

CHAPTER 174A

TRANSPORTATION REGULATION BOARD

174A.01 Establishment; powers; membership.
 174A.02 Specific functions and powers.
 174A.03 Actions.

174A.04 Hearings.
 174A.05 Appeals.
 174A.06 Continuation of rules.

174A.01 ESTABLISHMENT; POWERS; MEMBERSHIP.

Subdivision 1. **Establishment.** A transportation regulation board is established. The board shall have the powers provided by law.

Subd. 2. **Members' terms of office.** The transportation regulation board shall be composed of three members appointed by the governor with the advice and consent of the senate. The terms of the initial members are as follows: one member for a term of two years; one member for a term of four years; and one member for a term of six years. Thereafter all members shall be appointed for a six-year term. The members of the board shall serve in the unclassified service. The removal of board members and the filling of vacancies shall be as provided in section 15.0575. No more than two members shall belong to the same political party.

Subd. 3. **Chair.** The governor shall appoint one of the board members chair.

Subd. 4. **Quorum.** A majority of the board shall constitute a quorum. An act or decision of the majority shall be the act or decision of the board, provided that a vacancy on the board shall not impair the authority of the remaining board members to exercise all of the powers of the board.

Subd. 5. **Conflict of interest.** No person, during a term of membership on the transportation regulation board, shall receive any portion of personal income directly or indirectly from any individual proprietorship, firm, copartnership, corporation or association subject to the regulation of the board. No person shall be eligible to serve as a member of the transportation regulation board unless the relationship with or interest in the regulated entity which provides a portion of the personal income is terminated.

History: 1980 c 534 s 1; 1986 c 444

174A.02 SPECIFIC FUNCTIONS AND POWERS.

Subdivision 1. **Powers generally.** The functions of the transportation regulation board shall be legislative and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction as the legislature itself might make but only as it shall from time to time authorize.

Subd. 2. **Specific functions and powers.** The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which carriers are providing to the public, including the continuation, termination or modification of services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or a part or classification thereof. The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. Carriers participating in group rate making have the free and unrestrained right to take independent action either before or after a determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Subd. 3. **Subpoena power.** The board shall have subpoena power.

Subd. 4. **Hearings; notice.** With respect to those matters within its jurisdiction the board shall receive, hear and determine all petitions filed with it in accordance with

the procedures established by law and may hold hearings and make determinations upon its own motion to the same extent, and in every instance, in which it may do so upon petition. Upon receiving petitions filed pursuant to sections 221.061, 221.081, 221.121, subdivision 1, 221.151, 221.296, and 221.55, the board shall give notice of the filing of the petition to representatives of associations or other interested groups or persons who have registered their names with the board for that purpose and to whomever the board deems to be interested in the petition. The board may grant or deny the request of the petition 30 days after notice of the filing has been fully given. If the board receives a written objection and notice of intent to appear at a hearing to object to the petition from any person within 20 days of the notice having been fully given, the request of the petition shall be granted or denied only after a contested case hearing has been conducted on the petition, unless the objection is withdrawn prior to the hearing. The board may elect to hold a contested case hearing if no objections to the petition are received. If a timely objection is not received, or if received and withdrawn, and the request of the petition is denied without hearing, the petitioner may request within 30 days of receiving the notice of denial, and shall be granted, a contested case hearing on the petition.

Subd. 5. Operation with regard to federal law. The board is authorized:

(a) To cooperate with all federal agencies for the purpose of harmonizing state and federal regulations within the state to the extent and in the manner deemed advisable.

(b) To conduct joint hearings with any federal agency or commission within or without the state and participate in any proceedings before any federal agency or commission when it considers such participation advisable and for that purpose may approve and establish freight rates or charges that depart from the distance principle required by any state law.

(c) To nominate members to any joint board as provided by federal acts.

History: 1980 c 534 s 2; 1983 c 293 s 76; 1986 c 468 s 1

174A.03 ACTIONS.

The transportation regulation board may sue or be sued in its own name.

History: 1980 c 534 s 3

174A.04 HEARINGS.

All hearings required to be conducted by the transportation regulation board shall be conducted pursuant to sections 14.01 to 14.69.

History: 1980 c 534 s 4; 1982 c 424 s 130; 1987 c 384 art 2 s 1

174A.05 APPEALS.

An appeal from an order of the board shall be in accordance with chapter 14.

History: 1980 c 534 s 5; 1983 c 247 s 71

174A.06 CONTINUATION OF RULES.

Orders and directives heretofore in force, issued or promulgated by the public service commission, public utilities commission, or the department of transportation under authority of chapters 216A, 218, 219, and 221 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the transportation regulation board. Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

MINNESOTA STATUTES 1988

174A.06 TRANSPORTATION REGULATION BOARD

4222

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections 221.121, 221.151, and 221.296 or certificates of convenience and necessity under section 221.071.

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, 1985.

History: 1980 c 534 s 6; 1983 c 293 s 77; 1985 c 299 s 14

174A.07 [Repealed, 1983 c 293 s 115]