

Mike Lennen: Good morning. I'm Mike Lennen, a member of the Kansas Oral History Project Board of Directors. Today is April 9, 2025. We are here to interview Patrick Hubbell. Patrick is a principal at Pat Hubbell Associates, and that organization is a prominent and longstanding governmental relations firm in Kansas. Our videographer is former State Representative David Heinemann, also a Kansas Oral History Project board member, and we're conducting this interview at an office located directly across the street from the State House here in Topeka.

At the outset, I should indicate, Pat, my first governmental interaction that I recall with you occurred in either late 1979 or early 1980, and that was at a time when the state was dealing with the property tax requirements for railroads that had been adopted in comprehensive federal legislation. The legislation was referred to, as you know, as the 4R Act, to be precise, the Railroad Revitalization Regulatory Reform Act. I was working with the Revenue Departmentⁱ, and Pat was a, or maybe the, governmental regulations representative for the railroads. Our issue had to do with the valuation and assessment of property taxes on railroads, and there was a difference between the federal mandate and the 4R Act, and the approach that had developed for state taxation.

Not surprisingly, we were on opposite sides of the issue, but one of the things I still remember and I've always appreciated was that Pat was an effective, persuasive, informed, and unfailingly civil advocate for his railroad clients. In the course of this interview, we'll talk a little bit more about the genesis and the provisions of the 4R Act, later in our discussion this morning.

A little bit more about Pat. Pat Hubbell Associates was established in 1990, I think in June. It is about to mark its 35th year, Pat, but certainly your governmental work for Kansas railroads and other entities extends back a number of years before 1990, for example, the 4R Act, which I mentioned, and which Pat was significantly involved in, I believe in 1976.

Also I'd be remiss if I failed to mention that Pat is married to another greatly respected policy-maker, public servant in the state, Connie Hubbell. Just as a for example and it doesn't begin to address the scope of her work, Connie served as Secretary of the Department of Aging under Governor Graves. She was elected for ten years I believe to the State Board of Education. and for a period of that time, served as its Chair. And really recognizing her stellar work in the educational field, she was elected to serve as President of the National Association of State Boards of Education. So, from the Hubbell family, Pat and Connie, there's been a remarkable record of service and many contributions to the betterment of our state.

Now, this interview is part of the Kansas Oral History Project's series examining the development of public policy during the late 20th, early 21st centuries. This particular interview falls within the series on Statehouse Conversations, and it focuses on matters related to the legislative, governmental, decision-making process, or development of policy by state government.

The Kansas Oral History Project itself is a nonprofit corporation that collects and preserves oral histories of Kansans. The interviews and transcripts are available online from the Oral History Project's website, and that is ksoralhistory.org as well as from the Kansas Historical Society and the State Library. The information, the transcripts, the interviews themselves are accessible to

researchers, to educators, and to the general public as well. The project is supported by donations from generous individuals, grants from ITC and from Evergy and others.

So, with that lengthy introduction, Pat, good morning, and thank you so much for agreeing to contribute to this oral history project interview. The focus of today's interview is your work and experience as a legislative agent or lobbyist, primarily for the railroads in Kansas, others as well. But before we get to that, could you provide just a bit of personal background, where you were born, where you grew up, where you went to school, any interesting things, like your discussion about walking through the Capitol building every day.

Pat Hubbell: Well, I grew up in Topeka, born here. I went to Holy Name, which is a parochial school just west of the Capitol and graduated from Washburn. I went into the Army, came back to the Reserves, started lobbying in—I'm trying to think now—1969. I was working for a guy named Otto Schnellbacher. He was a great friend. I was selling insurance and became very aware that I wasn't a very good insurance salesman. I'd be better doing something else.

ML: You're being modest.

PH: Well, there were a lot of times I walked out and I thought, "I did a good job of selling, but I don't think they can afford it." I had a chance to go to work for the Beer Wholesalers as a lobbyist. I kind of started there. A very good friend of mine passed away who was the lobbyist in Washington and also here at the Capitol along with three other railroad lobbyists. He suddenly passed. They called me and asked me to come and meet with them, and I started working with them back during the railroad dereg [deregulation] days, and as my wife will tell you, I went back and forth [to Washington DC] right off the job, twelve, thirteen weeks in a row on railroad legislationⁱⁱ simply because we had the ranking minority members on both the House and the Senate committees. So, most of the time, the bill was in conference, back and forth, trying to keep track of it.

