

Subd. 2. In 1981 and every five years thereafter the commission shall review its activities and issue a report assessing its performance in fulfilling the purposes of the regional development act of 1969. The report shall state whether the existence of the commission is in the public welfare and interest. The report shall be included in the report required by subdivision 1.

Sec. 2. Minnesota Statutes 1978, Chapter 462, is amended by adding a section to read:

[462.398] TERMINATION OF COMMISSION. Subdivision 1. Any combination of counties or municipalities representing a majority of the population of the region for which a commission exists may petition the state planning officer by formal resolution stating that the existence of the commission is no longer in the public welfare and interest and is not needed to accomplish the purposes of the regional development act of 1969. For purposes of this section the population of a county does not include the population of a municipality within the county. Any formal resolution adopted by the governing body of a county or municipality for the termination of a commission shall be effective for a period of one year for the purpose of determining the requisite population of the region needed to petition the state planning officer.

Subd. 2. Within 35 days of the receipt of the petition, the state planning officer shall fix a time and place within the region for a hearing. The state planning officer shall give notice of the hearing by publication once each week for two successive weeks before the date of the hearing in a legal newspaper in each of the counties which the commission represents. The hearing shall be conducted by members of the commission. If the commission determines that the existence of the commission is no longer in the public welfare and interest and that it is not needed to accomplish the purposes of the regional development act of 1969, the commission shall recommend to the state planning officer that he terminate the commission. Within 60 days after receipt of the recommendation, the state planning officer shall terminate the commission by giving notice of the termination to all government units within the region for which the commission was established. Unless otherwise provided by this subdivision, the hearing shall be in accordance with sections 15.0411 to 15.0426.

Subd. 3. The state planning officer shall not accept a petition for termination more than once in 30 months for each regional development commission.

Sec. 3. **EFFECTIVE DATE.** This act is effective January 1, 1981.

Approved April 14, 1980

CHAPTER 558—S.F.No. 1843

An act relating to transportation; establishing a state rail bank for abandoned rail lines; providing for the sale of certain abandoned railway lines in certain counties;

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providing for the purchase or lease of certain bridges by counties, authorizing toll charges for vehicular use thereof, and specifying the purposes for which the revenue may be used; providing for employment preferences for certain rail employees under certain circumstances; amending Minnesota Statutes 1978, Chapter 222, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

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

Section 1. Minnesota Statutes, 1979 Supplement, Section 174.03, Subdivision 4, is amended to read:

Subd. 4. **OTHER DUTIES.** The commissioner shall:

- (a) Construct and maintain transportation facilities as authorized by law;
- (b) Cooperate with, and may provide technical and financial assistance to, the metropolitan council and regional development commissions in the regional transportation planning process, in accordance with mutually acceptable terms and conditions;
- (c) Cooperate with and may provide planning and technical assistance upon the request of any political subdivision or other governmental agency in accordance with mutually accepted terms and conditions, except as otherwise restricted by law; and
- (d) Develop, revise and monitor a statewide rail transportation plan as part of the statewide transportation planning process, including a study and evaluation of alternative methods for insuring adequate and economical transportation of agricultural commodities, supplies and other goods to and from rural areas of the state. The plan ~~may~~ shall include an analysis of rail lines in the state for the purpose of determining: (1) eligibility of rail lines for assistance under federal and state rail assistance programs; (2) eligibility of rail lines for inclusion in the state rail bank; and ~~(2) (3)~~ (3) the actions required by the state to insure the continuation of rail service that meets essential state needs and objectives.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 222.50, Subdivision 7, is amended to read:

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 and the state rail bank program;

(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the inplace track.

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.

Sec. 3. Minnesota Statutes 1978, Chapter 222, is amended by adding a section to read:

[222.63] ABANDONED RIGHT-OF-WAY; STATE RAIL BANK. Subdivision 1. DEFINITION. For the purpose of this section the term "abandoned", when used with reference to a railroad line or right-of-way, means a line or right-of-way with respect to which the interstate commerce commission has found that the public convenience and necessity permit discontinuance of rail service.

Subd. 2. ESTABLISHMENT; ACQUISITION; ELIGIBLE PROPERTIES. A state rail bank is established for the acquisition, preservation and disposition of abandoned railroad right-of-way for future use for commercial transportation and transmission. The commissioner of transportation may acquire by purchase or otherwise all or part of any abandoned railroad right-of-way which is necessary for inclusion in the state rail bank to meet the future commercial transportation needs of the state. The commissioner shall not acquire any interest in an abandoned right-of-way for inclusion in the state rail bank by eminent domain except to quiet title or when all owners as defined in section 117.025 that are known to the court have no objection to the taking.

An abandoned right-of-way is eligible for inclusion in the state rail bank if the right-of-way meets one or more of the following criteria:

(a) Provides or is expected to provide access to a present or proposed major energy generating or using facility such as an electrical generating plant, major heating plant or other major industrial user of energy;

(b) Provides or is expected to provide access to a major storage or terminal facility in the marketing of agricultural commodities and forest products;

(c) Provides important access to surrounding states;

(d) Is a present or potential corridor for a pipeline, electrical transmission line, highway, transit route, rail freight or passenger line or other similar commercial transportation use; or

(e) Provides access to an extractive resource requiring transportation and transmission rail services for its development.

