

## CHAPTER 222

### RAILWAYS; GENERAL PROVISIONS

222.63 Abandoned right-of-way; state rail bank.

#### 222.63 ABANDONED RIGHT-OF-WAY; STATE RAIL BANK.

*[For text of subs. 1 to 3, see M.S.1998]*

Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than 50 feet.

Proceeds from a sale shall be deposited in the rail bank maintenance account described in subdivision 8.

*[For text of subs 6 to 8, see M.S.1998]*

#### **History:** 1999 c 230 s 27

**NOTE:** Subdivision 4 was also amended by Laws 1999, chapter 154, section 3, to read as follows:

“Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a political subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or political subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or political subdivision;

(3) after the sale, the rail bank corridor will continue to be sufficient to meet the purposes of subdivision 2; and

(4) the conveyance will not result in any right-of-way in the state rail bank being reduced to a width of less than 50 feet at any point.

Proceeds from a sale must be deposited in the rail bank maintenance account described in subdivision 8.”