

## CHAPTER 174A

### TRANSPORTATION REGULATION BOARD

174A.01 Establishment; powers; membership.  
 174A.02 Specific functions and powers.  
 174A.03 Actions.  
 174A.04 Hearings.  
 174A.05 Appeals.

174A.06 Continuation of rules of public service  
 commission and department of  
 transportation.  
 174A.07 Effect of transportation regulation board.

#### 174A.01 ESTABLISHMENT; POWERS; MEMBERSHIP.

Subdivision 1. **Establishment.** A transportation regulation board is established. The board shall have the powers provided by law.

Subd. 2. **Members' terms of office.** The transportation regulation board shall be composed of three members appointed by the governor with the advice and consent of the senate. The terms of the initial members are as follows: one member for a term of two years; one member for a term of four years; and one member for a term of six years. Thereafter all members shall be appointed for a six year term. The members of the board shall serve in the unclassified service. The removal of board members and the filling of vacancies shall be as provided in section 15.0575. No more than two members shall belong to the same political party.

Subd. 3. **Chairperson.** The governor shall appoint one of the board members chairperson.

Subd. 4. **Quorum.** A majority of the board shall constitute a quorum. An act or decision of the majority shall be the act or decision of the board, provided that a vacancy on the board shall not impair the authority of the remaining board members to exercise all of the powers of the board.

Subd. 5. **Conflict of interest.** No person, during a term of membership on the transportation regulation board, shall receive any portion of personal income directly or indirectly from any individual proprietorship, firm, copartnership, corporation or association subject to the regulation of the board. No person shall be eligible to serve as a member of the transportation regulation board unless the relationship with or interest in the regulated entity which provides a portion of the personal income is terminated.

**History:** 1980 c 534 s 1

#### 174A.02 SPECIFIC FUNCTIONS AND POWERS.

Subdivision 1. **Powers generally.** The functions of the transportation regulation board shall be legislative and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction as the legislature itself might make but only as it shall from time to time authorize.

Subd. 2. **Specific functions and powers.** The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which all carriers are providing to the public, including the continuation, termination or modification of all services and facilities.

(b) The reasonableness of tariffs of rates, fares and charges, or any part or classification thereof, and prescribe the form and manner of filing, posting and publication thereof. The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares and charges individually or by

group. All such carriers participating in group rate making shall have the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

(c) The issuing of franchises, permits or certificates of convenience and necessity.

Subd. 3. **Subpoena power.** The board shall have subpoena power.

Subd. 4. **Hearing upon petitions.** With respect to those matters within its jurisdiction the board shall receive, hear and determine within six months all petitions filed with it in accordance with the procedures established by law and may hold hearings and make determinations upon its own motion to the same extent, and in every instance, in which it may do so upon petition.

Subd. 5. **Operation with regard to federal law.** The board is authorized:

(a) To cooperate with all federal agencies for the purpose of harmonizing state and federal regulations within the state to the extent and in the manner deemed advisable.

(b) To conduct joint hearings with any federal agency or commission within or without the state and participate in any proceedings before any federal agency or commission when it considers such participation advisable and for that purpose may approve and establish freight rates or charges that depart from the distance principle required by any state law.

(c) To nominate members to any joint board as provided by federal acts.

**History:** 1980 c 534 s 2

#### **174A.03 ACTIONS.**

The transportation regulation board may sue or be sued in its own name.

**History:** 1980 c 534 s 3

#### **174A.04 HEARINGS.**

All hearings required to be conducted by the transportation regulation board shall be conducted pursuant to sections 15.041 to 15.052.

**History:** 1980 c 534 s 4

#### **174A.05 APPEALS.**

An appeal from an order of the board shall be as provided in sections 216.24 and 216.25.

**History:** 1980 c 534 s 5

#### **174A.06 CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION AND DEPARTMENT OF TRANSPORTATION.**

All rules, orders and directives heretofore in force, issued or promulgated by the public service commission or the department of transportation under authority of chapters 174, 216A, 218, 219, 221 and 222 shall remain and continue in force and effect until repealed, modified or superseded by duly authorized rules, orders or directives of the transportation regulation board. The board shall review the transferred rules, orders and directives and, when appropriate develop and adopt new rules, orders or directives within 18 months of July 1, 1981.

**History:** 1980 c 534 s 6

#### **174A.07 EFFECT OF TRANSPORTATION REGULATION BOARD.**

Any proceeding, court action, prosecution or other business or matter which is pending on July 1, 1981 and which was undertaken or commenced by a department or agency whose functions, powers or duties are transferred to the

transportation regulation board by Laws 1980, Chapter 534 may be conducted and completed by the transportation regulation board in the same manner, under the same terms and conditions, and with the same effect as though it were undertaken or commenced and conducted or completed by the former department or agency prior to the transfer.

**History:** *1980 c 534 s 7*