

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2290

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DATE	D-PG	OFFICIAL STATUS
03/04/2014	5961	Introduction and first reading Referred to Transportation and Public Safety

1.1 A bill for an act
 1.2 relating to transportation; railroads; establishing standards for railroad yard
 1.3 lighting; proposing coding for new law in Minnesota Statutes, chapter 219.
 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[219.375] RAILROAD YARD LIGHTING.**

1.6 Subdivision 1. General requirements. (a) All railroad common carriers, and their
 1.7 officers, agents, and employees, operating a railroad in this state are required to maintain
 1.8 lighting between sunset and sunrise above switches in railroad yards where:

1.9 (1) cars or locomotives are switched or inspected; or

1.10 (2) cars are switched to assemble or disassemble trains.

1.11 (b) Railroad common carriers shall provide lighting adjacent to those portions of
 1.12 railroad yard tracks where railroad common carrier employees frequently work on the
 1.13 ground performing switching, inspection, and repair activities. For purposes of this
 1.14 section, "frequently work" means at least five days per week.

1.15 (c) Railroad yard lighting over switches and inspection areas must:

1.16 (1) conform with the guidelines set forth by the American Railway Engineering
 1.17 and Manufacturing Association (AREMA);

1.18 (2) include at least one lighting source for each two-yard track switch segment; and

1.19 (3) be displayed from a height of at least 30 feet above the railroad yard lead-track
 1.20 area.

1.21 (d) Lighting over switches and other light sources within railroad yards or at other
 1.22 railroad locations must be:

1.23 (1) maintained to illuminate as designed;

1.24 (2) free of wiring hazard;

2.1 (3) kept clear of obstructions; and

2.2 (4) focused on the railroad common carrier property designed to be illuminated.

2.3 (e) The energy source for lighting is permitted, though not required, to:

2.4 (1) be direct wired from a carrier facility power source, have solar panel power with
2.5 a battery storage source, or have another constant energy source; or

2.6 (2) be designed to have standard or light-emitting diode fixtures or electrical circuits
2.7 that include power saving or ambient atmosphere actuating switches.

2.8 (f) Railroad common carriers must replace damaged or nonoperative lighting within
2.9 48 hours after light source damage has been reported to the carrier.

2.10 Subd. 2. **Allowances for unusual conditions.** Railroad common carriers are not
2.11 required to comply with the requirements of this section during:

2.12 (1) maintenance activities;

2.13 (2) derailments;

2.14 (3) any period of heavy rain or snow, washouts, or similar weather or seismic
2.15 conditions; or

2.16 (4) a reasonable period after any occurrence identified in clauses (1) to (3), but no
2.17 longer than is necessary to achieve compliance with this section.

2.18 Subd. 3. **Lighting orders; commissioner authority.** (a) When the commissioner
2.19 finds that railroad common carrier employees who frequently work adjacent to a portion
2.20 of track performing switching, inspection, maintenance, repair, or fueling activities are
2.21 exposed to hazard resulting from the lack of lighting, or to the condition of lighting
2.22 constructed before July 1, 2014, the commissioner may order a railroad common carrier
2.23 to construct lighting adjacent to a portion of track where employees are performing
2.24 switching, inspection, maintenance, repair or fueling activities, or require a railroad
2.25 common carrier to modify existing lighting to conform with the standards set forth by
2.26 AREMA lighting standards, within a reasonable period of time.

2.27 (b) A railroad common carrier, person, or corporation may appeal an order under this
2.28 subdivision. An appeal under this paragraph is subject to the processes and requirements
2.29 of chapter 14.

2.30 Subd. 4. **Failure to correct.** If a railroad common carrier, person, or corporation
2.31 fails to correct a violation of this section within the time provided in an order issued by
2.32 the commissioner of transportation under subdivision 3, and the railroad common carrier,
2.33 person, or corporation does not appeal the order, the failure to correct the violation as
2.34 ordered by the commissioner constitutes a new and separate offense distinct from the
2.35 original violation of this section.

