 238-A:9, VII and VIII to read as follows:

37 VII. The authority shall use its best efforts to ensure that fares **and charges** for passenger

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1 ***and freight*** rail service established under this chapter be set at reasonable levels to encourage use
2 of this service.

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

7 10 Liability Policy for Passenger Service. Amend the introductory paragraph of RSA 238-A:18, I
8 and II to read as follows:

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

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

16 11 Effective Date. This act shall take effect 60 days after its passage.