That was kind of my baptism into railroading. Again, members of my family all worked for the railroad over the years, but that's basically how I got started over there.

ML: So you began with Beer Wholesalers?

PH: Yes.

ML: How long approximately do you think?

PH: I was there about seven years, and then I moved to the railroad in the mid-seventies. Jean Reeves was the head of the law department with the Santa Fe. Jean and my father-in-law had gone to law school together at the University of Nebraska law school. They both moved here at Topeka at the same time—Jean to go to work for the Santa Fe, my father-in-law to teach at Washburn in the law school and also started lobbying for the Osteopathic Association and actually several other groups, life underwriters, that type of thing, and was in private practice for years.

It gave me the exposure that I needed from two different angles to lobby and to try to represent people. The railroad was good enough one year. My wife will remember this. They sent me to the University of Southern California, to charm school. It was really a development thing more on public speaking, getting up in front of groups talking and representing people. There were thirty of us, and it was a cross-section of people from the railroad in the class. It was probably one of the real eye-opening things for me to get a better understanding of the entire industry because we had some people from all aspects. That's kind of what led the whole thing to where we are today.

ML: It would be fair to say that your work for the railroads at least was not limited at all to Kansas, but during the period of the 4R Act, you spent a lot of time with Congress.

PH: As I say, we had the ranking minority on both committees. When [Nancy] Kassebaum, she moved into Congress, we had senators—

ML: Senator Pearson, for example, was really involved in that.

PH: Oh, absolutely. He was very, very close to Bill Walton who was the gentleman who I replaced. He was a terrific guy. He kind of felt like I was kind of his adopted son. He was going to take care of me, and he did. [laughs] He at least made me look good.

ML: You were definitely an effective lobbyist in Washington.

PH: It was a trying time. You had the bankruptcy of Rock Island, which had a big effect here in Kansas. You had the Conrail thing back on the East Coast and in the New England area, New York area with New York Central, Penn Central. There was a lot going on, whether the industry would survive, or it would totally collapse because the other railroads in the West depended on traffic from those failing railroads.

So, it was not only a job, it was a mission to try to save an industry. People like Dole and Pearson played big roles in that and were leaders in trying to keep the thing going. They realized, at least we felt like they realized how important the industry was, especially to Kansas with agricultural products and all the things that we transport here—coal. It became a desperate time but ended up with the way that 4R and everything else was written, the industry survived, and it thrives today.

ML: At least in terms of the adoption of the 4R Act, you've mentioned the Penn Central bankruptcy, which I think occurred sometime around 1970. There was some federal response to that and something I believe called maybe the 3R Act. I don't know the terms of that, but it wasn't enough.

PH: It wasn't at all. Then they formed Conrail because you had the New York Central, the Penn Central, you had them going under, and there had to be some way to prop that because there was so much traffic. Traffic to us is customers, freight that was moved from the East Coast, the West Coast, Chicago, Kansas City on to the West Coast. The connections were with profitable railroads, but they would soon fail, too, if there wasn't somebody propping up the others.

I'm not sure we all realized it was a desperate time, but it was a time where it had to be done right, and I think we got it right. I think it's all survived. It's a tremendous industry. I know people are upset when they're stuck at a crossing or something like that, but if they had any idea of the taxes the railroads pay, the wages they pay—they're some of the highest wages as an industry, and it's a family. When you look at these individual districts within the railroads, everybody knows everybody else. It's wonderful.

ML: You mentioned a couple of times the Rock Island situation, the Rock Island bankruptcy that would have occurred in 1975, I believe. That made it clear to Congress that beyond the 3R Act, something more significant needed to be passed.

PH: When the Eastern lines went under and then, all of a sudden, here's the Rock Island. Rock Island was a classic case of a lot of mistakes made early. They picked the wrong city to start from. Everybody else was Kansas City, and they picked Saint Joe. Everything they did was bad.

