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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3133

03/17/2014 Authored by Hornstein
The bill was read for the first time and referred to the Committee on Transportation Finance

1.1 A bill for an act
1.2 relating to transportation; railroads; providing for railroad, truck, and grade
1.3 crossing safety pertaining to the transport of oil and other hazardous materials;
1.4 specifying powers and duties; establishing a grant program; requiring a study
1.5 and report; appropriating money; amending Minnesota Statutes 2012, section
1.6 219.015, subdivisions 1, 2.

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

1.8 Section 1. Minnesota Statutes 2012, section 219.015, subdivision 1, is amended to read:

1.9 Subdivision 1. ~~Position~~ **Positions established; duties.** (a) The commissioner of
1.10 transportation shall establish ~~a position of~~ three or four state rail safety inspector positions
1.11 in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department
1.12 of Transportation. The commissioner shall apply to and enter into agreements with the
1.13 Federal Railroad Administration (FRA) of the United States Department of Transportation
1.14 to participate in the federal State Rail Safety ~~Partnership~~ Participation Program for training
1.15 and certification of an inspector under authority of United States Code, title 49, sections
1.16 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212.

1.17 (b) ~~The~~ A state rail safety inspector shall inspect mainline track, secondary track, and
1.18 yard and industry track; inspect railroad right-of-way, including adjacent or intersecting
1.19 drainage, culverts, bridges, overhead structures, and traffic and other public crossings;
1.20 inspect yards and physical plants; review and enforce safety requirements; review
1.21 maintenance and repair records; and review railroad security measures.

1.22 (c) A state rail safety inspector may perform, but is not limited to, the duties
1.23 described in the federal State Rail Safety Participation Program. An inspector may train,
1.24 be certified, and participate in any of the federal State Rail Safety Participation Program

2.1 disciplines, including: track, signal and train control, motive power and equipment,
 2.2 operating practices compliance, hazardous materials, and highway-rail grade crossings.

2.3 (d) To the extent delegated by the Federal Railroad Administration and authorized
 2.4 by the commissioner, the an inspector may issue citations for violations of this chapter, or
 2.5 to ensure railroad employee and public safety and welfare.

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

2.7 Sec. 2. Minnesota Statutes 2012, section 219.015, subdivision 2, is amended to read:

2.8 Subd. 2. **Railroad company assessment; account; appropriation.** (a) The
 2.9 commissioner shall annually assess railroad companies that are (1) defined as common
 2.10 carriers under section 218.011, (2) classified by federal law or regulation as Class I
 2.11 Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of state
 2.12 rail safety inspector program costs in equal proportion between carriers based on route
 2.13 miles operated in Minnesota, and assessed in equal amounts for 365 days of the calendar
 2.14 year. The commissioner shall assess all start-up or re-establishment costs, and all related
 2.15 costs of initiating the state rail safety inspector program beginning July 1, 2008. The, and
 2.16 ongoing state rail inspector duties must begin and be assessed on January 1, 2009.

2.17 (b) The assessments must be deposited in a special account in the special revenue
 2.18 fund, to be known as the state rail safety inspection account. Money in the account is
 2.19 appropriated to the commissioner and may be expended to cover the costs incurred for the
 2.20 establishment and ongoing responsibilities of the state rail safety inspector program.

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

2.22 Sec. 3. **OIL AND OTHER HAZARDOUS MATERIALS; HIGHWAY-RAIL**
 2.23 **GRADE CROSSING IMPROVEMENT STUDY.**

2.24 (a) The commissioner of transportation shall conduct a study on highway-rail grade
 2.25 crossing improvement for oil and other hazardous materials transported by rail. At a
 2.26 minimum, the study must:

2.27 (1) provide information that assists in risk management associated with
 2.28 transportation of oil and other hazardous materials by rail;

2.29 (2) develop criteria to prioritize needs and improvements at highway-rail grade
 2.30 crossings;

2.31 (3) consider alternatives for safety improvements, including but not limited to active
 2.32 warning devices such as gates and signals, closings, and grade separation; and

3.1 (4) provide findings and recommendations that serve to direct accelerated
3.2 investments in highway-rail grade crossing safety improvements.

3.3 (b) The commissioner shall submit an interim update on the study by August 31,
3.4 2014, and a final report by October 31, 2014, to the chairs and ranking minority members
3.5 of the legislative committees with jurisdiction over transportation policy and finance.

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

3.7 Sec. 4. **APPROPRIATION; OIL AND OTHER HAZARDOUS MATERIALS,**
3.8 **HIGHWAY-RAIL GRADE CROSSING SAFETY.**

3.9 \$5,000,000 is appropriated in fiscal year 2015 from the general fund to the
3.10 commissioner of transportation for development and implementation of safety
3.11 improvements at highway grade crossings along rail corridors in which oil or other
3.12 hazardous materials are transported. The commissioner shall identify highway-rail grade
3.13 crossing locations and improvements in consultation with railroads and relevant road
3.14 authorities. This is a onetime appropriation.

3.15 **EFFECTIVE DATE.** This section is effective July 1, 2014.