

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1148

(SENATE AUTHORS: SAXHAUG)

DATE	D-PG	OFFICIAL STATUS
04/11/2011	1263	Introduction and first reading Referred to Transportation
04/27/2011	1425	Comm report: To pass and re-referred to Judiciary and Public Safety
03/23/2012	4900a	Comm report: To pass as amended
	4920	Second reading

1.1 A bill for an act
1.2 relating to transportation; prohibiting certain activities on rail bank property;
1.3 imposing misdemeanor penalty; amending Minnesota Statutes 2010, section
1.4 222.63, subdivision 9.

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

1.6 Section 1. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

1.7 Subd. 9. **Rail bank property use; ~~petty misdemeanors~~ penalties.** (a) Except
1.8 for the actions of road authorities and their agents, employees, and contractors, and of
1.9 utilities, in carrying out their duties imposed by permit, law, or contract, and except
1.10 as otherwise provided in this section, it is unlawful to knowingly perform any of the
1.11 following activities on rail bank property:

1.12 (1) obstruct any trail;

1.13 (2) deposit snow or ice;

1.14 (3) remove or place any earth, vegetation, gravel, or rock without authorization;

1.15 (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous
1.16 materials;

1.17 (5) erect a fence, or place or maintain any advertising, sign, or memorial, except
1.18 upon authorization by the commissioner of transportation;

1.19 (6) remove, injure, displace, or destroy right-of-way markers or reference or witness
1.20 monuments or markers placed to preserve section or quarter-section corners defining
1.21 rail bank property limits;

1.22 (7) drive upon any portion of rail bank property, except at approved crossings, and
1.23 except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or
1.24 other vehicles authorized to use rail bank property;

S.F. No. 1148, 1st Engrossment - 87th Legislative Session (2011-2012) [S1148-1]

2.1 (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker,
2.2 paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~

2.3 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry
2.4 on, across, or over the limits of rail bank property;

2.5 (10) plow, disc, or perform any other detrimental operation; or

2.6 (11) place or maintain any permanent structure.

2.7 (b) Unless a greater penalty is provided elsewhere in statute, ~~any~~ a violation of this
2.8 subdivision is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

2.9 (c) The cost to remove, repair, or perform any other corrective action necessitated by
2.10 a violation of this subdivision may be charged to the violator.