

CHAPTER 442—S.F.No. 1752

An act relating to railroads; establishing standard for abandonment of tracks; clarifying standard for abandonment of shops, terminals, and stations; amending Minnesota Statutes 1988, sections 219.681; 219.71; and 219.85.

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

Section 1. Minnesota Statutes 1988, section 219.681, is amended to read:

219.681 REMOVAL OF RAILROAD TRACKS.

A company operating a line of railroad in this state shall not abandon, close for traffic, or remove a spur, industrial, team, switching, or side track which has been used directly by the shipping public for loading or unloading freight without first obtaining the approval of the board. The board shall consider, if submitted, whether the abandonment, closure, or removal will not substantially reduce the level of safety, health, or welfare of the railroad's customers, its employees or the public.

Sec. 2. Minnesota Statutes 1988, section 219.71, is amended to read:

219.71 HEARING; ORDER.

In the hearing on the abandonment or removal of a shop or terminal, if the board determines that the abandonment or removal will result in efficiency in railroad operation and will not substantially injure the public or be detrimental to the ~~public welfare~~ safety, health, or welfare of the railroad's customers, its employees, or the public, the petition may be granted; otherwise it must be denied.

Sec. 3. Minnesota Statutes 1988, section 219.85, is amended to read:

219.85 RAILROAD STATIONS, AGENCY SERVICE.

Agency service at common carrier railroad stations must be that required by the public convenience and necessity. No station may be abandoned nor agency service reduced, discontinued, established, reestablished, or expanded without the ~~consent~~ approval of the board after public notice and opportunity for hearing is afforded. The board shall consider, if submitted, whether the abandonment or reduction will not substantially reduce the level of safety, health, or welfare of the railroad's customers, its employees, or the public. The board, on its own motion or upon the petition of an interested party, may order station agency service at a station established, reestablished, or expanded after notice and an opportunity for hearing. When an application has been filed to close or abandon a station or to change station agency service, the board shall provide public notice of the application ~~and~~. The notice must state that interested persons may object to the application within 30 days after publication of the notice. On determining that a public hearing is unnecessary for resolution of the materi-

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al issues relating to the application, the board, no sooner than 30 days after publishing the notice, may enter an order finally disposing of the application. On determining otherwise, the board may not act on the application until a contested case hearing has been conducted under chapter 14.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor April 12, 1990

Signed by the governor April 16, 1990, 4:28 p.m.

CHAPTER 443—S.F.No. 1879

An act relating to natural resources; amending a certain requirement relating to the sale of state timber; amending Minnesota Statutes 1988, section 90.101, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 90.101, subdivision 1, is amended to read:

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$20,000 in appraised value and may determine the number of sections or fractional sections of land to be covered by any one permit issued to the purchaser of timber on state lands, or in any one contract or other instrument relating thereto. No timber shall be sold, except (1) to the highest bidder at public auction, or (2) if unsold at public auction the commissioner may offer the timber for private sale for a period of no more than 90 days after the public auction to any person who pays the appraised value for the timber. The minimum price shall be the appraised value as fixed by the report of the state appraiser. All sales shall be held in the county in which the tract is located ~~and no sale shall be held in more than one location on any one day.~~ In adjoining counties, sales may not be held less than two hours apart.

Presented to the governor April 12, 1990

Signed by the governor April 16, 1990, 4:29 p.m.

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