

A bill for an act
relating to railroads; enacting General Railroad Safety Act; amending Minnesota
Statutes 2006, section 609.85, subdivision 2; proposing coding for new law in
Minnesota Statutes, chapter 219.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[219.015] CERTAIN RAILROAD-RELATED EDUCATIONAL
PROGRAMS PROHIBITED.**

(a) A public or private entity, school, or higher educational institution:

(1) is prohibited from training, instructing, offering Internet information, or
educating an individual or group of individuals, regarding the subject matter of how to
operate railroad track, signals, rolling stock, or motive power equipment of any kind,
or teach the railroad general code of operating rules, or other railroad industry-specific
information, without first assuring an active employment status in the discipline of study
upon completion of the instruction with a Class I or II common carrier; and

(2) is required to confirm employment placement during the training program until
course completion. The commissioner of transportation shall monitor program compliance
and employment status of persons being trained in such railroad system information.

(b) "Class I or II common carrier" has the meaning given those categories in Code of
Federal Regulations, title 49, part 1201, general instruction 1-1.

Sec. 2. **[219.192] TRACK AND BALLAST WARNING INDICATORS.**

The commissioner of transportation may order the installation of trackside ballast
surface warning devices at any location on railroad track and right-of-way in the state that
(1) is prone to seasonal high-water or flooding or (2) does not comply with bridge, culvert,

or other drainage or inspection standards. The commissioner may issue an expedited review and administrative order to a common carrier.

Sec. 3. [219.387] INDUSTRIAL LIGHTING STANDARDS; RAIL YARD, JUNCTIONS.

At railroad yard lead track areas, at junctions of industry lead track, and at industries, or where switching movements are made regularly or more than twice in a seven-day period, a common carrier shall provide permanent and outdoor electrical lighting appliances that are consistent with Minnesota Occupational Safety and Health Standards (MNOSHA) or American Railway Engineering and Maintenance of Way Association (AREMA) industry yard standards.

Sec. 4. [219.48] RULES; BEST PRACTICE CLEARANCE STANDARDS.

The commissioner shall assess and adopt rules for best practice clearance standards for passenger rail platforms to require (1) concrete passenger platforms with five feet four inches of clearance from the centerline of the track at eight inches above the top of the rail, "Mini High Platforms," approved under the Americans with Disabilities Act, codified in United States Code, title 42, section 12101 et seq., and federal regulations adopted pursuant to that act, at one end of a platform with seven feet eleven inches of clearance from the centerline of the track and one foot eleven inches of clearance above the top of the rail, (2) all surface areas within eight feet six inches centerline above the top of the rail covered with reflectorized material of a prescribed and uniform color when viewed from an approaching train, (3) inclusion of audio and visual warning systems for depot patrons, (4) installation of track-side warning signals for side clearance of freight trains approaching, or subject to pass-through, platform areas, (5) necessary protections when a public road crossing at grade is within 300 feet of a depot platform, including a crossing signal system, (6) center median designs at crossings, and (7) cement and steel bulkhead guards for platforms.

Sec. 5. [219.505] INDUSTRIAL COMPLEX SAFETY SEPARATION; MULTI-USE LOADING AND UNLOADING FACILITY.

The owner of an industrial complex shall ensure a positive separation between rail and any motor vehicle at an industrial complex that has a shared, common, or dual use loading or unloading area accessed by rail and road, where a common carrier and truck, as defined in section 169.01, subdivision 49, or other vehicle may be operated in proximity. At a common, shared, or dual use area, no truck or other vehicle may approach or occupy

the common loading or unloading area when a train is approaching or be nearer than 200 feet from the lead rail car of the train. Trucks, implements of husbandry, as defined in section 168A.01, subdivision 8, or unloading equipment must not be closer than ten feet six inches from the centerline of a track. Positive separation may be accomplished by an effective switch-locking device, an electric warning system, or the use of flags by day and light by night. Lights must be displayed from one hour before sunset to one hour after sunrise. The operators of an industrial complex shall ensure a clean and unobstructed track flange and walkways.

Sec. 6. [219.552] LOCOMOTIVE SECURITY AND SANITATION STANDARDS.

Consistent with Code of Federal Regulations, title 49, part 229, any locomotive owned or leased by a common carrier that is operated within the state in assigned service or for more than 120 days in a calendar year must comply with the following standards:

(a) The locomotive must have an effective locking device on all doors providing access to the interior of the cab compartment and generator compartment.

(b) The locomotive must have an effective locking device on the air brake valve system operating console. Modified brake valve locking devices may be mechanical or electrical and must be controlled by a locomotive engineer or train conductor.

(c) The locomotive cab compartment must have seats that are fastened to the locomotive and provided for each person assigned, employed, or required to board and ride a locomotive on main, branch, or industry lead track, between terminals, within yards, or other system of trackage. Seats must be constructed to provide structural support and protection to a person from the backs and sides of the seats.