There was an effort to save it, and it worked. The Southern Pacific stepped up. There was a lot of—and the competing railroads. You were kind of between a rock and a hard spot because they didn't want the competition, but they needed to have the business flow to them also from those lines. So, everybody had to get together and come up with an answer, and we did. It just took some time.

And from Pearson to Kassebaum to people in the Congress committee, Jim Slattery, they all played a very important role in where we are today.

ML: I was reading some history of the Rock Island recently. Apparently, there was about a ten-year period when the Rock Island was negotiating with Union Pacific about the Union Pacific either merging with it or acquiring the Rock Island Railroad. That never materialized before the Rock Island bankruptcy. Is that right?

PH: It was more with the Southern Pacific. That was the mix. Then that gave them a gateway to the West Coast. They were trading off business, but it was obvious that some of the other companies didn't want that to happen. Eventually, that's kind of the way it all came down and worked out to where we are today.

ML: Going back to the 4R Act, essentially what did it require from the state taxation perspective?

PH: That the railroads would be treated like any other business. They would be taxed the same. If you had a classification system and you had businesses classified at this amount or residences or this type of thing, they would be the same. We filed 4R cases here in Kansas which we won in the district court in Topeka and went on to the 10th Circuit in Denver, and we won on the appeal that the state made out there. We were state assessed, but we had to be like everybody else. We could not be at a higher rate.

ML: For the purpose of full disclosure, I was actually a defendant in those cases.

PH: Yes, we remember. You lost.

ML: Yes, we did. I think there was probably a recognition on the part of the state—it just reflected a difference in federal and state perspective and the impact of federal preemption on state policies where the federal government saw real interest.

PH: I think that's right. It was a congenial thing to work out. You had an obligation to the taxpayers of Kansas. The railroad felt like they had an obligation to their stock holders, their employees, and their customers. I think everything worked out the way it was supposed to. The railroads continued to thrive. What was part of the Rock Island then became part of the Union Pacific and the Southern Pacific. Now, all that's been merged together. I think that being able to be where we are today and be in the middle of the country and offer our customers, whether it's the grain shippers or whatever else, automobiles, the things that we ship, I think we offer a lot of opportunities for people to locate businesses here and have rail service.

ML: Thinking back to the difference between state taxation and the federal requirement, historically Kansas for railroads had what was called "unitary valuation" or "unit valuation." It was done by the Department of Revenue to the Property Valuation Division.

PH: Right.

ML: It was done every year.

PH: Every year, just like a utility. We were more or less treated like Every or one of the utilities. But we thought that we were at a higher level than what we needed to be.

ML: The values were certainly current, and then the assessment ratio would just be applied to that very current value number that was determined by the state. With respect to commercial and industrial property, which was supposed to be—the railroads were supposed to be the same as that, they were not valued by the state. They were valued by local appraisers. It was accomplished locally, not every year. It would be fair to say that statewide, it was sporadic and uneven.

PH: And we kind of continued that. I don't know if we go down to federal court every year now like we used to, but we used to go down and have a hearing almost every year at federal court here in Topeka. I went when it was appealed to the 10th Circuit. I went to those hearings out in Denver. But I would say that it's been fair. Nobody's really suffered from it, and the industry's thrived. You go from somebody that wants to nationalize it to keeping it in private hands but regulated correctly where they can make a profit.

ML: Sort of the initial growth of the railroads, they were at least perceived to be by policy-makers something like monopolies in the states, not just Kansas, but other states determined to both tax and to regulate them as if they were monopoly businesses back in the early 1900s.

PH: Sure. Early on, the Kansas Corporation Commission tried to have some input into how rates were, but we convinced them that the ICC was the place to be. We went to federal court like I said. We went to the Court of Appeals. We won our case here in Topeka and went to the Federal Court of Appeals in Denver. We won our case out there. I think that we continued to pay our fair share and tried to support local units as best we can.

ML: At least in terms of the development of public policy, just moving from the notion of railroads being a monopoly with the development of sort of the highway system, the interstate highway system, the motor carrier businesses, cars for passengers. Railroads certainly used to be a major source.

