

8830.5850 MANAGEMENT OF RAIL BANK PROPERTY.

Subpart 1. **Maintenance or other use during preservation of property.** Rail bank property must be maintained and may be leased for other uses while it is being preserved in the state rail bank. The commissioner shall allow a proposed other use for rail bank property if it meets one or more of the following conditions:

- A. it was a use in effect before the commissioner acquired the property and the use will not interfere with utilization of property;
- B. the use will minimize maintenance costs and maximize income to the program;
- C. the use is not in conflict with uses of adjacent lands; or
- D. the use will provide a benefit to the state.

Subp. 2. **Other use during utilization of property.** The commissioner shall allow other uses that were in effect while the property was being preserved to continue while the property is being utilized for the purposes of the state rail bank program if the other uses do not interfere with the utilization of the property.

The commissioner shall allow a proposed other use that was not in effect before utilization if it does not interfere with utilization of the property and it meets one or more of the following conditions:

- A. the use will minimize maintenance costs and maximize income to the program;
- B. the use is not in conflict with uses of adjacent lands; or
- C. the use will provide a benefit to the state.

Statutory Authority: *MS s 218.071; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.63*

History: *23 SR 524*

Published Electronically: *October 2, 2007*