

8830.5820 ACQUIRING RAIL BANK PROPERTY.

Subpart 1. **Notice to acquire rail bank property.** The commissioner shall publish notice in the State Register listing the rail lines and rights-of-way proposed to be acquired. The notice must also be published once a week for two consecutive weeks in at least one newspaper of general circulation in each county where the property included in the list is located.

The published notice must include the following information:

- A. a statement that the notice is published pursuant to Minnesota Statutes, section 222.63, subdivision 3;
- B. the identifying name and owner of each rail line;
- C. the length in miles (kilometers) and the estimated acreage (hectares) of the property proposed for acquisition;
- D. the counties where the property is located;
- E. the abandonment status of each rail line;
- F. the name, address, and telephone number of Mn/DOT's contact person; and
- G. the proposed use and the conditions under which the property would be utilized.

Subp. 2. **Beginning title search.** A title search of the property proposed for acquisition must be started after the procedures under subpart 1 have been completed. For a rail line not yet abandoned, a title search must be started after the owning rail carrier has filed an abandonment application with the Surface Transportation Board under United States Code, title 49, section 10904, as amended. To inform the public of a title search of the property proposed for acquisition, the commissioner shall publish a notice in the State Register and at least one newspaper of general circulation in each county where the property is located.

Subp. 3. **Public information meeting.** After the title search has been completed, the commissioner shall hold at least one public meeting to provide information and to seek comments from the public. Notice of the meeting must be published in the State Register and in at least one newspaper of general circulation for two consecutive weeks in each county where the property is located. The meeting must be held no fewer than three days after publication of the second notice. At least one meeting must be held in each county where the property is located.

The published notice must include the information under subpart 1.

Subp. 4. **Decision to acquire.** The commissioner shall decide whether or not to acquire a rail line and right-of-way after the public information meeting. The decision

must be based upon the program criteria cited in part 8830.5810. The commissioner shall publish notice of the decision in the State Register and in at least one newspaper of general circulation in each county where the property is located.

Subp. 5. **Notification to rail carrier.** The commissioner shall send a notice to each rail carrier that owns property proposed for acquisition at the following times:

- A. when the initial and subsequent lists of proposed acquisitions are published under subpart 1;
- B. when the public meeting notices are published under subpart 3; and
- C. when the commissioner publishes notice of the decision under subpart 4.

Subp. 6. **Simultaneous implementation.** When possible, the commissioner shall simultaneously implement the procedures of parts 8830.5820 to 8830.5840 to acquire, utilize, or dispose of rail bank property. The initial notices published in the State Register and newspapers must include a statement noting which procedures are being implemented simultaneously.

Statutory Authority: *MS s 218.071; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.63*

History: *23 SR 524*

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