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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1289

03/05/2013 Authored by Sundin, Erhardt, Davnie and Hornstein
The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to transportation; railroads; clarifying the commissioner's passenger rail
1.3 duties; providing contract authority; amending Minnesota Statutes 2012, sections
1.4 174.632; 174.636.

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

1.6 Section 1. Minnesota Statutes 2012, section 174.632, is amended to read:

1.7 **174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.**

1.8 Subdivision 1. Definition. "Passenger rail" means intercity rail passenger
1.9 transportation as defined in United States Code, title 49, section 24102 (4).

1.10 Subd. 2. Responsibilities. (a) The planning, design, development, construction,
1.11 operation, and maintenance of passenger rail track, facilities, and services are
1.12 governmental functions, serve a public purpose, and are a matter of public necessity.

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

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

1.21 Sec. 2. Minnesota Statutes 2012, section 174.636, is amended to read:

1.22 **174.636 PASSENGER RAIL; EXERCISE OF POWER.**

2.1 Subdivision 1. Powers. (a) The commissioner has all powers necessary to carry out
2.2 the duties specified in section 174.632. In the exercise of those powers, the commissioner
2.3 may:

2.4 (1) acquire by purchase, gift, or by eminent domain proceedings as provided by law,
2.5 all land and property necessary to preserve future passenger rail corridors or to construct,
2.6 maintain, and improve passenger rail corridors;

2.7 (2) let all necessary contracts as provided by law; and

2.8 (3) make agreements with and cooperate with any ~~governmental authority~~ public or
2.9 private entity, including Amtrak, to carry out statutory duties related to passenger rail.

2.10 Subd. 2. Consultation. (b) The commissioner shall consult with metropolitan
2.11 planning organizations and regional rail authorities in areas where passenger rail corridors
2.12 are under consideration to ensure that passenger rail services are integrated with existing
2.13 rail and transit services and other transportation facilities to provide as nearly as possible
2.14 connected, efficient, and integrated services.

2.15 Subd. 3. Authority to contract; liability. The commissioner, or a public entity
2.16 contracting with the commissioner, may contract with a railroad as defined in Code of
2.17 Federal Regulations, title 49, section 200.3(i), for the joint or shared use of the railroad's
2.18 right-of-way or the construction, operation, or maintenance of rail track, facilities, or
2.19 services for passenger rail purposes. Notwithstanding section 3.732, subdivision 1, clause
2.20 (2), or 466.01, subdivision 6, sections 466.04 and 466.06 govern the liability of a Class I
2.21 railroad and its employees arising from the joint or shared use of the railroad right-of-way
2.22 or the provision of passenger rail construction, operation, or maintenance services pursuant
2.23 to the contract. Notwithstanding any law to the contrary, a contract with a Class I railroad
2.24 for any passenger rail service, or joint or shared use of the railroad's right-of-way, may also
2.25 provide for the allocation of financial responsibility, indemnification, and the procurement
2.26 of insurance for the parties for all types of claims or damages. A contract entered into
2.27 under this section does not affect rights of employees under the Federal Employers
2.28 Liability Act or the Federal Railway Labor Act, or under any rule or ruling of the United
2.29 States Railroad Retirement Board or Occupational Safety and Health Administration.

2.30 Subd. 4. Public hearings. The commissioner shall hold public hearings as required
2.31 by federal requirements.