

CHAPTER 222

RAILWAYS, UTILITIES; GENERAL PROVISIONS

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222.49 RAIL SERVICE IMPROVEMENT ACCOUNT.

The rail service improvement account is created in the special revenue fund in the state treasury. The commissioner shall deposit in this account all money appropriated to or received by the department for the purpose of rail service improvement, including federal money, but excluding proceeds of state bonds or other funds appropriated to the commissioner from the state transportation fund for the acquisition or betterment of property pertaining to the state rail bank established by section 222.63, and excluding income of the state rail bank and any other funds appropriated for its maintenance or improvement. All money so deposited is appropriated to the department for expenditure for rail service improvement in accordance with applicable state and federal law. This appropriation shall not lapse but shall be available until the purpose for which it was appropriated has been accomplished. No money appropriated to the department for the purposes of administering the rail service improvement program shall be deposited in the rail service improvement account nor shall such administrative costs be paid from the account.

History: 1981 c 338 s 2

222.50 RAIL SERVICE IMPROVEMENT PROGRAM.

[For text of subs 1 to 6, see M.S.1980]

Subd. 7. The commissioner may expend money from the rail service improvement account for the following purposes:

(a) To pay interest adjustments on loans guaranteed under the state rail user loan guarantee program;

(b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to subdivision 8 and the state rail bank program;

(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the state rail bank improvement account.

[For text of subd 8, see M.S.1980]

History: 1981 c 338 s 3

222.62 COOPERATION OF OTHER STATE AGENCIES.

Upon the request of the commissioner, the commissioner of energy, planning and development, the commissioner of banks, and the commissioner of securities and real estate shall provide technical assistance and shall otherwise cooperate in carrying out the provisions of sections 222.55 to 222.62.

History: 1981 c 356 s 183

222.63 ABANDONED RIGHT-OF-WAY; STATE RAIL BANK.

Subdivision 1. **Definition.** The terms defined in section 222.48 have the same meanings when used in this section. Other terms used in this section have the following meanings:

(a) "Abandoned", when used with reference to a rail line or right-of-way, means a line or right-of-way with respect to which the interstate commerce commission or other responsible federal regulatory agency has permitted discontinuance of rail service;

(b) "Right-of-way" means any real property, including any interest in the real property that is or has been owned by a railroad company as the site, or is adjacent to the site, of an existing or former rail line;

(c) "State rail bank" means abandoned rail lines and right-of-way acquired by the commissioner of transportation pursuant to this section.

Subd. 2. **Purpose.** A state rail bank shall be established for the acquisition and preservation of abandoned rail lines and right-of-way for future public use, or for disposition for commercial use in serving the public, by providing transportation of persons or freight or transmission of energy, fuel, or other commodities.

Subd. 2a. **Acquisition.** The commissioner of transportation may acquire by purchase all or part of any abandoned rail line or right-of-way which is necessary for preservation in the state rail bank to meet the future public and commercial transportation and transmission needs of the state. The commissioner shall not acquire any interest in an abandoned rail line or right-of-way for inclusion in the state rail bank by eminent domain except to quiet title or when all owners as defined in section 117.025 that are known to the court have no objection to the taking.

Subd. 2b. **Eligible property.** An abandoned rail line or right-of-way is eligible for preservation in the state rail bank if the commissioner determines that it provides or may be used to provide one or more of the following:

(a) Access to a present or proposed major energy generating or using facility such as an electrical generating plant, major heating plant or other major industrial user of energy;

(b) Access to a major storage or terminal facility in the marketing of agricultural commodities or forest products;

(c) Important access to surrounding states;

(d) A present or potential corridor for a pipeline, electrical transmission line, highway, transit route, rail freight or passenger line or other similar transportation or transmission use; or

(e) Access to an extractive resource requiring rail or other transportation or transmission service for its development.

Subd. 2c. **Preservation.** The commissioner shall provide for the maintenance, including control of weeds, of any rail line or right-of-way that is acquired for the rail bank, and for its management in a manner that minimizes maintenance

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costs and provides a benefit to the state. The commissioner may also require that any existing rail line on acquired right-of-way shall not be removed during any part or all of the period for which the right-of-way is included in the state rail bank.

[For text of subd 3, see M.S.1980]

Subd. 4. Disposition permitted. The commissioner may, in his discretion, lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65. The commissioner may after consultation convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivisions 2, 2a, 2b and 2c.

[For text of subs 5 to 7, see M.S.1980]

Subd. 8. Rail bank maintenance and improvement accounts. Special accounts shall be maintained in the state treasury, designated as the rail bank maintenance account and the rail bank improvement account, to record the receipts and expenditures of the commissioner of transportation for the maintenance and for the acquisition and betterment of rail bank property. Expenditures of proceeds of state transportation bonds and any other amounts appropriated to the commissioner from the state transportation fund shall be recorded in the improvement account. Funds received by the commissioner of transportation from rentals, fees, or charges for the use of rail bank property shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the improvement account. The improvement account shall be used only for the acquisition and betterment of abandoned rail lines and right-of-way. All money to be deposited in those accounts as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished.

History: 1981 c 338 s 4-7

222.65 ADVISORY TASK FORCE.

The commissioner of transportation may establish an advisory task force in the manner provided in section 15.059 to advise the department concerning the implementation of the rail service improvement program, the federal rail service continuation program, the state rail bank program, and the rail user loan guarantee program. The task force may include representatives of departments of agriculture, commerce, natural resources, energy, planning and development, state planning agency, railroad companies, railroad labor organizations, and rail users.

History: 1981 c 356 s 184