(d) Locomotive cab compartments are subject to and must comply with Minnesota Occupational Health and Safety Standards (MNOSHA) for sanitation and cleanliness required for industrial lunch room, break room, or other eating areas in buildings. Compartments must be chemically cleansed by an approved process once every 24 hours, must have separate sanitation materials for the lavatory compartment, and must have two verifiable waste dispensers.

(e) Locomotive cab compartments must be equipped with a clipboard, desk surface, or portable writing device for access and entry of data directly corresponding to the movement of the locomotive or a train.

(f) Locomotive cab compartments designed and constructed with acoustical insulation, dual radio speaker, speedometer, lighting systems, and microphone must be fully equipped with the same. Locomotives with one radio speaker must be retrofitted with a dual speaker system.

4.1 Sec. 7. **[219.554] TRACK SWITCHES, APPURTENANT EQUIPMENT.**

4.2 (a) No portion of a remote-control switch unit box, point lock box, fixed antenna, or
4.3 other remote-control switch or electronic appurtenance is permitted above the surface of
4.4 the ground or grade on a railroad switching lead within ten feet six inches of the track
4.5 centerline, where switch crews pull pins or work on and about rail cars. "Switching lead"
4.6 means two or more switches that lead to a system of tracks in a classification or industry
4.7 yard.

4.8 (b) A common carrier employee is not required to (1) handle or operate any track
4.9 appurtenance, track switch, or track derail appliance, or (2) board onto rolling stock safety
4.10 appliances, locomotive, or track equipment known to have been sprayed with pesticide
4.11 or other retardant chemical, until the track structure or equipment has been thoroughly
4.12 spray washed with clean water from an inspected well or public source of water. Rain
4.13 and snowfall are not considered qualified spray washing.

4.14 Sec. 8. **[219.563] OPERATORS OF DUAL-PURPOSE VEHICLE.**

4.15 A person operating a dual-purpose railroad track and public road vehicle is subject
4.16 to the federal hours of service regulations of Code of Federal Regulations, title 49, section
4.17 228.1. A dual-purpose railroad track and public road vehicle operating with more than
4.18 two rail cars must be equipped with an activated telemetric end of train device.

4.19 Sec. 9. **[219.564] RELIEF FROM DUTY FOR FATIGUE, INJURY, OR**
4.20 **FATALITY.**

4.21 (a) A common carrier shall not order a person to (1) operate a locomotive, a
4.22 locomotive with cars, or other railroad equipment, (2) administer information about a
4.23 train, or (3) take charge of a train, when that person informs the common carrier that the
4.24 person is physically exhausted or substantially fatigued. A person claiming physical
4.25 exhaustion or fatigue must provide a release to return to work from a medical service
4.26 provider to their employer if requested or required by the common carrier.

4.27 (b) A person who is a member of a train crew involved in a grade crossing or
4.28 right-of-way incident causing injury to the person or fatality to another person is entitled
4.29 to be relieved from service and responsibility for the train at the scene of the incident, as
4.30 soon as practicable, without loss of compensation. Train crew members are not required to
4.31 list personal driver's license information on any accident report form of any kind. The
4.32 common carrier shall provide transportation directly to the affected employee's home
4.33 terminal without undue delay.

(c) This section does not preclude first aid treatment to injured persons, the availability of crew members for toxicology tests, or the completion of post-incident reports.

Sec. 10. [219.5642] POLICE AUTHORITY OF CONDUCTORS.

Subject to Code of Federal Regulations, title 49, part 207, a person employed as a Class I common carrier conductor or assistant conductor in passenger, commuter rail, or freight service must be deputized as a railroad police officer with authority and security power over all persons boarding and riding upon passenger, commuter rail, or freight trains, without exception. The deputized powers must not exceed those of local, state, or federal law enforcement or first responder authorities to enforce state laws for the protection of railroad property, personnel, passengers, and cargo.

Sec. 11. [219.5644] PROHIBITED COMPENSATION RELATED TO WORK INJURIES.

A common carrier and employees of a common carrier company are prohibited from offering or benefiting from any type of compensation system or other pay component that relates to or serves to affect reportable work-place injuries, measurements of work-place injury frequency, or the divulging of information regarding an injury on a railroad common carrier property.

Sec. 12. [219.5646] EMPLOYEES PERFORMING SERVICE; PROTECTION FROM ELEMENTS, YARDS, AND JUNCTIONS.

