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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 895

02/07/2019 Authored by Hornstein; Carlson, L.; Christensen and Freiberg
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to transportation; modifying the state rail safety inspection program;
1.3 amending Minnesota Statutes 2018, section 219.015, subdivisions 1, 2.

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

1.5 Section 1. Minnesota Statutes 2018, section 219.015, subdivision 1, is amended to read:

1.6 Subdivision 1. ~~Positions~~ Program established; inspector powers and duties. (a) The
1.7 commissioner of transportation ~~shall~~ must establish ~~three~~ a state rail safety ~~inspector~~ positions
1.8 ~~in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department~~
1.9 ~~of Transportation. On or after July 1, 2015, the commissioner may establish a fourth state~~
1.10 ~~rail safety inspector position following consultation with railroad companies~~ inspection
1.11 program consisting of up to six positions, which may include state rail safety inspectors and
1.12 a program supervisor. 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 Participation Program ~~for training and~~
1.15 ~~certification of an inspector~~ to train and certify inspectors under authority of United States
1.16 Code, title 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations,
1.17 title 49, part 212.

1.18 (b) A state rail safety inspector ~~shall~~ may:

1.19 (1) inspect mainline track, secondary track, and yard and industry track;

1.20 (2) inspect railroad right-of-way, including adjacent or intersecting drainage, culverts,
1.21 bridges, overhead structures, and traffic and other public crossings;

1.22 (3) inspect yards and physical plants;

- 2.1 (4) inspect train equipment;  
 2.2 (5) inspect railroad operations;  
 2.3 (6) review and enforce safety requirements;  
 2.4 (7) review maintenance and repair records; and  
 2.5 (8) review railroad security measures.

2.6 (c) A state rail safety inspector may perform, but is not limited to, the duties described  
 2.7 in the federal State Rail Safety Participation Program. An inspector may train, be certified,  
 2.8 and participate in any of the federal State Rail Safety Participation Program disciplines,  
 2.9 including: track, signal and train control, motive power and equipment, operating practices  
 2.10 compliance, hazardous materials, and highway-rail grade crossings.

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

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

2.15 Sec. 2. Minnesota Statutes 2018, section 219.015, subdivision 2, is amended to read:

2.16 Subd. 2. **Railroad company assessment; account; appropriation.** (a) As provided in  
 2.17 this subdivision, the commissioner shall annually assess railroad companies that are (1)  
 2.18 defined as common carriers under section 218.011; (2) classified by federal law or regulation  
 2.19 as Class I Railroads, Class I Rail Carriers, Class II Railroads, or Class II Carriers; and (3)  
 2.20 operating in this state.

2.21 (b) The assessment must be ~~by a division of~~ calculated to allocate state rail safety  
 2.22 ~~inspector inspection program costs in equal proportion between~~ proportionally among  
 2.23 ~~carriers based on route miles operated in Minnesota, assessed in equal amounts for 365 days~~  
 2.24 ~~of the calendar year at the time of assessment.~~ The commissioner shall assess ~~must include~~  
 2.25 in the assessment calculation all start-up or re-establishment costs, all related costs of  
 2.26 ~~initiating the state rail safety inspector inspection program costs, including but not limited~~  
 2.27 to administration, supervision, travel, equipment, training, and ongoing state rail inspector  
 2.28 duties.

2.29 (c) The assessments collected under this subdivision must be deposited in a ~~special~~  
 2.30 ~~account in the special revenue fund, to be known as the~~ state rail safety inspection account,  
 2.31 which is established in the special revenue fund. The account consists of funds provided by  
 2.32 this subdivision, and any other money donated, allotted, transferred, or otherwise provided

3.1 to the account. Money in the account is appropriated to the commissioner ~~for the~~  
3.2 ~~establishment and ongoing responsibilities of~~ to administer the state rail safety ~~inspector~~  
3.3 inspection program.

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