

PRESENTED AT

The University of Texas School of Law
19th Annual Advanced Texas Administrative Law Seminar

September 17-18, 2024
Austin, TX

Railroad Commission of Texas Hearing Procedures

William “Bill” B. Hayenga, II

Author Contact Information:
William “Bill” B. Hayenga, II
McElory, Sullivan, Miller
& Weber, LLP
Austin, TX

bhayenga@msmtx.com
512.327.8111

I. Agency Overview

The Railroad Commission of Texas was established under the Texas Constitution and state statutes in 1891. *See, e.g.*, Tex. Const. art. X, §§ 1–9 (amended or repealed 1969). The agency’s original purpose was to regulate and establish reasonable tariffs on railroads in Texas. *Id.* In 1919, the Commission was granted jurisdiction to regulate the oil and gas industry under the 1919 Oil and Gas Conservation Law. *See* Act of Mar. 31, 1919, 36th Leg., R.S., ch. 155, 1919 Tex. Gen. Laws 295.

The Commission’s mission statement is to “serve Texas by our stewardship of natural resources and the environment, our concern for personal and community safety, and our support of enhanced development and economic vitality for the benefit of Texans.” *See* TEX. R.R. COMM’N, <https://www.rrc.texas.gov> (last visited Aug. 13, 2024). The Commission is also charged with protecting the environment, preventing waste of the State’s natural resources, and protecting the correlative rights.

A. Commissioners

The Texas Administrative Code defines the Commission as the agency “acting through a majority of the Commissioners or through a Commission employee to whom the Commissioners have delegated authority.” *See* 16 Tex. Admin. Code § 1.2(6). The Commission consists of three Commissioners who are elected in statewide elections or, in the case of a vacancy, appointed by the Governor. *See Commissioners*, TEX. R.R. COMM’N, <https://www.rrc.texas.gov/about-us/commissioners/> (last visited August 10, 2024).

Commissioners serve six-year, staggered terms, with one Commissioner position up for election every two years. Tex. Const. art. XVI, § 30(b). The Chairman is selected by

a majority of the Commissioners during an open meeting, with notice of the meeting posted on the Commission's open meeting agenda. Tex. Nat. Res. Code § 81.01002. The current Commissioners are Christi Craddick, Wayne Christian, and Jim Wright, with Christi Craddick serving as the Chairman. *See R.R. Comm'n Past through Present*, TEX. R.R. COMM'N, <https://www.rrc.texas.gov/about-us/commissioners/commissioner-list/> (last visited Aug. 7, 2024).

Chairman Craddick's seat is up for election on November 5, 2024. Chairman Craddick won the Republican primary in March 2024, defeating four challengers. Katherine Culbert won the Democratic primary against Bill Burch. Additional candidates up for election in November 2024 include Eddie Espinoza (Green Party) and Lynn Dunlap (Libertarian Party). All four candidates—Craddick, Culbert, Espinoza, and Dunlap—will be on the general election ballot on November 5, 2024.

B. Jurisdiction

Despite its name, the Commission does not currently have jurisdiction over the State's railroads. Jurisdiction over railroads was delegated to the Texas Department of Transportation in 2005. *See, e.g.*, Act of May 25, 2005, 79th Leg., R.S., ch. 281, § 2.05, 2005 Tex. Gen. Laws 778, 820.

The Commission has jurisdiction over many of the energy resources and related industries in Texas, such as oil and gas, natural gas pipelines, gas utilities, surface mining, and geothermal energy. *See Overview of RRC Jurisdiction*, TEX. R.R. COMM'N, <https://www.rrc.texas.gov/about-us/overview-of-jurisdiction> (last visited Aug. 10, 2024).

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Railroad Commission of Texas Hearing Procedures

Also available as part of the eCourse

[2024 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
19th Annual Advanced Texas Administrative Law Seminar session
"Agency Hearing Processes"