3.1 Subd. 5. **Complaints.** No formal complaint of an alleged violation of this section
3.2 may be filed until the filing party has attempted to address the alleged violations with the
3.3 railroad common carrier. Any complaint of an alleged violation must contain a written
3.4 statement that the filing party has made a reasonable, good faith attempt to address the
3.5 alleged violation.

3.6 Subd. 6. **Waiver.** Upon written request of a railroad common carrier, the
3.7 commissioner of transportation may waive any portion of this section if conditions do not
3.8 reasonably permit compliance. The commissioner's decision is subject to the requirements
3.9 under section 218.041 and must include an on-site inspection of the area for which the
3.10 waiver has been requested. The inspection must occur between sunset and sunrise, and all
3.11 parties of interest must be permitted to attend.

3.12 Subd. 7. **Compliance; duties of attorney general.** (a) If a railroad common carrier,
3.13 person, or corporation remains noncompliant with this section after an order by the
3.14 commissioner of transportation under subdivision 3, the commissioner of transportation
3.15 must petition the attorney general to take action under this subdivision.

3.16 (b) Upon request of the commissioner of transportation, the attorney general shall
3.17 bring suit upon receipt of duly verified information from any person that a violation
3.18 of this section has been or is being committed. The commissioner shall provide the
3.19 attorney general information of any violation as may become known. The penalty must
3.20 be recovered in a suit brought in the name of the state by the attorney general in a court
3.21 having jurisdiction in the locality where the violation was committed.

3.22 Subd. 8. **Violations and penalties.** A railroad common carrier, corporation, or
3.23 person who violates this section is liable to a penalty not to exceed \$500 for each violation.

3.24 Subd. 9. **Exceptions; applicability.** (a) This section establishes minimum standards
3.25 for railroad yard lighting. Nothing in this section shall be construed to preclude design of
3.26 railroad yard towers with multiple lighting sources, a brighter lighting design, or other
3.27 features that exceed the requirements of this section.

3.28 (b) This section applies to all Class One and Class Two railroad common carrier
3.29 railroad yards. This section does not apply to an entity that owns or operates track in
3.30 Minnesota that is not a Class One or Class Two railroad common carrier as classified
3.31 by the Federal Railroad Administration.

3.32 (c) Railroad yards and other locations where lighting exists on July 1, 2014, are
3.33 deemed compliant with subdivision 1, paragraphs (b) and (c).

3.34 **EFFECTIVE DATE.** This section is effective November 1, 2016.

3.35 Sec. 2. **[219.995] MADE IN MINNESOTA SOLAR INSTALLATIONS.**

4.1 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
4.2 have the meanings given.

4.3 (b) "Made in Minnesota" has the meaning given in section 216C.411, paragraph (a).

4.4 (c) "Solar photovoltaic module" has the meaning given in section 116C.7791,
4.5 subdivision 1, paragraph (e).

4.6 Subd. 2. **Made in Minnesota solar energy system requirement.** Notwithstanding
4.7 any other law to the contrary, if a railroad common carrier engages in any project in
4.8 Minnesota for the construction, improvement, maintenance, or repair of any building,
4.9 railroad, railroad yard, railroad facility, or land owned or controlled by the railroad
4.10 common carrier and the construction, improvement, maintenance, or repair involves
4.11 installation of one or more solar photovoltaic modules, the railroad common carrier
4.12 must ensure that the solar photovoltaic modules purchased and installed are "Made in
4.13 Minnesota" as defined in subdivision 1, paragraph (b).

4.14 Subd. 3. **Application.** Subdivision 2 does not apply if:

4.15 (1) as a condition of the receipt of federal financial assistance for a specific project,
4.16 the railroad common carrier is required to use a procurement method that might result in
4.17 the award of a contract to a manufacturer that does not meet the "Made in Minnesota"
4.18 definition in subdivision 1, paragraph (b);

4.19 (2) no solar photovoltaic modules are available that meet the "Made in Minnesota"
4.20 definition and fulfill the function required by the project; or

4.21 (3) a railroad common carrier's compliance with the "Made in Minnesota" solar
4.22 energy system requirement would result in noncompliance with any applicable federal
4.23 statute or regulation.