

A bill for an act
relating to railroads; requiring walkways by certain track; proposing coding for
new law in Minnesota Statutes, chapter 219.

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

Section 1. **[219.372] WALKWAYS BY TRACK; GENERAL REQUIREMENTS;**
DEFINITIONS.

(a) Walkways may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or similar or other nonrevenue material. When crushed material is used, 100 percent of the material must be capable of passing through a 1-1/2-inch square sieve opening and 90 - 100 percent of the material must be capable of passing through a one-inch square sieve opening; provided however, a de minimus variation is not a violation of this paragraph when the rail carrier has made a good faith effort to comply with the percentage requirements. Smaller crushed material may be used where drainage and durability issues do not arise. Material that is three-fourths inch or less must conform with standards set forth by the American Railway Engineering and Maintenance of Way Association for switching lead tracks.

(b) Walkways must have a uniform surface and must be maintained in a safe condition without compromising track drainage.

(c) Cross slopes for walkways must not exceed one inch of elevation for each eight inches of horizontal length in any direction.

(d) Walkways must be a minimum width of two feet.

(e) Walkways within the scope of sections 219.372 to 219.378 must be kept free of spilled oil, sand, posts, rocks, and other hazards or obstructions.

2.1 Sec. 2. **[219.373] NEW YARD TRACKS.**

2.2 (a) Rail carriers shall provide walkways adjacent to those portions of yard tracks
2.3 constructed after July 1, 2008, where rail carrier employees frequently work on the ground
2.4 performing switching activities.

2.5 (b) For the purpose of this section, "frequently" means occurring at least five days
2.6 per week, one shift per day.

2.7 Sec. 3. **[219.374] OTHER TRACKS.**

2.8 (a) Walkways in the following segments of track must be constructed with materials
2.9 set forth in section 219.372 at walkways by main and secondary track switches and
2.10 turnouts, walkways by siding track train inspection points, walkways by tracks where
2.11 relief train crews frequently board or deboard trains en route, walkways by industry track
2.12 turnouts and spotting areas, and walkways by main track within two miles in either
2.13 direction of a track-side train detector, with a total walkway not less than 500 feet on
2.14 both sides of track.

2.15 (b) Walkways by switch stands may have a wider apron from base of switch stand
2.16 area and must be maintained in a safe condition without compromising track drainage.

2.17 (c) When the commissioner of transportation finds, after notice and hearing, that rail
2.18 carrier employees who frequently work adjacent to a portion of track performing switching
2.19 activities are exposed to safety hazards due to the lack of a walkway or to the condition of
2.20 a walkway constructed before July 1, 2008, the commissioner shall order the rail carrier
2.21 to construct a walkway adjacent to a portion of track where employees are performing
2.22 switching activities, or require a rail carrier to modify an existing walkway in conformance
2.23 with the standards set forth in section 219.373 within a reasonable period of time.

2.24 (d) For purposes of this section, "frequently" means at least five days per week, one
2.25 shift per day, or any other period deemed "frequently" by the commissioner to warrant
2.26 an order pursuant to this section.

2.27 Sec. 4. **[219.375] EXCEPTIONS TO COMPLIANCE.**

2.28 Rail carriers are excused from complying with sections 219.372 to 219.378 during
2.29 maintenance activities or any period of heavy rain or snow, derailments, rock and earth
2.30 slides, washouts, and similar weather or seismic conditions, and during a reasonable
2.31 period afterwards to allow a return to compliance.

2.32 Sec. 5. **[219.376] WAIVERS.**

A rail carrier may petition the commissioner of transportation for a waiver of any provision of sections 219.372 to 219.378 pursuant to section 218.041 or other applicable statute.

Sec. 6. [219.377] COMPLAINTS; ENFORCEMENT.

(a) A formal complaint of an alleged violation of sections 219.372 to 219.378 may not be filed until the filing party has attempted to address the alleged violations with the rail carrier. Any complaint of an alleged violation of sections 219.372 to 219.378 must contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation with the rail carrier.

(b) All formal complaints filed with the commissioner of transportation must be resolved pursuant to procedures set forth in section 218.041 or other applicable statute.

Sec. 7. [219.378] WALKWAY EXEMPTIONS.

(a) Sections 219.372, paragraphs (a), (c), and (d); 219.373; and 219.374, paragraphs (a) and (b), do not apply to track placed in revenue service before the effective date of this section until the date and time track and supporting structure are repaired, replaced, resurfaced, or as otherwise ordered by the commissioner of transportation pursuant to section 219.374 to eliminate an unsafe or hazardous condition.

(b) A small business that owns or operates any track in this state is exempt from sections 219.372, paragraphs (a), (c), and (d); 219.373; 219.374, paragraphs (a) and (b); 219.375; and 219.376. On determining after notice and hearing that exempting a small business that owns or operates any track in this state pursuant to paragraph (a) poses an unreasonable threat or substantial harm to the public safety, the commissioner of transportation shall order that business to eliminate any unsafe walkway condition.

(c) As used in this section, "small business" either has the meaning given in section 645.445 or is a class three carrier as classified by the Federal Railroad Administration.

Sec. 8. SHORT TITLE.

Sections 1 to 7 may be cited as the "Railroad Walkway Safety Act."

Sec. 9. EFFECTIVE DATE.

This act is effective July 1, 2008.