PH: Yes.

ML: The focus began to develop something that looked maybe more like a competitive business model rather than a monopoly for purpose of regulation.

PH: Or a cooperative. You look at container freight and trailers on a flat-car and that type of business. There's been an incredible amount of business developed with the combination of trucking and the railroad on the same movements and that type of thing.

ML: Apart from taxation and the change there, you've already alluded to it in terms of the other regulatory impositions from the state, I think initially the state regulation was exceedingly prescriptive and—

PH: Aggressive.

ML: Intrusive. Aggressive, that's a good word. Before our interview, I looked at the Kansas statutes book, and there are literally dozens of statutes that have been repealed over the course of the years that governed how the railroads were to operate, how they were regulated by the state. They're no longer with us. As you indicated, some of the authority was transferred from the KCC to the Department of Transportation. That dealt more with safety and structural issues rather than regulating how they did business. Would that be the case?

PH: I think that's fair.

ML: There are still things. One or two of them sort of surprised me. Maintaining crossings, it doesn't surprise.

PH: Coming from the Revenue Department, it would surprise you. We don't tell those secrets.

ML: This is the one I was going to mention. In the statute books, it says very prescriptive instructions on how the railroad is to build what's called a hog tight fence if the railroad abuts a hog enclosure. So, we still have a few things like that that are in the books. They'll talk more substantively about when you need to sound a whistle when you're approaching a crossing and how the crossing should be constructed, things like that. But there's still a few remnants of the original way that railroads were regulated. Is that what your experience is?

PH: Yes, I think so. I think the other thing about it is the mileage and things. There was interest shown by our labor, our unions—they liked the 110-mile thing. They liked more crews and that type of thing. That's all been resolved through collective bargaining and trying to get more mileage out of crews. You can do that if you have better track, better equipment. You can go further.

ML: What was the 110-mile limit?

PH: That was what it was. That was a crew change.

ML: So, they're go 110 miles.

PH: And get off. But different areas would negotiate separately from that to try to—especially the Rock Island because they were so slow before they went into bankruptcy. They had to do different types of negotiations with their labor to try to keep it going. I think that that was the eye-opener for at least people out here in the Midwest. The Northeast had already witnessed the Conrail stuff or the New York Central, Penn Central stuff and the bankruptcies there. All of a sudden, here's a railroad in Kansas, and when you looked at it, you said, "Well, it doesn't go anywhere. It relies on everybody else for its traffic, for its business." If the railroad does not give it to them, then they were going to die, fold.

ML: Going back to this whole notion of lobbying, again I took a look at the statute. It defines lobbying as either promoting or opposing in any manner action or non-action by the legislature on a legislative matter, and then you use identical language for administrative agencies and the judiciary. How do you go about either promoting or opposing various pieces of legislation?

PH: I think—I'd rather instead of saying, I don't know if we'd do that or if we tried to come to an agreement. I think it's trying to find an answer that everybody can agree to. I don't think lobbying is as adversarial as a lot of people think. I think it's a case of trying to get what your client wants or what your employer wants while at the same time satisfying state government, federal government, municipalities on crossings and things like that.

And it's not constant. I think that the 4R Act was kind of the thing that saved the industry, but it really had more to do with the Northeast. To get that freight and everything to Chicago from Penn Central, New York Central, you had to try to save all of that, too.

ML: Is it sort of fair to say going back to Rock Island bankruptcy that communities in Kansas realized how important it was to have the railroad? So, you and others worked to develop a short-line service, for example.

PH: There was plenty of activity of people who wanted to run it. Again, like I say, the Rock Island just didn't go anywhere. It had to depend on another railroad to give it business. If you got into the short lines, they could serve customers, and they could hand it off. They had different work rules. They didn't have to abide by old labor agreements. Some of them have labor unions within the new railroad, but a lot of them didn't. You didn't have the scheduling and everything

that was demanded by the Interstate Commerce Commission and that type of thing. Again, you had the KCC also on some business, the Kansas Corporation Commission on some business that we would conduct that was intrastate.

