

MINNESOTA STATUTES 1979 SUPPLEMENT

221.81 MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS; FOR HIRE; REGULATION

Subd. 2. **License.** All building movers operating in Minnesota shall be licensed by the commission.

Subd. 3. **License application.** To obtain a license to operate as a building mover an applicant shall file a petition with the commission specifying the name and address of its officers and other information as the commission may reasonably require. The commission shall issue the license upon compliance by the applicant with bonding and insuring requirements set by rule of the department and payment of a fee. A license once granted shall continue in full force and effect, subject to annual renewal fees and compliance with bonding and insuring requirements, unless revoked or suspended.

Subd. 4. **License revocation, suspension, denial.** The commission, after notice and a hearing, may revoke, suspend or deny a license for:

(a) failure to pay application or renewal fees;

(b) failure to comply with bonding and insuring requirements;

(c) conduct of the applicant or license holder which impairs usage of public highways, roads, streets, or utilities;

(d) conduct of the applicant or license holders which endangers the health and safety of users of the public highways, roads, streets or utilities; or

(e) a course of conduct of the applicant or license holder which demonstrates unsafe or hazardous operation of the business.

Subd. 5. **Rules.** The department shall promulgate rules establishing bonding and insuring requirements.

Subd. 6. **Local regulation.** No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the commission or department. A political subdivision or the department may require a permit which reasonably regulates the hours, routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the department. Neither the state nor a political subdivision may regulate rates charged by building movers.

[1979 c 111 s 1]

CHAPTER 222. RAILWAYS, UTILITIES; GENERAL PROVISIONS

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222.48 Definitions.

Subdivision 1. As used in sections 222.46 to 222.54, the terms defined in this section shall have the meanings given them herein.

Subd. 2. "Department" means the department of transportation.

Subd. 3. "Commissioner" means the commissioner of transportation.

Subd. 4. "Rail line" means railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way.

Subd. 5. "Rail service" means rail transportation and local rail service.

Subd. 6. "Rail users" means shippers, consignors or other business entities that depend upon or benefit from the movement of goods and products by means of rail service.

Subd. 7. "Federal rail service continuation program" means any federal program created under the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210, as amended.

[Ex1979 c 1 s 30]

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222.50 Rail service improvement program.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. The commissioner shall have the power to:

(a) Set priorities for the allocation and expenditure of money or in kind contributions authorized under the rail service improvement program and develop criteria for eligibility and approval of projects under the program. The criteria shall include the anticipated economic and social benefits to the state and to the area being served and the economic viability of the project;

(b) Negotiate and enter into contracts for rail line rehabilitation or other rail service improvement;

(c) Disburse state and federal money for rail service improvements; and

(d) Adopt rules necessary to carry out the purposes of sections 222.46 to 222.54.

Subd. 4. The director may negotiate and enter into contracts for the purpose of rail line rehabilitation and for the purpose of assisting in the payment of up to 50 percent of the non-federal share of a rehabilitation project under the federal rail service continuation program. The participants in these contracts shall be railroads, rail users and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary. The director may provide a portion of the money required to carry out the terms of any such contract by expenditure from the rail service improvement account.

[For text of subd 5, see M.S.1978]

Subd. 6. The commissioner may approve grants from the rail service improvement account for payment of up to 50 percent of the non-federal share of the cost of any rail line project under the federal rail service continuation program.

Subd. 7. The commissioner may expend money from the rail service improvement account for the following purposes:

(a) To pay interest adjustments on loans guaranteed under the state rail user loan guarantee program;

(b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to subdivision 8.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Subd. 8. The commissioner may acquire the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad between Jackson and Ramsey, and between Minnesota Lake and Wells. The right-of-way may be acquired by gift, purchase, lease, easement, or otherwise. The commissioner shall maintain and manage any right-of-way acquired under this section and may dispose of the right-of-way for any transportation purpose.

[Ex1979 c 1 s 31-34]

222.51 Participation by political subdivisions.

The governing body of any political subdivision of the state may with the approval of the commissioner appropriate money for rail service improvement and may participate in the state rail service improvement program and the federal rail service continuation program.

[Ex1979 c 1 s 35]

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222.53 Acceptance of federal money.