The commissioner shall provide for the maintenance including control of weeds, of any right-of-way that is included in the rail bank. The commissioner

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shall provide for the maintenance and management of any right-of-way that is acquired under the rail bank program in a manner that minimizes maintenance costs and provides a benefit to the state. The commissioner may also require that any existing railroad track that is included in the acquired right-of-way shall not be removed during the period the right-of-way is included in the state rail bank.

Subd. 3. PUBLIC AND AGENCY PARTICIPATION. If the commissioner desires to acquire, dispose of or utilize any right-of-way which he is authorized to acquire or has acquired pursuant to authorization under subdivision 2, he shall publish a notice of the proposed action in the state register and in at least one newspaper of general circulation in each area where the right-of-way is located. If any person objects in writing to the proposed action within 30 days of publication of notice the commissioner shall proceed in the manner provided for a contested case. If no written objection is received the commissioner may take the proposed action only after holding a public meeting to seek public comment on the action. At least one hearing or meeting required under this subdivision shall be held in the area where the right-of-way is located.

Subd. 4. DISPOSITION PERMITTED. The commissioner shall, in his discretion, lease any right-of-way acquired under the state rail bank program for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65.

Subd. 5. SPECIFIC USE OF RIGHT-OF-WAY; DISPOSITION REQUIRED. If a property acquired for the state rail bank has not been disposed of according to subdivision 4 and no specific commercial transportation use for that property has been identified by the commissioner within 20 years after its acquisition the commissioner shall offer it for sale to the owners of private property adjacent to the rail bank property. If a specific commercial transportation use has been identified for a rail bank property but the property is not disposed of or utilized as provided in subdivision 4 within 30 years after its acquisition it shall be offered for sale to the owners of private property adjacent to the rail bank property. The commissioner may not offer any property required to be disposed of under this subdivision to any other state department or agency until the owners of adjacent private property have had an opportunity for at least six months to make offers to purchase the property from the commissioner at its fully appraised value.

Subd. 6. INTERVENTION IN ABANDONMENT PROCEEDING. The commissioner may intervene in a proceeding of the interstate commerce commission on the issue of suitability for a public use of a rail line proposed to be abandoned if the commissioner finds that the right-of-way of the line would be eligible for inclusion in the state rail bank. To the extent practicable before intervening as provided in this section the commissioner shall hold at least one public meeting in the area in which the line is located to solicit opinions of interested persons concerning the commissioner's proposed action.

Subd. 7. RULES. The commissioner of transportation shall adopt rules necessary to establish criteria for properties eligible for inclusion in the rail bank and to establish public procedures for acquisition and disposition of rail bank properties.

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Sec. 4. Minnesota Statutes, 1979 Supplement, Section 222.65, is amended to read:

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, the state rail bank program, and the rail user loan guarantee program. The task force may include representatives of departments of agriculture, commerce, economic development, natural resources, the energy agency, state planning agency, railroad companies, railroad labor organizations, and rail users.

Sec. 5. The commissioner of natural resources may, in the same manner as provided by law for the sale of trust fund lands, sell at public auction the lands and interests in lands relating to the abandoned railway line located in Mower and Fillmore Counties which were acquired by the state in 1978 from the Chicago and Northwestern Transportation Company and which lie between the intersection of U.S. Highways 16 and 63 near the city of Spring Valley in Fillmore County and the intersection of the railway line with the Minnesota and Iowa border at a point southwest of LeRoy in Mower County. The commissioner may subdivide the lands and interests in lands into smaller parcels for the purpose of this sale.

Sec. 6. **[165.13] CLOSED COMBINATION RAILROAD AND HIGHWAY BRIDGE; LEASE OR SALE BY COUNTY.** In any county in which a combination railroad and highway bridge is closed the county board may lease or purchase such bridge. The subsequent use and operation of the combination bridge shall conform to and be compatible with the existing uses adjoining both sides of that bridge. The county board may establish and from time to time adjust tolls to be charged for vehicular use of the bridge at the rate or rates and on the basis the county board may deem appropriate to provide revenues sufficient to finance the lease, purchase, operation, repair, and maintenance of the bridge and toll facilities. The revenues from the bridge tolls shall only be used for the lease, purchase, repair, operation, and maintenance of the bridge and toll facilities. Notwithstanding the provisions of this section, if the state purchases the combination bridge the county may lease the bridge from the state by contract.

Sec. 7. Minnesota Statutes 1978, Chapter 222, is amended by adding a section to read:

[222.64] EMPLOYMENT PREFERENCE. Individuals who have been previously employed by railroads, whose users obtain guaranteed loans or other assistance pursuant to sections 222.46 to 222.64, shall have priority, based upon their length of service with that railroad, in employment with a purchasing carrier or other operator of a railroad benefiting from those loans or other assistance.

Sec. 8. This act is effective the day following its final enactment.

Approved April 14, 1980