I'm always amazed when I kind of think about where we were when one day we woke up, and the Rock Island's done. They weren't running any trains, and how quickly it got back into business and operated and have been very successful, the lines that remain. But they were able to develop something like with the Southern Pacific, with the Union Pacific. If it would have been designed back at the time of the 4R and just forced everybody to combine and traffic together, it probably would have saved some of that.

ML: There were initially and over the early years lots of railroads in Kansas. I don't know what the number is. You might have a sense of that.

PH: I don't, but there were a lot of railroads. Everybody was getting in the business. You had union, nonunion. It was the thing to do. It was looked upon if you didn't have a railroad and a depot—but you're going back to where you also used it as a passenger business and that type of thing, and, of course, all of that went away, and we ended up with Amtrak and that.

I remember we had the Portland Rose on the Union Pacific that went through here through Topeka. We had all of the various passenger trains, then the Santa Fe. I'd ridden them all at one time or another when I was a kid or in college going to Colorado to ski or something like that. It would have been great to be able to have it survive that way, but, of course, where we are now, we have Amtrak.

ML: What do we have left in terms of major railroads that serve the state at this point?

PH: You have the Union Pacific and the BNSF [Burlington Northern Santa Fe].

ML: So, largely two major railroads.

PH: Yes. You've got the Kansas City Southern down in the southeastern part of the state, but they don't have very much track in Kansas, but they do have a terminal in Pittsburg. They're big down in that area, but that's it.

ML: Pat, you've been directly involved in the legislative process for fifty or more years. During that time, what changes have you noticed, observed in the process, how lobbyists interact with legislators, legislators interact among themselves, whether divisions are sharper, more pronounced? Just how you go about lobbying, has that changed over time, or is it similar?

PH: Not really. I think that—I don't know who's going to see this. I think that leadership is pretty much the same. I mean, you just have some different types that's evolved. I think about Pete McGill and [Robert] Bennett and some of these people, they were very well respected by their membership and the same with the minority party. We all need to remember that one time a few years ago, the Democrats took over the House. They had a majority. They had their Speaker, God rest his soul. It's not going to happen very often, it doesn't look like.

ML: It seems to be going the other way.

PH: I think you're probably right.

ML: In terms of interactions between lobbyists and legislators, has that evolved somewhat over time? Sort of thinking back maybe to hospitality rooms and things like that that existed—

PH: Oh, hospitality rooms. I ran a hospitality room at the Jayhawk Hotel. If I remember right when I stayed lobbying for the Beer Wholesalers, there were eighty-four legislators living in the Jayhawk. I had a hospitality room on the fourth floor, and I could just line out the other rooms. You'd get off the elevator, and you had the ag room, which had all kinds of fruit—every healthy food product you'd want, soft drinks. Then the next room was the KP&L room, the Kansas Power & Light. Then the next room was the contractors, and across the hall was me. We specialized in Bloody Marys, and we got fifty copies of the State Journal every afternoon and set it by our door. So, the people living at the hotel—that's when we had an afternoon newspaper.

ML: You should have been the most popular hospitality room.

PH: We had the Bloody Marys and the newspaper. It got to a point when I was hiring other people, when the older generation was retiring that I closed my room before most of the others. A guy came up with the idea through the Kansas Society Association of Executives that we have a joint deal, and we do some other things and just close down the rooms. We were getting a lot of static and everything. Back then, you had the hospitality room. You had where the Highway Patrol is now, their headquarters here in Topeka, was the Elks Club. You'd have a couple of glasses of libation, and then you'd go across there and have a steak. It was a kind of compacted area where you didn't have to drive. Like I said, you had eighty-some people living at the Jayhawk.

But then all that changed. It's changed for the better. Those rooms were—at least those people didn't go out and drive on the streets and that type of thing. They just went to their room. But it required a lot of work on the part of the people in my line. You'd have a hearing at 8:00 in the morning, and you'd lock your hospitality room up at 8:00, 10:00 at night and maybe go across the street and have a steak at the Elks Club. I appreciated closing them down.

ML: That level of social interaction has changed and probably diminished.