The commissioner may exercise those powers necessary for the state to qualify for, accept, and disburse any federal money that may be made available pursuant to the provisions of the federal rail service continuation program, including the power to:

(a) Establish an adequate plan for rail service in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan;

(b) Administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources;

(c) Develop, promote, and support safe, adequate and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation related energy utilization and pollution;

(d) Adopt and maintain adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of state and federal money;

(e) Do all things otherwise necessary to maximize federal assistance to the state under the federal rail service continuation program.

[Ex1979 c 1 s 36]

222.545 Advocacy of improved service.

The commissioner may advocate and promote improved rail service and more effective use of available rail service at a reasonable cost by: (a) providing technical assistance to rail users; (b) negotiating with persons representing the rail industry and other transportation modes; and (c) appearing on behalf of the public in the regulatory, rule-making and other proceedings of state and federal agencies in support of improved and innovative rail service and for other purposes.

[Ex1979 c 1 s 37]

222.55 Rail user loan guarantee program; purpose.

In order to aid rail users in obtaining credit for participation in contracts for rail line rehabilitation and for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, there is established a rail user loan guarantee program to provide state money in guarantee of loans made according to the provisions of sections 222.55 to 222.62.

[Ex1979 c 1 s 38]

222.56 Definitions.

[For text of subs 1 to 4, see M.S.1978]

Subd. 5. "Loan" means a loan or advance of credit to a rail user for participation in contracts for rail line rehabilitation or for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service.

[For text of subs 6 and 7, see M.S.1978]

[Ex1979 c 1 s 39]

222.57 Rail user loan guarantee account.

There is created a rail user loan guarantee account as a separate account in the rail service improvement account, which shall be used by the commissioner for carrying out the provisions of sections 222.55 to 222.62 with respect to loans insured under section 222.58. The commissioner may transfer to the rail user loan guarantee account from money otherwise available in the rail service improvement account whatever amount is necessary to implement the rail user loan guarantee program and may withdraw any

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amount from the rail user loan guarantee account that is not required to insure outstanding loans as provided in section 222.60, subdivision 1.

[*Ex1979 c 1 s 40*]

222.58 Insurance of loans.

[*For text of subd 1, see M.S.1978*]

Subd. 2. **Eligibility requirements.** A loan is eligible for insurance under this section under the following conditions:

(a) The loan shall be in an original principal amount, bear an interest rate, contain complete amortization provisions, and have a maturity satisfactory under such terms as the commissioner may prescribe by rule.

(b) The proceeds of the loan shall be used solely for

(i) participation in contracts for capital investment loans for rail line rehabilitation, or

(ii) capital improvement projects designed to improve rail service or reduce the economic impact of discontinuance of rail service. The projects may include but are not limited to construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines; and construction and improvement of loading, unloading, storage, and transfer facilities of the rail user.

(c) The loan agreement shall contain such terms and provisions with respect to any other matters as the commissioner may, in his discretion, prescribe.

(d) The borrower provides a personal guarantee and collateral for the loan which is acceptable to the commissioner as sufficient security to protect the interests of the state.

[*For text of subs 3 to 5, see M.S.1978*]

Subd. 5a. **Interest adjustment.** A loan insured under this section that is amortized over a term of not more than ten years with equal annual installments of principal and interest and that has an interest rate exceeding seven percent per annum is eligible for an interest adjustment under this subdivision. The commissioner may pay annually to the lender a percentage of the outstanding balance due on an eligible loan at the beginning of the year equal to the difference between the interest rate on the loan and an interest rate of seven percent per annum. The percentage paid by the commissioner shall not exceed four percent. The borrower shall reimburse the commissioner for any amounts paid pursuant to this subdivision the year after the last payment is due on the loan. The obligation to reimburse the commissioner shall be a lien against any property of the borrower in which the proceeds of the loan have been invested. As a condition of receiving an interest adjustment the commissioner may require the borrower to demonstrate inability to obtain similar assistance or a low interest loan from other available sources. The commissioner may adopt by rule additional reasonable conditions or qualifications for payment of interest adjustments under this subdivision.

[*For text of subd 6, see M.S.1978*]

[*Ex1979 c 1 s 41,42*]

222.65 Advisory task force.

The commissioner of transportation may establish an advisory task force in the manner provided in section 15.059 to advise the department concerning the implementation of the rail service improvement program, the federal rail service continuation program, and the rail user loan guarantee program. The task force may include representatives of departments of agriculture, commerce, economic development, the energy agency, state planning agency, railroad companies, railroad labor organizations, and rail users.

[*Ex1979 c 1 s 43*]