At railroad yard leads, junctions of mainline, branch line, or industrial lead track identified in the carrier timetable, or any location where a railroad worker must stand outdoors for ten minutes or more in the performance of duties, and where no carrier yard office, station building, carrier structure, or shelter exists or is accessible, the common carrier shall construct or deliver a shelter building for employees. The shelter building must be constructed consistent with standards in the Minnesota occupational safety and health program (MNOSHA), administered by the Occupational Health and Safety Division of the Department of Labor and Industry. The shelter must have four walls, a roof, ventilation, windows to the track or yard lead track area, a solid constructed floor, electricity, lighting, and potable water.

Sec. 13. [219.682] RAIL LINE ABANDONMENT AND PUBLIC INTEREST.

(a) Consistent with United States Code, title 49, section 10501, a common carrier that has any railroad line or segment of track that is subject to abandonment or removal due to the closure or cessation of operation of any one shipper located on the same rail line who has contributed over 80 percent of the total originating and terminating gross line haul revenue for that line over a previous five-year period, is prohibited from removing any track or commencing formal abandonment proceedings of the rail line for a period of two years after the closure or physical removal of that shipping facility.

(b) The owner of railroad line shall contract for and provide an independent study assessing (1) feasibility of rail line modification for heavy or light rail use, (2) viability of developing new industry or other utility that can benefit from rail service, (3) real estate value for rail line corridor development with continued rail service, and (4) extension of rail line in the same compass direction to the next light or heavy rail terminal in the same direction.

(c) For purposes of this section:

(1) "contract" includes the assessment of expense for the study;

(2) "period of two years" commences on the first day a shipper closes or the date of last revenue, or nonrevenue, rail shipment from the industry site; and

(3) "rail line" means a segment of track that is classified as a main, branch, secondary, industry lead, exempted or other classification.

Sec. 14. [219.853] HAZARDOUS MATERIAL INFORMATION REQUIREMENTS.

Subdivision 1. **Private industries with rail access.** A private industry with a track or set of tracks that have direct access to a common carrier transporting hazardous materials, that has custody of rail cars that contain hazardous materials on their track or set of tracks and is governed by United States Code, title 49, section 172.600, shall provide detailed track lists with information as to the position of all rail cars on their tracks. Rail cars must be identified by a standard identification number and include any other pertinent information affecting the safe movement of the rail car. The information must be on paper and left in a secure, dry, and identified location at the entry point of the first track of the private industry.

Subd. 2. **Consist documents.** Consistent with Code of Federal Regulations, title 49, sections 174.26 and 233.111, paragraph (b), (1), (2), (3), (4), and (5), a common carrier shall provide the most recent and detailed computer-generated train consist documentation in its possession for all manifest or mixed consist freight trains or unit trains carrying hazardous materials or any train subject to picking up revenue cars

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with hazardous materials. The documentation must be provided at the location where a train crew takes charge of that train, or reports for duty for that train, in the state of Minnesota. Trains that change the consist manifest en route to the final terminal, on which a crew member does not have an opportunity to inspect the added freight cars, must be provided a new and complete computer-generated and detailed train list for that train. Computer-generated train lists may be delivered via telephone facsimile machines. Any train consist information that is within a common carrier's electronic information and technology system must be construed as in possession of that common carrier.

Sec. 15. Minnesota Statutes 2006, section 609.85, subdivision 2, is amended to read:

Subd. 2. **Foreseeable risk.** Whoever intentionally throws or deposits any type of debris, waste material, or other obstruction on any railroad track or whoever intentionally causes damage or causes another person to damage, tamper, change or destroy, or change due to deferred maintenance ordered by the common carrier that owns the property, any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, which creates a reasonably foreseeable risk of any injury, accident, or derailment, is guilty of a gross misdemeanor.

Sec. 16. **TRANSPORTATION STUDY.**

(a) The commissioner of transportation shall study and make recommendations regarding passenger platform standards, the long-term feasibility and cost benefit of rail, and strategic rail security interests with:

(1) an assessment of first class regional "roadrailer" service, identifying all aspects of prospective independent users, small customers, contract shippers, regional magnet shippers, strategic hubs for collection and distribution, container facilities, door-to-door service-time delivery, benefit to local economies, reduction of trunk and federal highway road wear, impact on local road wear at hub locations, truck rail yard ramp facility locations, environmental impacts and benefits, employment shifts, impact on common carrier schedules, impact on current road funding formulas, and the provision of subsidies;

(2) a summary analysis of the benefit to regional economies; and

(3) an assessment of best practice railroad security, identifying coordinated container security, compliance with hazardous material tracking technologies, passenger screening technologies, mobile and permanent positive barrier technologies, remote perimeter technologies, and coordination of platting services with state-level police and Minnesota Air National Guard.

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8.1 (b) The commissioner shall submit a report of findings and recommendations to
8.2 the chairs of the legislative committees having jurisdiction over transportation policy
8.3 by January 2, 2009.

8.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.5 Sec. 17. **CITATION.**

8.6 Sections 1 to 14 may be cited as the General Railroad Safety Act.