PH: Oh, yeah, absolutely, but, you know, a lot of other things—the liquor laws have all changed, and the Caravan Club is closed and some of the haunts around town. The Elks Club is no longer the Elks Club. I guess it still has the North Star and that type of thing. There were just certain things. I remember probably it took about two or three weeks—I won't say the name of the club—it was the Caravan. I might as well say it. There was a murder across the street. A guy was murdered, and nobody heard it. We were all sitting in there. We go outside, and there's ten police cars and lights going everywhere. I thought, "Man, oh, man, if this goes on and you can't hear it and you don't know what's happening. This isn't good."

We ended up with—Keck's had a place in Topeka that was at Oakley and Huntoon in the basement over there where the VFW is now or somebody. They had a steak house, and that was a pretty good place to go. That kind of wore off. I think that you have more people bringing their clients to town, and we have hospitality rooms or actually they take them to dinner and that type of thing. I think there's more of that, but not that constant night after night stuff anymore. You don't see that.

ML: I was thinking when you were talking about the Caravan Club and all the police outside, there probably were a lot of taxis called at that point for people who were leaving the club. I don't know if that was the case.

PH: We should have had a little commuter bus.

ML: Let's sort of wrap this up in terms of your thoughts or your observations about the conduct of lobbyists or the qualities that lobbyists have. What sort of things really contributes to a lobbyist's effectiveness and longevity as you have experienced?

PH: I think #1 is not wasting your time. It takes some time to go to somebody that you're lobbying for, the client, and say, "Hey, let's don't do this bill. We're wasting our time. Let's do something administratively or file a court action. Let's don't make the legislature the first place we go. Let's talk to the administration. Let's talk to"—I'm basically on the state level. I think that you can solve a lot of problems by changing a rule or a reg [regulation] that's got some aggravation than always going to the legislature just because you have a lobbyist.

I sense that the legislature is more—they have more material, more ability to analyze things than they had in the past besides the research staff. Besides the staff within agencies that cover the Capitol. It's obviously much bigger than it used to be. I just think you get things worked out a lot quicker now than you used to. Maybe I'm wrong.

ML: Does it make any difference in terms of effectiveness whether a lobbyist is working for a single organization like the railroads or has a diverse clientele base or somebody employed by an interest group like the Kansas Policy Institute or the Sierra Club or somebody that's representing a business focus like the Internal Legislative Representative for Evergy or not?

PH: I'd be talking against the way I have mine going, but I don't see a lot of interplay between clients, but you've got to watch out for that. You've got to make sure that you're not putting one ahead of the other without at least informing them, "Hey, I'm going to do this with So and So. Do you have a problem with it?"

I think it's just an information thing. I really haven't fallen into a situation where there's a conflict between my clients and certain legislative deals.

ML: I'll just ask to conclude, Pat, is there anything I haven't asked you about that you want to discuss or you think should be filled out a little bit more than my questions have permitted?

PH: I don't know if we ought to have this on tape. I've been very lucky because my wife has always been very involved. I haven't agreed with some of the things she's lobbied for, but being a member of the State Board and the National Board of Directors for the school boards, at least there's a real understanding in our household of what lobbying's about. You get the statement, "You're just over there kowtowing and making political contributions" and stuff like that. I've represented clients where it's against the law to make political contributions. We've changed the law on alcoholic beverages. We've changed the law on railroads and utilities.

I just think that the #1 thing you do as a lobbyist, convince who you're lobbying for that what they want has to go to the legislature or can be resolved some other way. Just the fact that you have a lobbyist doesn't mean you ought to be taking a bill every session to the legislature.

ML: That's excellent. Certainly your career reflects substantive activities, substantive input on the part of your clients.

PH: If you'd seen some of the bills I've hauled over there, I could make a very good argument—

ML: I'm guessing you're being very modest. Unless there's something else, I believe that concludes our interview. Thank you so much, Pat.

PH: Thank you.

[End of File]

ⁱ Lennen was Secretary of Revenue, and later, Chair of the Kansas Corporation Commission.

ⁱⁱ Railroad Revitalization and Regulatory Reform Act