

A bill for an act

relating to railroads; modifying provisions relating to duties of commissioner of transportation regarding passenger railroads; amending Minnesota Statutes 2010, section 174.632.

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

Section 1. Minnesota Statutes 2010, section 174.632, is amended to read:

174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.

(a) The planning, design, development, construction, operation, and maintenance of passenger rail track, facilities, and services are governmental functions, serve a public purpose, and are a matter of public necessity.

(b) The commissioner is responsible for all aspects of planning, designing, developing, constructing, equipping, operating, and maintaining passenger rail, including system planning, alternatives analysis, environmental studies, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans.

(c) The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

(d) If the commissioner undertakes planning, construction, operation, or maintenance of passenger rail track, facilities, and services, or contracts with another for these activities, then the commissioner shall preserve all railroad employee rights under the following federal laws:

(1) Railway Labor Act, United States Code, title 45, chapter 8;

H.F. No. 1223, as introduced - 87th Legislative Session (2011-2012) [11-2010]

- 2.1 (2) Federal Employers' Liability Act (Railroads), United States Code, title 45,
2.2 chapter 2;
2.3 (3) railroad retirement and unemployment insurance and benefits administered by
2.4 the United States Railroad Retirement Board;
2.5 (4) Americans with Disabilities Act, United States Code, title 42, chapter 126;
2.6 (5) Federal Railroad Safety Act of 1970, United States Code, title 49, subtitle V,
2.7 Part A, as amended; and
2.8 (6) Occupational Health and Safety Act of 1970, United States Code, title 29,
2.9 section 651 et seq.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.